

# English: Drive to make it country's official language

By: Mensah Dean  
THE WASHINGTON TIMES

**T**he morning is filled with simple questions and simple answers. Sometimes they come from individuals, other times from a chorus. Always, the voices are accented. The teacher asks, "Could I possibly borrow some paper clips?" The sure-fire reply from a student, "Sure, take as much as you want."

The teacher moves on to another student, but a woman sitting across from him leans over and asks a classmate if the word "would" can be substituted for "could" in the teacher's question. The two students confer for a few seconds, then agree it cannot.

Knowing what you are talking about is very important to these students. They are immigrants in English as a Second Language classes at the Adult Learning Center, an Alexandria public school. Actually, that is why they are there. So they sweat what many people think are the little things, such as which verb to use in a sentence.

Most of the center's students are recent immigrants — from Afghanistan, El Salvador, Somalia, Ethiopia and elsewhere. Some are in their 20s, some middle-aged, some senior citizens. Age is not important, because from 8:45 to 11:45 a.m., they share a common goal: to learn English.

And although they may not speak fluent English, they know the importance of learning the language spoken by 94 percent of the U.S. population.

Sui Huang, a native of China, says, "If you speak English you find good job, you can communicate, and you can read the paper. If you can't speak English, you stay home."

Huijon Yu, also from China, notes that just as China recognizes Mandarin as an official language, the United States needs English as its official language.

That view is shared by Grace Mantilla, who left Ecuador nearly two years ago. "[Immigrants] who come to the U.S. have an obligation to speak English," she says.

Another student, Albia Ibure, who two years ago came from Guinea, says, "English is an international, scientific and business language."

The four students are in the majority of immigrants who support making English the official language, something of a paradox because many opponents of pro-English legislation consider it a form of immigrant bashing.

A poll taken in August by Luntz Research and the advocacy group U.S. English indicates that 86 percent of the U.S. pop-

ulation thinks English should be made the official language, 12 percent is opposed and 2 percent is undecided.

Twenty-two states have laws calling English their official language.

The momentum behind the movement at the federal level may push it alongside welfare reform and affirmative action as a hot-button issue in the 1996 election campaigns.

Congressional hearings were held last week — with more to come — to discuss the merits of the bills in the House and Senate that aim to make English the federal government's official language — legislation denounced by Education Secretary Richard Riley.

There are 1.8 million people in ESL classes around the country, but 12 million to 14 million people need them, according to a 1993 study by the Southport Institute for Policy Analysis.

If English becomes the official

## Debate could be influential in '96 race

can, has reintroduced a bill dubbed the Declaration of Official Language Act of 1995. It would make English the country's official language. In addition, it would end all federal government multilingual policies from bilingual ballots to bilingual education.

The National Language Act of 1995, sponsored by Rep. Peter King, New York Republican, would declare English the official language and require that all government business be conducted in English. It would repeal the Bilingual Education Act and close the Office of Bilingual Education. The savings would go toward reducing the deficit. Students would be allowed a year to learn English, and persons over age 62 would be exempt. They would be provided with translators to obtain government services.

The Bilingual Voting Requirements Act, sponsored by Rep. John Doolittle, California Republican, has introduced a constitutional amendment that would declare English the official language. He says an amendment is needed to guard state and federal English language laws from being struck down in court.

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— Mensah Dean

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PHOTOCOPY  
PRESERVATION

UPDATE/CAMPAIGN '96

# Arizona Republicans prove their party serves all egos

Steve Yozwiak  
ARIZONA REPUBLIC

It was a lesson in political pecking orders.

Texas Sen. Phil Gramm, a Republican presidential hopeful, was endorsed Sunday by Arizona Senate Majority Leader Dr. Tom Patterson, whose own political aspirations simultaneously were slammed by Gov. Fife Symington.

Mr. Patterson, who represents east Phoenix, said last week that he is planning to run for governor in 1998 because many believe Mr. Symington is a lame duck and may not run again.

But at a press conference at Sky Harbor International Airport, as Mr. Symington was about to introduce Mr. Patterson, the governor indicated he might run for a third term despite a recent slip in polls brought on by his personal financial woes.

Mr. Symington, Mr. Gramm's Arizona campaign chairman, filed for Chapter 7 bankruptcy protection last month. He also is the subject of an ongoing federal criminal investigation into his dealings with banks and other lenders.

Flanked by Mr. Gramm and Arizona Sen. John McCain, who is Mr. Gramm's national chairman, Mr. Symington moved to put Mr. Patterson in his place.

"Tom, I just want to tell you that, um, you know, I'm not a duck," Mr. Symington said. "And I don't quack. And I've got a hell of a right kick."

Translation: Mr. Symington is not deterred by his recent setbacks, believes he still is electable and has strong support

from the powerful right wing of the Republican Party.

Having clipped his would-be competition's wings, Mr. Symington went on to heap high praise on Mr. Patterson, calling him an "extremely capable politician" and a "very effective leader of the [GOP] party in this state."

Mr. Patterson promptly thanked Mr. Symington and launched into an endorsement of Mr. Gramm. Mr. Patterson said Mr. Gramm is the GOP candidate most consistently committed to personal responsibility and limited government, and the one most likely to defeat President Clinton.

Mr. Gramm then snatched the rhetorical baton.

"People want a candidate who can draw a bright line of distinction between themselves and Bill Clinton," he said. "I can draw that bright line of distinction."

Mr. Gramm, a one-time Democrat who has put his political eggs in Arizona's Feb. 27 GOP primary basket, also:

• Raised nearly \$50,000 at a \$500-a-plate luncheon at the Phoenix Country Club, hosted by Bob Fannin, a Phoenix lawyer and lobbyist. Mr. Gramm has raised nearly \$400,000 recently in Arizona.

• Predicted he would win the primary and said he needs Arizona's support to become president.

"This is a state where people believe, as I do, that government spends too much of their money, runs too much of their business, has too much to say about how their children are educated, and if there's any state in the Union where my message is going to resonate, I'm in it," he said.

# Air and Space management called 'out of touch'

By Rowan Scarborough  
THE WASHINGTON TIMES

The staff of the National Air and Space Museum was beset by "stress, dissension and tensions" public at the time curators drafted the infamous Enola Gay exhibit, an "outside management study charges."

The National Academy of Public Administration, a nonprofit group that assesses government institutions, said the nation's most visited museum operated under a flawed management structure that had 20 supervisors reporting directly to Director Martin Harwit, who resigned under pressure earlier this year.

"Although this organizational structure was supposed to result

in a collegial environment, it has created stress, dissension and tensions among its members," the academy said. "It has also fostered organizational conflicts and 'turf building.'"

The academy's findings support allegations made last year by war veterans and lawmakers. They accused a group of museum curators of writing a biased script on the atomic bombing of Japan that portrayed the brutal Japanese regime in too favorable a light.

Smithsonian Institution Secretary I. Michael Heyman, who assumed control of the museum complex after the script was written, canceled the original show in January. A scaled-back exhibition opened at Air and Space this summer featuring the forward fuselage of the Enola Gay, the B-29 that

dropped the war's first atomic bomb on Hiroshima.

Mr. Heyman ordered the management study last April. Mr. Harwit, criticized by Congress for botching the exhibit, resigned the next month.

"We were saying all along we thought there were problems over there," said Jack Giese, spokesman for the Air Force Association, which exposed the script prob-

lems. "It seems the leadership of the Smithsonian found out what they were and are taking steps to correct them. . . . It's always good to have your point of view reinforced by a study like this."

David Umansky, spokesman for Mr. Heyman, said the study "pointed out a lot of issues the museum and the institution recognized and has begun to deal with. It's a document we're taking to heart."

Mr. Umansky declined to comment on whether management shortcomings exposed by the academy led to the Enola Gay debacle.

The report itself concluded "The Enola Gay experience illustrates many of the internal management problems of [Air and Space], including the shortcom-

ings of NASM's capacity to interact with external entities."

Academy investigators interviewed scores of museum employees and outside groups who deal with them.

It found an institution plagued by mismanagement, dissension, a lack of guidance from Smithsonian overseers and no clear policy guidelines.

The report was particularly critical of curators who failed to realize the museum, as a taxpayer-financed institution, had a special requirement to communicate with the public.

"Some curators seldom observe public reactions to their work, and are therefore out of touch with the public," the report said. It quoted one unnamed curator as acknowledging, "We have to

hear things as they are and stop shielding ourselves from the public."

The academy recommended that draft scripts for planned exhibitions be reviewed "by a broad cross-section of the public, including critics, scholars, students, staff from other departments and so on."

Mr. Heyman has imposed new guidelines that require curators to consult with outside groups.

The study urged Mr. Heyman to appoint a new museum director as soon as possible. The secretary has said a search is under way.

Citing communications problems inside the museum, the study said employees viewed managerial retreats with "pervasive cynicism, disillusionment and mistrust."

# Law, Technology Help Open Up Workplace to Disabled People

DISABLED, From B1

"It's very important to me to be independent. That's the way I was raised to be."

According to the Census Bureau, the proportion of people with severe disabilities who are employed has risen from 23.3 percent in 1991 to 26.1 percent in 1994, the last year for which statistics are available. That percentage increase represents 800,000 additional jobs.

"A lot of barriers to work are falling: physical barriers, people's attitudes," said Linda Schulte, a vice president at NISH, a Virginia-based nonprofit agency that finds employment for people with severe disabilities. "Technology is also having an impact, and certainly people with disabilities are more confident. . . . But the fact is that there are still a lot of people [with disabilities] unemployed, and a majority of those want to work. We need to continue educating employers and improving technology and providing opportunities."

NISH helps local rehabilitation

programs across the country to bid on federal contracts to provide products or services to the government. And the company says the number of disabled people working on such contracts has more than doubled to 30,000 in the last 10 years. Virginia has the largest number of severely disabled people working on federal contracts, largely because of its proximity to the government.

"Everyone wants independence and self-esteem," Schulte said. "That's what we're trying to provide. That's the power of work."

And that has proved to be especially true for Shaffer. She was born with spina bifida, a congenital birth defect that damaged her nervous system from the waist down. Her left leg was amputated below the knee when she was 5 years old. In some patients, spina bifida interferes

with the body's ability to heal even minor cuts. That was true in Shaffer's case, and her doctors decided to amputate rather than risk serious infection.

Four years later, watching some other children splash in a stream barefoot, she decided to try it herself but developed a sore on one of her toes that would not heal. Her physicians decided to amputate her right leg below the knee.

"As a child, somehow God told me this is how it's going to be, and it would be okay. And it was," she said.

But it also was terribly isolating, a memory that Shaffer holds to contrast with the vitality of her life now. She spent months at a time in a hospital in Lexington, Ky., during her childhood, and from the seventh grade on, she was not able to attend public school in Charleston, W.Va.,

because the schools were not accessible by wheelchair. Teachers came to her home to tutor her.

"After the hospital and the high school, being able to work opened up the world to me," said Shaffer, who worked at an insurance company in Charleston for eight years before coming to the Washington area in 1989. Because the cost of living is so high here, she also took a second job, working two nights a week and Saturdays at the front desk at Fairfax County's Spring Hill Recreation Center.

"Some people might think that's too much, but I love my jobs; I love getting out and meeting people," she said. "There are days when it's hard, when I have to shovel out my own snow. I can look pretty funny in a blizzard, but I tell myself I have to get to work."

# Immigrant Parents Dismayed By English's Pull on Children

A1

By MIREYA NAVARRO

MIAMI, Aug. 30 — In Marcel A. Apple's bedroom, the book "The Three Little Pigs" rests on a shelf next to "Mi primer libro de palabras en Español" ("My First Book of Spanish Words"). The 3-year-old can sing along to both a Sesame Street song and "La Bamba," or have as much fun watching "Barney," a purple, English-speaking dinosaur, as he does "Tito," a blue, Spanish-speaking shark.

But when Marcel tired of pounding on a piano one recent afternoon and sat on the lap of his Nicaraguan nanny, it was English that he spoke.

"Estan descansando?" ("Are they resting?") Josefina Avendaño asked him, pointing at a picture of a countryside in a children's book.

"No, they're eating," he answered.

"I try to put him in an environment where there's as much Spanish spoken as possible but it never seems to be enough," said Marcel's mother

Esther Pérez-Apple, a Cuban-American who herself is trying to recapture the Spanish she heard while growing up in her native New York. "He knows he can speak in English and people could understand him."

Last month Congress entered into a heated debate over English-only legislation, with proponents insisting that the very survival of American culture and civilization, as well as the language, was at stake. On a more down-to-earth level, the English-only drive has also been fueled by resentment against bilingual rules and other accommodation of immigrants, both old and young, who have not learned English.

But what new immigrant families across the nation are learning, as their predecessors did before them, is that the power of American culture, and particularly, the lure of television, is so strong that it is a challenge to raise a child who can speak a foreign language fluently.

Parents send their children to foreign countries for summer vacations, hire bilingual nannies and read bedtime stories in a cacophony of tongues, all in an effort to pass on the family's language, give the children a linguistic advantage for the future or simply enrich them culturally. Still, the languages, parents say, often lose out to television, schools and peer pressure.

Even in Miami, one of the coun-

try's most Hispanic areas, parents say it is hard to get their children to learn Spanish. The challenge to raise a child to be bilingual can be even greater for families speaking less-prevalent languages like German, Swedish or Japanese, parents say.

This experience runs counter to concerns that English is in danger of being diluted. And some bilingual educators argue that anti-immigration sentiments and the English-only laws, which generally require government business to be conducted in English, only help foster a climate that plays down the importance of other languages. They say that for a child to become bilingual it is essential that he places value on speaking more than English.

"You can have a bilingual child a lot of different ways," said Barbara Z. Pearson, a linguist who is part of a University of Miami research team on bilingualism. "But what you have to make sure is that the kid hears

both languages, values both languages and wants to speak to the people who speak those languages."

But Mauro E. Mujica, chairman of U.S. English, a group-in-Washington that lobbies for English-only laws, says the language restrictions, which have been enacted in 23 states and are under consideration in Congress, are not meant to discourage other languages or dictate what people choose to speak or learn. A native of Chile who came to this country in 1964 and married an American, Mr. Mujica said he reared his three children speaking English and Spanish.

"We are in no way forcing people to speak anything; they can speak whatever they want," Mr. Mujica said. "But when dealing with the government, they need to speak English."

In Miami, however, a center of Latin American commerce that is heavily dependent on tourism, the problem is not getting people to learn English but getting them to retain their Spanish. Sandra H. Fradd, a University of Miami professor who conducted a study for the Greater Miami Chamber of Commerce released this year, concluded that businesses worried that a shortage of bilingual workers would hamper the city's economic growth. Many employers, she said, said they relied on foreign nationals or first-generation

immigrants for jobs that require Spanish because they have found that many Hispanics are not fluent enough to conduct business.

Often, when efforts to raise a child to be bilingual fall short, he ends up with what is known as "kitchen Spanish," the kind that is good enough only to order at a restaurant or talk to grandparents. Dade County Public Schools officials say only about 2 percent of high school students graduate fully fluent in Spanish — which means able to read, write and converse in it — in a school system where half the students are of Hispanic descent.

"We have enough Spanish courses offered that students can graduate with the fluency of Cervantes," said Lourdes Rovira, director of foreign-language skills for Dade County schools. But, she added, "the youngsters are not taking them."

Census figures show Miami to be the nation's most bilingual area, with 57 percent of the residents speaking a language other than English at home, the overwhelming majority of them Spanish. But linguists here say that is largely because of the constant influx of immigrants, not necessarily the language skills of the natives.

In the Apple-Pérez home in the Coconut Grove section of Miami, Marcel hears Spanish from Ms. Avendaño, his mother and tapes, videos and books. He hears English from both his parents (his father, Larry, speaks English only), his paternal grandparents and television, as well as at his preschool.

On any given day, it all adds up to about one-third Spanish, not enough for him to say "zanahoria" when he sees the picture of a carrot but plenty to carry on a 15-minute conversation with a Costa Rican during a recent vacation in which he was asked questions in Spanish and he answered them in English.

"He understands everything," Ms. Avendano noted.

But Lourdes Alvarez, whose 11-year-old daughter Cristina spoke only Spanish before Kindergarten, saw English quickly take over after the girl started school. Mrs. Alvarez says she now has to force Cristina to speak Spanish at home.

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FAIR

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HEADLINE: FAIR: Mounting campaign to keep immigrants out ;  
Group's stated aim to cap population walks fine line of bigotry, critics say

SOURCE: OF THE EXAMINER STAFF

BYLINE: SUSAN FERRISS

BODY:

Just before Gov. Wilson announced a dramatic new stand against illegal immigrants and their children last summer, he placed a key phone call for advice to FAIR, the Federation for American Immigration Reform.

"I hadn't had much contact with the governor's office before that," said a pleased Alan Nelson, Sacramento lobbyist for FAIR, a population-control group that has evolved into one of the nation's most influential and organized anti-immigration groups.

Nelson, a former commissioner of the Immigration and Naturalization Service under President Ronald Reagan, urged Wilson to push to ban the undocumented from health care and public schools; last August, the governor unveiled those positions in full-page national newspaper ads, claiming social services, not just jobs, drew illegal immigrants.

With tough economic times gripping the country and polls showing public sympathy for immigrants eroding, many Americans and politicians are listening to FAIR's ideas.

But the group has also attracted ardent critics, especially among Latinos, who accuse its leaders of maintaining ties to far-right xenophobes and spreading stereotypes of Latino immigrants as slackers loath to assimilate or learn English.

State Sen. Art Torres, D-Los Angeles, a leading Latino politician, said he considers some of FAIR's leaders sincere, but "their rhetoric sometimes goes beyond reality."

Since its inception in 1979, FAIR has:

Helped the successful fight in 1986 for penalties against employers who hire illegal immigrants. The group failed to block an amnesty program that legalized 3 million, mostly Mexican, undocumented immigrants.

Urged placement of more agents and fences on the Mexican border, and proposed the adoption of a \$ 2 border-crossing toll to raise money to beef up the INS. Recently, Sen. Dianne Feinstein, D-Calif., suggested a \$ 1 toll.

The San Francisco Examiner, December 12, 1993

Won significant victories in California this year by writing three bills that sailed through the Legislature after lobbyist Nelson found sponsors in both parties. The laws are designed to prevent illegal immigrants from obtaining state drivers licenses, using public hiring halls, or benefiting from "sanctuary" ordinances that limit INS and police cooperation.

FAIR has also advocated a moratorium on all legal immigration. But as a compromise, it is backing a federal proposal to reduce legal entries from as many as 800,000 people a year to no more than 300,000.

FAIR's next big project, Nelson said, could be a challenge to a U.S. Supreme Court decision upholding the right of undocumented children to attend public schools.

Recently, FAIR has also mounted a campaign in Congress attacking the INS's family preference program, which allows immigrants to petition to bring in spouses, children, parents and siblings.

This program is the primary legal gateway for Asian and Latino immigrants. Because both groups suffered wide exclusion in immigration policy in the past, they are very protective of the program, and angry at FAIR for attacking it as little more than "chain immigration" of unskilled Third World immigrants.

#### Roots in population-control

FAIR's roots go back to the population-control movement of the 1960s. Its founder, Michigan ophthalmologist John Tanton, was a Sierra Club member, Planned Parenthood activist, and past president of Zero Population Growth.

In 1983, Tanton joined former California Republican Sen. S.I. Hayakawa to start U.S. English, a group dedicated to making English the official American language.

Tanton said he started FAIR, which is based in Washington, D.C., because he believed America was at risk of a population explosion, primarily because too many Third World immigrants were entering the United States, having too many children, and assimilating slowly.

Immigration, he thought, created dangerous ethnic fault lines and displaced African Americans in the entry-level job market.

As FAIR grew, its representatives gained media exposure and began circulating academic reports analyzing the impact of Third World poverty and migration to the United States.

And it won support from some famous liberals. Former Democratic presidential candidate Eugene McCarthy is a FAIR advisor, as is Stanford biologist Paul Ehrlich, author of "The Population Bomb" and guru of the population-control movement.

Richard Lamm, former Democratic governor of Colorado and one-time civil rights lawyer, is on the group's 11-member board.

The San Francisco Examiner, December 12, 1993

In California, FAIR's influence is spreading through a network of community anti-immigration groups linked by speakers and legislative bulletins. California is home to as many as half of FAIR's 55,000 members. The organization has offices in Sacramento, Los Angeles and San Diego.

But even as FAIR gains momentum, its leaders' motives remain under attack.

FAIR members "are careful about their rhetoric, and try not to cross the line. But they see a spark or an ember and they fan it," said Cecilia Munoz of the National Council of La Raza, a Latino civil rights group in Washington, D.C.

For example, she said, a FAIR recruitment letter in 1991 attacked La Raza for opposing employer sanctions, a true claim, but implied La Raza was a racially separatist group.

"La Raza means 'The Race' in Spanish," the letter said. "Can you imagine the outcry if anyone else formed a group called, 'The Race' and began lobbying Congress for special privileges?"

The term "la raza," explained Martha Jimenez of the Mexican American Legal Defense and Education Fund in San Francisco, was coined by Mexican intellectuals in the 1920s as a way of casting off centuries of shame for being "a conquered people" of mixed blood.

"It has nothing to do with being better," she said. "It was an effort to be proud."

Said FAIR's Tanton: "If you pick a name like that, I guess you open yourself up to (criticism)."

Beyond that skirmish is fresh controversy over one of FAIR's regular funding sources.

FAIR is under fire for accepting annual donations from a foundation in New York City, the Pioneer Fund, which also bankrolls academic research claiming blacks and Latinos are inherently inferior to whites and Asians. In all, FAIR has received about \$ 1 million from the fund.

Pioneer grant recipients include psychologist Arthur Jensen at UC -Berkeley, who first promoted a black-inferiority theory in 1969 and still conducts research on ethnic differences; and J. Phillippe Rushton, a Canadian psychologist who argues that cranium, sex-organ size and IQ scores indicate inherent intellectual differences among races.

The Pioneer Fund's grants to FAIR have been some of its largest gifts over the last 10 years, ranging from \$ 60,000 to \$ 150,000, according to Pioneer Fund Internal Revenue Service records.

Dan Stein, FAIR's executive director, said the donations have never amounted to more than 5 percent of FAIR's annual contributions.

Stein would not corroborate the figure by revealing a list of contributors' donations, and the IRS does not require tax-exempt organizations to disclose that information.

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"We have an enormously diversified funding base," said Stein, a former congressional staffer who earns \$ 120,000 a year at FAIR. "Scientific inquiry is miles away from what we are doing. . . . The reason this was raised (now) is that there was a perception that we were getting too much media."

Pioneer Fund director Harry Weyher said the fund backs FAIR "because we're concerned about who's coming in (to the United States). Other kinds of minds will decide what to do about the problem."

Stein said FAIR, which has an annual budget of nearly \$ 5 million, refuses contributions from individuals who express racist views and rejects race-based intelligence theories.

That has not quelled criticism.

"What (the Pioneer Fund grants) indicate is that they are like -minded organizations," said Raul Yzaguirre of the National Council of La Raza.

Pioneer Fund money also has provoked criticism from within FAIR's own ranks.

Jacquelyne Jackson, a black Duke University sociologist and member of FAIR's national board of advisors, was unsettled when she learned of FAIR's relation to the fund.

"For me it would not be money you would keep because it is dirty money. It doesn't matter how much it is," said Jackson, who joined FAIR because she felt it was the only organization willing to argue that immigration hurts black Americans.

Founder Tanton said FAIR believes immigration must be reduced to avoid racial tension and the rise of nativist movements like those surfacing in Europe.

"One of the things we've said at FAIR from the beginning is that if reasonable people didn't sit down and solve this, then people were going to take it into the streets," Tanton said. "Then you get Joe Six-Pack involved."

Eugene McCarthy told The Examiner he joined FAIR because he believes Latino immigrants are entering the United States in such large numbers they cannot assimilate fast enough.

"Liberals that ought to be involved are ignoring this," he said. "The U.S. has become a colony to the world. . . . We don't control our language or our culture."

Yzaguirre of the National Council of La Raza said the claim is "an outright lie. All the reports and studies show Hispanic immigrants and Asians learn English just as fast as their predecessors. By the second generation, they are just as assimilated as their predecessors."

In September, FAIR angered Latino activists with a full-page ad in Atlantic magazine urging a moratorium on legal immigration until a "comprehensive analysis" is completed on how the environment, economy, and the culture, of the United States are affected.

The San Francisco Examiner, December 12, 1993

"We were not formed specially to deal with the question of culture," Stein said. "But that doesn't mean we don't discuss it."

In the past, FAIR leaders have been accused of portraying Latino immigrants as a people who import undesirable cultural characteristics.

Conservative Republican Party activist Linda Chavez, who often clashes with liberal Latinos, parted with Tanton for that reason, she said.

Chavez, a critic of bilingual education, served as president of U.S. English in the 1980s. She resigned after a draft memo Tanton wrote was leaked to newspapers and touched off wide criticism in 1988.

The memo, meant for select acquaintances in a discussion circle Tanton convened, warned of the consequences of Latinos' high birth rates, and questioned whether they would import a "tradition" of bribery and "lack of involvement in public affairs."

"Perhaps this is the first instance in which those with their pants up are going to get caught by those with their pants down," Tanton wrote, joking that non-Latinos risked being numerically overwhelmed by Latinos.

"Will blacks be able to improve . . . their position in the face of the Latin onslaught?" he asked.

Many Latino activists have never forgiven Tanton, although he has tried to put the controversy behind him.

"I never quite understood why that irritated people so much. It was a demographic comment," Tanton said. "The memo was written as a provocative discussion piece."

"It was a pretty awful memo," Chavez told The Examiner. "The people in FAIR are not your typical xenophobes. But they are the kind of people who are not comfortable in ethnic neighborhoods."

Tanton said accusations of racism are "diversionary" and cloud serious questions about immigration.

"The main concern I have with any culture around the world is the fertility rates," he said.

~~FAIR board member Richard Lamm, the former Colorado governor, said continued immigration from Latin America raises additional concerns in his mind.~~

~~Spanish conquistadores planted a legacy of "repressive regimes" in Latin America and "corruption as a way of life," Lamm told The Examiner. "That was very different than America, where people came for religious freedom and to develop their own talents."~~

~~In Latin America, Lamm claimed, "education doesn't get you a thing," so many Latino immigrants take longer than other groups to embrace school as a way to advance.~~

The San Francisco Examiner, December 12, 1993

"There's no reason Hispanics won't follow the same immigrant path (to success) if their leadership stops saying they should remain separate," he said.

FAIR board member Garrett Hardin, a UC-Santa Barbara ecology professor, also has upset Latino activists with his harsh judgments of new immigrants.

In "Living Within Limits," a recent book published with the aid of a \$ 20,000 grant from the Pioneer Fund, Hardin wrote: "Most immigrants come from the poorest strata of societies . . . so they know little about the best elements of their culture. . . . Here, as in their own country, most immigrants are an underclass and tend to aggregate with their own kind in ghettos."

Hardin's remarks are the type of comments that provoke Latinos to label FAIR members bigots, said state Sen. Torres.

"Clearly, culture is not just transmitted over sherry and in the academic classroom," Torres said. "That is a totally off-the-wall statement from someone who doesn't understand immigration to this country."

SEE SIDEBAR ((FAIR AT A GLANCE))

GRAPHIC: PHOTO 1 (ASSOCIATED PRESS/1993)

Caption 1, Alan Nelson urged Gov. Wilson to ban the undocumented from public schools.

PHOTO 2

(EXAMINER/1992)

Caption 2, Former presidential candidate Eugene McCarthy says, "The U.S. has become a colony to the world."

PHOTO 3

(EXAMINER/1993)

Caption 3, Martha Jimenez of the Mexican American Legal Defense and Education Fund defends use of "la raza."

GRAPHIC LAYOUT

Caption 4, CALIFORNIA ON IMMIGRATION

LANGUAGE: English

LOAD-DATE-MDC: December 14, 1993

A REPUBLICAN

# Quit Complaining About Bill, Rep. Kasich Tells Governors

By JERRY GRAY

WASHINGTON, Aug. 1 — Representative John R. Kasich, chairman of the House Budget Committee, today admonished governors who have complained about parts of the Republican-sponsored welfare plan "to stop bellyaching."

Mr. Kasich, an Ohio Republican, said states like New York, whose Constitution requires the government to care for the needy, should consider changing their laws.

In the debate leading up to the approval of the welfare bill, which ends the Federal guarantee of cash assistance to the poorest children and gives the states sweeping new powers, some state and local officials have stepped up their criticism of certain provisions in the bill. Republicans, like Mayor Rudolph W. Giuliani of New York City, Gov. George E. Pataki of New York and Gov. Pete Wilson of California were at the forefront of the criticism.

Both New York and California have large numbers of legal immigrants, and among other things, the measure would bar benefits to non-citizens. Mr. Pataki and Mr. Wilson have complained that the provision denying welfare services to many legal immigrants was a last-minute addition by House Republicans that was prompted primarily by a desire to cut the budget.

But in a breakfast meeting with reporters today, Mr. Kasich noted that the New York Constitution's provision mandating "aid, care and support of the needy" was about as

old as the Federal welfare guarantee that Republicans were now dismantling.

"That was about 60 years ago, too," he said. "It's time for folks to move. When my grandmother and grandfather came to America, they didn't come over here figuring out if they could get food stamps or not; they didn't come here to try to figure out how to get on the dole. That's just silly."

"It is not unexpected that Governors will say, 'Oh, woe is me, look how tough this is going to be.' But this bill was put together with the full knowledge and the full support of the Republican governors. I think the governors ought to just stop bellyaching because we gave them the great opportunity to participate in this and, frankly, I'm interested in them running their program and doing their job."

"Get on with it."

While President Clinton's decision to sign the welfare bill angered many liberals, it denied a major political weapon to his likely Republican opponent this fall, Bob Dole.

"It seems like no matter what happens, Clinton wins," Mr. Kasich said. "No matter what we do — if we get something done, he wins; if we don't get something done, he wins."

But Mr. Kasich said that while the bill did not help Republicans so much among their own party members, "it scores a direct hit with the hearts and souls of Reagan Democrats, who we have been not relating to since the days of Ronald Reagan."

# House Approves Measure On Official U.S. Language

## English's Status Prompts Emotional Debate

By ERIC SCHMITT

WASHINGTON, Aug. 1 — After nearly six hours of emotional debate, the House today approved a bill that would make English the official language of the United States.

The vote was 259 to 169, with 223 Republicans and 36 Democrats favoring the bill and 8 Republicans, 160 Democrats and 1 independent opposing it.

Senior House Republicans thought the bill was so important that they delayed a vote on sweeping health insurance legislation to discuss for six hours something no one disputes: that English is the main language of commerce, government and everyday life in this country.

But Democrats and Republicans disagreed on the need to codify this fact into law and on the importance of the English language as a defining quality of what it means to be an American.

Debate was sharp and partisan. Most Republicans contended that the United States, a melting pot nation of immigrants, was becoming dangerously segregated into linguistic ghettos, which the Federal Government increasingly accommodated with documents, ballots and classes in languages other than English.

In a rare floor speech, Speaker Newt Gingrich of Georgia warned that California public schools now taught academic subjects in more than 80 languages, and that schools in Chicago instructed in 100.

"This isn't bilingualism," Mr. Gingrich said. "This is a level of confusion, which if it was allowed to develop for another 20 or 30 years would literally lead I think to the decay of the core parts of our civilization."

Most Democrats said the bill was unnecessary, unconstitutional and bigoted.

"This bill is making us the laughingstock of the world," said Representative E. (Kika) de la Garza, Democrat of Texas. "This is mean-spirited no matter how you camou-

flage it. What are you going to do with the Statue of Liberty, erase the words on it?"

The bill, which now advances to an uncertain fate in the Senate, would require the Federal Government to conduct most official business in English. Among other things, it would prohibit Social Security Administration clerks from helping a constituent in Vietnamese. It would bar election materials printed in Chinese. It would stop the Internal Revenue Service from sending income-tax forms in Spanish.

To win support, the bill's sponsors exempted several documents, including those dealing with national security, international trade, public health and safety, the Census and foreign phrases like "E Pluribus Unum" on coins and paper money.

The Clinton Administration strongly opposes the bill, the latest and most potent effort in a decade-long campaign by English-only proponents to curtail bilingual education, ballots and other programs. Bob Dole, the likely Republican Presidential nominee, supports making English the nation's official language.

Today's debate focused largely on whether the bill would divide or unify the country's diverse citizenry.

Many Republicans said the bill would encourage immigrants to learn English, giving them a common bond with other Americans, and help them to assimilate and better prepare for a fiercely competitive job market.

Representative Gerald B. H. Solomon, Republican of New York, said the legislation had "nothing to do with fear, nothing to do with linguistic cleansing and nothing to do with targeting minority populations for political gain." The bill was about "unity and opportunity," Mr. Solomon said.

Mr. Gingrich asked: "Is there a thing we call American? Is it unique? It is vital historically to assert and establish that English is the common language at the heart of our civilization."

Indeed, without the bill, Mr. Gingrich and other Republicans warned, an increasingly multilingual United States could fall victim to the same divisions facing the Balkans or Quebec.

Representative Robert L. Livingston, Republican of Louisiana, said the separatist movement in Quebec foreshadowed that Canada within "5 to 10 years will not be a single nation."

"We already went through one great civil war," Mr. Livingston said. "We don't want to go through another."

But many Democrats dismissed these fears and repeatedly asked, "Why legislate the obvious?"

To think the language of Shakespeare needs Government help to survive is an insult, said Representative Frank Pallone Jr., Democrat of New Jersey.

Other critics noted that more than 97 percent of Americans already speak English well, and that fewer than 1 percent of all Federal documents are printed in languages other than English. Many Democrats said immigrants would be better served if Congress approved more financing for English-language classes.

The bill would not affect English-language laws that states or municipalities have adopted.

THE NEW YORK TIMES  
FRIDAY, AUGUST 2, 1996

CALL

- Doris

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PHOTOCOPY  
PRESERVATION

# Excerpts From Debate in the Senate on the Welfare Measure

By The New York Times

WASHINGTON, July 31 — Following are excerpts from remarks on the Senate floor yesterday by Senators Daniel Patrick Moynihan, Democrat of New York; Phil Gramm, Republican of Texas; Don Nickles, Republican of Oklahoma; and Paul Wellstone, Democrat of Minnesota, on welfare legislation, as transcribed by The New York Times.

## Remarks by Mr. Moynihan

I continue to hope for the best, even if I fear the worst.

As I have stated on this floor many times, this legislation does not reform. Aid to Families with Dependent Children, if simply abolished, it terminates the basic Federal commitment of support for dependent children in hopes of altering the behavior of their mothers. We are putting those children at risk with absolutely no evidence that this radical idea has even the slightest chance of success.

[In our haste to enact this bill — any bill — before the November elections, we have chosen to ignore what little we do know about the subject of poverty.]

If we acknowledge the difficulty in bringing about the transition from welfare to work, we must recognize that putting people to work on a large scale would require a large-scale public jobs program, and that would require a great deal of money.

Let me say that Democrats were the first to fail in this regard. In the company of Sargent Shriver and Adam Yarmolinsky, I attended the Cabinet meeting in the spring of 1964 where we presented the plans for a war on poverty. Our principal proposal, backed by Secretary of Labor Willard Wirtz, was a massive jobs program, along with Progress Administration lines, to be financed by a cigarette tax. President Johnson, listening for a moment or two, announced that in that election year we were cutting taxes, not raising them. He thereupon picked up the telephone attached to the Cabinet table, called someone somewhere, about something else, and the war on poverty was lost before it began. This legislation is even worse.

According to the Urban Institute, 3,500,000 children will be dropped from the rolls in 2001. By 2005, 4,896,000 children will be cut off.

The Urban Institute has also estimated, in a report released just last Friday, July 26, that this bill will cause 2.6 million persons to fall below the poverty line, 1.1 million of those impoverished will be children. To say nothing of those persons already living in poverty. They will be pushed even further below the poverty line. The average loss in income for families already below the poverty line will be \$1,040 per year. I note that the Urban Institute's estimates are based on quite conservative assumptions, so the actual impact could well be even worse than predicted.

I began these remarks with a comment on language. The conference report before us is not welfare reform. It is welfare repeal. It is the first step in dismantling the social contract that has been in place in the United States since at least the 1930's. Do not doubt that Social Security itself, which is to say insured retirement benefits, will be next. The bill will be called "The Individual Retirement Account Insurance Act." Something such as John Westergaard points out that this legislation breaks the Social Contract of the 1930's. We would care for the elderly, the unemployed, the dependent children. Drop the latter, watch the others fall.

For the best part of two years now, I have pointed out that the principal, and most princi-

pled, opponents of this legislation were conservative social scientists who for years have argued against liberal nostrums for changing society, with the argument that no one knows enough to mechanically change society. Typically liberals think otherwise, to the extent that liberals can be said to think at all. The current batch is in the White House, now busily assuring us they were against this all along, are simply lying, albeit they probably don't know they are lying. They have only the flimsiest grasp of social reality, thinking all things doable and equally undoable. As, for example, the horror of this legislation.

## Remarks by Mr. Gramm

In the last 50 years, we have spent \$5.2 trillion on means-tested programs, that is programs where we were trying to help poor people. Now nobody in America knows what a trillion dollars is, so let me try to put that number on perspective.

First of all, I think the best way to define that number is to note that if you take the value of all buildings, all plants and all productive tools in American industry and agriculture combined, they are worth about \$5 billion.

So that if you want to know how much we have invested in the old welfare program, we have invested in the last 50 years roughly the equivalent of the value of all buildings, all plant and equipment, all tools of all the workers in United States of America.

No society in history has ever invested more money trying to help needy people than the United States of America has invested. And yet 50 years later, what has been the result of all those good intentions? What has been the result of that investment?

Well, the result of that investment 50 years later is that we have more poor people today than when we started that program. They are poorer today than when we started. They are more dependent on the government today than when we started the current welfare program, and by any definition of quality of life, fulfillment or happiness, people are worse off today than they were when we started the current welfare system.

When we started the current welfare program, two-parent families were the norm in poor families in America. Today two-parent families are the exception. When we started the current welfare program, the illegitimacy rate was roughly one-quarter of what it is today.

I know that we have colleagues on the other side of the aisle who are going to lament the passage of this new welfare reform bill. But I don't see how anybody with a straight face or clear conscience can defend the status quo in welfare.

Our current welfare program has failed. It has driven fathers out of the household. It has made mothers dependent. It has taken away people's dignity. It has bred child abuse and neglect and filled the streets of our cities with crime. And we're here today to change it.

Now let me outline what our program does. I think if each of us looks back in our own family to a period where our first ancestors came to America or where our families looking back at those who have gone before us found themselves poor, that we are going to find that there are two things that get individuals and that get nations out of poverty.

Those two things are work and family. And I think it is instructive to note that in the last 50 years, those are the two things that we have never applied to the welfare program of the United States of America.

The bill before us asks people to work. It says that able-bodied men and women will be

required to work in order to receive benefits. It sets a time limit so that people cannot make welfare a way of life. It seeks to change the incentives within the welfare system. And I believe the time has come to change those incentives within the welfare system.

So what we have done in adopting this bill is make some very simple changes. Number one, we have said that unless you're disabled that welfare is not a permanent program. It is a temporary program. We're going to help you for up to five years. We're going to train you. But at the end of five years, you are going to have to work.

We have also in this program given the states the ability to run their own program. We believe that the Federal Government does not have all the wisdom in the world and that states should run their program. And what we have done is to give a program — we have taken a Federally run program, we have taken the funds that we have spent on that program and we have given that money to the states so that rather than have one program, each state in the Union can tailor its program to meet its individual needs.

I believe that we have put together a positive program. It's a program that asks people to work. It's a program that tries to make Americans independent. It is a program that for the first time uses work and family to try to help families escape welfare and to escape poverty in America.

## Remarks by Mr. Nickles

I'd like to go back a little bit further and also compliment Senator Doie and Speaker Gingrich for I think laying the ground work for fundamental welfare reform, fundamental welfare reform that's long overdue, fundamental welfare reform that today will have bipartisan support. And I'm very pleased with that and I'm pleased that the President said that he would sign this bill.

He's correct in making that decision. I know he agonized over it. He wasn't sure what he was going to do and that's evidenced by the fact he vetoed two similar bills earlier. He actually vetoed a bill in January, a bill that passed the Senate with 87 votes. I thought that veto was a mistake. I thought that veto was a repudiation of his campaign statement where he said we need to end welfare as we know it.

When candidate Bill Clinton made the statement we need to end welfare as we know it, I applauded. I thought he was exactly right. Unfortunately, I think welfare had become a way of life for far too many families. And maybe that was their fault, maybe it was Congress's fault. I think most of the welfare programs that we've had have been well-intentioned, but many of which have had very suspect results.

I looked at the quote that Franklin D. Roosevelt had on Jan. 4, 1935, when he talked about welfare. He says "The lessons of history, confirmed by the evidence immediately before me, show conclusively that continued dependence upon relief induces a spiritual and moral disintegration of fundamentally destructive to national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of human spirit. It is inimical to the dictates of sound policy. It is a violation of the traditions of America." That was in his second annual message to the country.

He was right. And maybe he was a little bit prophetic because if you look what's happened in our welfare system, we now have, under the Federal Government, Mr. President, we have 334 Federally controlled welfare programs. The Federal Government determines who's eligible, for how long, for how much they'll

receive. We have 156 job-training programs. Stacked on top of each other, all with good intentions but a lot with results that are not very desirable. Results that have not helped a lot of the intended beneficiaries and in many cases, certainly have not helped taxpayers.

Now this Congress has done a couple of things historic. We've been around here — I've been around here now for 16 years. This Congress, for the first time, has actually passed some reform and some curtailment of the growth of entitlement programs. And we passed it in Balanced Budget Act, but the President vetoed it, so that didn't become law. We passed it in the Welfare Bill, but the President vetoed that, and that didn't become law. We passed entitlement reform in the Farm Bill, an historic rewrite of decades of farm policy. That was a good bill, the President signed it and I complement him for signing it. And now we're passing welfare reform.

Is the bill perfect, no. But it's a good, giant step in the right direction.

## Remarks by Mr. Wellstone

The evidence is irrefutable and irreducible. This legislation, once enacted into law, will create more poverty and hunger among children in America. That is not reform.

Mr. President, we have here about \$28 billion of cuts in nutrition assistance. I believe when the President spoke yesterday he was trying to say that does not have anything to do with reform, and he intends to fix that next Congress. But I worry about what will happen now. Mr. President, 70 percent of the citizens that will be affected by these cuts in food nutrition programs are families with children, 50 percent of the families have income under \$6,300 a year. Our incomes are \$130,000 a year.

Mr. President, there will be a \$3 billion cut over the next six years in food assistance, nutrition assistance, even for families who pay over 50 percent of their monthly income for housing costs. So now we put families in our country — poor families, poor children — in the situation of "eat or heat," but they do not get both. At the same time, my colleagues, keep wanting to cut low-income energy assistance programs. This is goodness? This is goodness?

Mr. President, I was involved in the anti-hunger struggles in the South. I saw it in North Carolina, and I remind my colleagues, maybe they want to go back and look at the exposé, look at the Field Foundation report, look at the CBS report, "Hunger USA." Where is the national media? Why are we not seeing documentaries right now about poverty in America?

Mr. President, the Food Stamp Program, which we dramatically expanded in the late 1960's and early 1970's, with Richard Nixon, a Republican, leading the way, has been the most effective and important safety-net practice in this country. As a result of expanding that program, we dramatically reduce hunger and malnutrition among children in America.

Now we are turning the clock back, and some of my colleagues are calling this reform. Mr. President, how did it get to be reform, to cut by 20 percent food nutrition assistance for a poor, 80-year-old woman? How dare you call it reform. That is not reform. How did it get to be reform to slash nutrition programs that are so important in making sure that children have an adequate diet? How dare you call it reform. That is not reform. How did it get to be reform, to essentially eliminate all of the assistance for legal immigrants, people who pay taxes and work? How dare you call that reform. That has not a thing to do with reform.

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SECTION: Section 4; Page 5; Column 1; Week in Review Desk

LENGTH: 1121 words

HEADLINE: THE NATION;  
The Answer Is Either 'Si' or 'No Way'

BYLINE: By WILLIAM CELIS 3d

BODY:

NO single issue is more emblematic of America's ambivalence toward immigrants than bilingual education. And now nagging questions have recast and magnified the issue, which has even become a subject of Presidential politics.

If the debate is familiar, the context is new. Bilingual education has become a target of anti-immigration groups and others eager to have English declared the nation's official language. Like affirmative action, bilingual education has been derided by the descendants of immigrants as an entitlement, a form of preferential treatment that, because it costs more in the short term, is bought at the expense of other school services.

Finally, it is regarded by some critics as another example of self-perpetuating bureaucratic bloat. The Federal Government now spends an estimated \$250 million a year on bilingual education in public schools. where a shortage of money has made those programs, even if they are considered desirable in principle, harder and harder to justify in practice.

The Push Is On

That is clearly the case in New York City, where the incoming schools chancellor, Rudolph F. Crew, pledged last week to make bilingual education a way station rather than a terminus. As it is now, some students spend up to six years virtually isolated from English-speaking classes. That system has prompted lawsuits from parents who complain that, among other things, children with Spanish surnames who happen to test poorly are automatically relegated to bilingual classes regardless of how well they speak English.

"I think that there is a need for bilingual education, but I think the need should be as a means to an end, not an end in itself," Dr. Crew said.

Now, he said, teachers and administrators often keep students in bilingual programs longer than necessary. "They don't want to let them go into the rest of the school community for fear they will meet sudden failure," he said. "I think you are going to have to really get people to see the whole system works in service to these kids."

Budgetary pressures provide a whole new dimension to a debate that, until recently, was largely centered around two questions:

The New York Times, October 15, 1995

Is it better to immerse students in English, even if at first they may not understand the instruction, or to teach them English over several years while educating them in other subjects in their native language?

And even if bilingual programs are better, why should the 1 in 20 public school students in the nation who can't speak English be taught in their own language today when the immigrant children who entered school speaking only Italian or Russian or Yiddish or German or Greek or Finnish a century ago managed to get along just fine?

Today, those questions seem to have been overtaken by concerns about whether bilingual programs yield the returns that would justify their cost. A backlash against entitlements and preferential programs has been aggravated as art, music, sports and other school activities have been decimated.

At the same time, enrollment in many districts is increasing -- in New York City, at the rate of 20,000 students a year, many of them immigrants. And that puts even more pressure on school spending. Out of a total budget of \$8 billion, the Board of Education spends \$300 million a year on bilingual programs.

At the beginning of this century, when foreign-born people constituted nearly twice the proportion of the population that they do today, immigrants' assimilation by learning English was taken for granted. But for those who could not learn the language, there were plenty of factory jobs available to dropouts. Today, even the most menial service jobs demand some ability to speak and read English (which may explain why, by some reports, more of today's immigrants earn less for longer periods than their counterparts did a century ago).

Still, bilingual education has received decidedly mixed reviews since it was first upheld by the United States Supreme Court in 1973 -- in a case involving Chinese children in San Francisco.

Some educators say the best bilingual programs speed immigrants into all-English classes at their normal grade level after two or three years. But some parents complain that students are left to languish in bilingual programs well beyond the three to five years in which they are expected -- or required -- to move into the academic mainstream.

All sides in the debate agree that bilingual education has fallen woefully short of its promise. Supporters say it never has been given a chance. They say that bilingual programs have too often been underfinanced, grudgingly put in place by school systems that never devised challenging curriculums, and taught by teachers who were not well trained in bilingual education.

Now, some colleges are preparing bilingual teachers better. Also, many states are letting school systems certify educated immigrant parents as teachers after short training sessions. Many cities, including San Francisco and, more recently, New York, have established "newcomer schools," where the entire student body is foreign-born and the courses are taught by teachers fluent in an array of languages. (In New York, students also learn in Spanish, Chinese, Russian, Korean, Polish and French, to name a few.)

text, College

# Bilingualism: Qué pasa?

**A** strange story made it onto Page One of the *Washington Post* last week. At least it must have seemed strange to readers who don't keep up with the byzantine politics of bilingualism.

"Plan to Meld Cultures Divides D.C. School," said the headline. It was about a \$1 million federal grant for a new bilingual program at unsuspecting H. D. Cooke Elementary School, which is about half Latino, half black.

The experiment in culture melding amounts to this: Starting in prekindergarten and kindergarten, and advancing one grade a year, both Latinos and non-Latinos will be taught in Spanish as well as English. Up through third grade, 80 percent of all teaching will be in Spanish. In later grades, it will taper off to half Spanish, half English.

First obvious question: Why would non-Hispanic parents want four fifths of their children's lessons to be taught in Spanish?

Other obvious questions: How did the United States reach the point where bilingualism, which was designed to help immigrant children learn English, turned into a plan to teach nonimmigrants in a foreign language? And if a dual-language precedent is established, how do we then go about withholding the same system in schools that are, say, half Hmong speaking or half Vietnamese speaking?

Bilingual school programs, launched in 1968 with a budget of \$7.5 million, evolved into a bureaucratic monster that eats up almost \$10 billion a year. Though everyone agrees that non-English-speaking newcomers need help, at no point along the way has anyone demonstrated any connection between money spent and goals sought.

New York City has just issued a gloomy report showing that it apparently gets very little for the \$300 million it spends each year on bilingual education: Immigrant children enrolled in bilingual programs in city public schools do less well, on average, and at every grade level, than similar students who take most or all of their classes in English.

**\$10 billion establishment.** This is an old story. In 1990, researcher Christine Rossell surveyed studies in the field and found that 71 percent showed that transitional bilingual education was no different from doing nothing at all for non-English-speaking children. Yet the \$10 billion bilingual establishment keeps chugging along, sometimes getting what it wants by dangling a million dollars in front of a poor school like H. D. Cooke.

According to the *Post*, parents of Latino students "seemed less informed about the proposal, and they have not organized to support it." Unsurprisingly, black parents and teachers seem angry, particularly the teachers,

wondering why their school has to be radically altered.

One reason, it seems, is to avoid the segregation that bilingual classes regularly bring—Spanish-speaking children will not be off by themselves. But the main function of the plan is to establish Spanish as a school language on a par with English. Like Canada, Cooke would officially be bilingual.

This development is softened with familiar rhetoric about the supposed advantages of a fully bilingual system. The *Post* report says: "Through sharing language, Latino and non-Latino children are expected to develop more empathy for one another and their cultures." But such bursts of empathy are rare among those forced to struggle with someone else's language while not yet fluent in their own. (Parents could opt out of the program, but saying no to the bilingual juggernaut has often involved long waiting lists and buses to another school.)

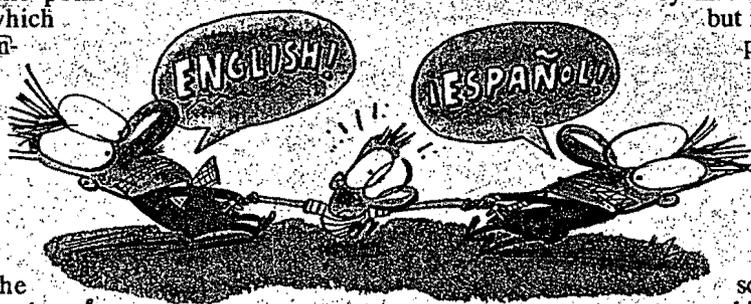
Non-Latinos are supposed to benefit by mastering a second language, but in reality, that won't happen. Diana Walsh of the *San Francisco Examiner* looked hard at a roughly similar plan in her city and concluded: "The English-speaking kids don't learn how to speak Spanish. . . . The school district knows that, and if you push them they will concede that." She says 80 percent of black kids in Spanish-language classes

were reading below grade level.

No evidence suggests that the black students at Cooke will do any better under similar conditions. It's a dubious experiment at their expense. Whatever the advantages of learning about Spanish language and culture, the sheer weight of this instruction will displace much of what the black children need to learn to get ahead. Putting English and Spanish on a par obscures the obvious truth that learning English is crucial for Latinos, but learning Spanish, or French, or Chinese, is very much marginal for non-Latinos.

Latino children seem to be pawns here too. The initial idea behind the bilingual movement was that classes were to be "transitional"—temporary and aimed at getting children into the English-speaking mainstream as quickly as possible. The New York City report shows that Korean-speaking and Russian-speaking immigrant children manage this with stunning swiftness. But activists have encouraged Latino children to think of themselves as permanently culturally distinct. So many activists aim to extend "transitional" programs as far as possible, creating jobs for Spanish-speaking teachers and using schools to enforce ethnic solidarity.

This is a corruption of sensible bilingualism, and there's no reason for a school such as Cooke to buy it. ■



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Arkansas Democrat-Gazette

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HEADLINE: TODAY'S OXYMORON: BILINGUAL EDUCATION

BYLINE: Paul Greenberg

BODY:

Here is what those of us who have had a little high school Spanish want to know:

Why is it, when we land at the airport in Mexico City, we can't immediately bargain with street vendors, make a dinner reservation, ask directions, discuss foreign policy, or demand our money back in fluent Spanish?

Why do we have to puzzle out the morning paper, consult dictionaries, memorize idiot phrases from guidebooks, buy in English (at a 50 percent markup) and depend on the kindness of English-speaking strangers?

Because, of course, we're rusty. We haven't spoken Spanish since we left school. We left the language behind as soon as walked out of the classroom. There was no need to use it in the other classes, in everyday life, in conversation or business. Except for a little homework in Spanish, we thought, spoke, read, wrote, and lived in English. Even in Spanish class, we might use English.

No one serious about learning another language would approach it that way. On the contrary, diplomats or businessmen who want to operate in another language are told to try total immersion: Speak nothing but the language. Think in it. Go to a country where only that language is spoken. Shun interpreters and move in with a family. The first few days or even weeks may be frustrating, or comic, or largely mute. But most people, forced to sink or swim in another language, begin to swim, however imperfectly.

Only if allowed to use our own language to communicate most of the time may we fail to learn another. Just as someone obliged to use a crutch most of the time may never learn to walk easily.

This finally brings us to the subject of bilingual education--an approach that seems to be doing a remarkable job at producing students uneasy in both languages. A typical bilingual program in, say, New York City, may offer one English class a day; all the others would be taught in the student's native tongue. Which is the way many Americans study Spanish--or French or German--without ever learning much of it. Why learn a language if we can leave it behind when we go home, or to work, or even to the next class?

The theory behind bilingual ed is that students should study most of the time in the language they already know; otherwise they may fall behind in their studies. In practice, bilingual ed turns out to be a crippling, isolating way

Arkansas Democrat-Gazette, October 04, 1995

to treat kids.

Bill Clinton, with his natural talent for expressing the worst ideas in language that makes them sound oh-so-sensible, put it like this in a recent speech to the Hispanic Caucus: "Of course English is the language of the United States. The issue is whether children who come here, while they are learning English, should also be able to learn other things."

Anybody who proposes to say what the issue is, when there are at least a couple of them involved, has already oversimplified the subject. No one I know objects to kids' learning English and other subjects, but a recent study out of New York's school system indicates that the best way to do both is in English.

New York's board of education concluded that immigrants who were taught in English alone made more progress than those assigned to bilingual programs, which tend to isolate students and stunt their progress. That's also the complaint of a lawsuit recently filed by a group of parents in Brooklyn, who call New York's bilingual programs a "prison" for their kids.

This language prison is expanding steadily in New York, thanks to federal funding. In eight years, the number of kids assigned to bilingual programs has doubled--from 85,000 to 154,000. To quote the New York Times: "A bustling bilingual bureaucracy is now hard at work, often drafting children into the (bilingual) programs whether or not they need them. Indeed, many of the students assigned to bilingual studies are born in this country and speak English better than any other language."

Students are supposed to stay in bilingual ed no more than three years. But it's an old, established pattern by now: Set up an educational bureaucracy and it will find a way to stay in business forever. Parents charge that the three-years-and-out requirement is routinely waived.

This report from the board of education notes that nine out of ten students enrolled in bilingual ed between the sixth and ninth grades fail to make it out within the required three years. Some 75 percent of the students who go into the program between the first and third grades are still there after three years.

If the object of this approach is to teach the kids English, it isn't working. Nor does the program allow much emphasis on the student's tongue. The clearest advantage of bilingual ed, aside from providing jobs for adults, would seem to be that it allows students to grow up illiterate in two languages.

In short, these findings indicate that bilingual education is neither.

LOAD-DATE: October 04, 1995

# ONE NATION, ONE LANGUAGE?

*Would making English the nation's official language unite the country or divide it?*

**F**or a Sherman Oaks, Calif., election worker, the last straw was hanging campaign posters in six languages and six alphabets. For a taxpayer in University Park, Texas, it was a requirement that all employees of the local public utility speak Spanish. For a retired schoolteacher from Mount Morris, N.Y., it was taking her elderly and anxious mother to a Pakistani doctor and understanding only a fraction of what he said.

As immigration, both legal and illegal, brings a new flood of foreign speech into the United States, a campaign to make English the nation's official language is gathering strength. According to a new *U.S. News* poll, 73 percent of Americans think English should be the official language of government. House Speaker Newt Gingrich, Senate Majority Leader Bob Dole and more than a third of the members of Congress support proposed federal legislation that would make English

America's official tongue; twenty-two states and a number of municipalities already have English-only laws on the books.

Like flag burning and the Pledge of Allegiance, the issue is largely symbolic. Without ever being declared official, American English has survived—and enriched itself from—four centuries of immigration. It is not much easier for today's Gua-

temalan immigrant to get a good education and a good job without learning English than it was for his Italian, Polish or Chinese predecessors. And at best, eliminating bilingual education might save about a dollar per student per day. But many Americans are feeling threatened by a triple whammy of growing economic uncertainty, some of it caused by foreign competition; rising



immigration, much of it illegal; and political pressure to cater to the needs of immigrants rather than letting them sink or swim. "Elevating English as an icon," says author and bilingual expert James Crawford, "has appeal for the insecure and the resentful. It provides a clear answer to the question: Who belongs?"

**Nation of strangers.** There is no question that America is undergoing another of its periodic diversity booms. According to the Census Bureau, in 1994 8.7 percent of Americans were born in other countries, the highest percentage since before World War II. More tellingly, at

least 31.8 million people in the United States speak a language other than English at home. Of the children returning to urban public schools this fall, a whopping one third speak a foreign language first. "It blows your mind," says Dade County, Fla., administrator Mercedes Toural, who counts 5,190 new students speaking no fewer than 56 different tongues.

English-only advocates, whose ranks include recent immigrants and social liberals, believe that accommodating the more than 300 languages spoken in the United States undercuts incentives to learning English and, by association, to becoming an American. Massachusetts offers driver's tests in 24 foreign languages, including Albanian, Finnish, Farsi, Turkish and Czech. Federal voting rights laws provide for ballots in multiple translations. Internal Revenue Service forms are printed in Spanish. And in Westminster, Calif., members of Troop 2194 of the Boy Scouts of America can earn their merit badges in Vietnamese. "It's completely insane," says Mauro Mujica, the chairman of the lobbying group U.S. English and himself an immigrant from Chile. "We are not doing anybody any favors."

**Pulling the plug.** The proposed official-English laws range from the barely noticeable to the almost xenophobic. A bill introduced by Missouri Republican Rep. Bill Emerson would mandate English for government use but provide exceptions for health, safety and civil and criminal

justice. Although it is the most viable of the bunch, it would change the status quo so little that it begs the question of why it is needed at all. The most extreme official-English measures would pull the plug on what their sponsors consider linguistic welfare, ending bilingual education and bilingual ballots.

Advocates of official-English proposals deny that their measures are draconian. Says U.S. English's Mujica: "We are simply saying that official documents should be in English and money saved on translations could go to help the people learn English. We're saying you could still take a driver's test in another language, but we suggest it be temporary till you learn English."

U.S. English, which reports 600,000 contributors, was founded by the late U.S. Sen. S. I. Hayakawa, a Japanese-American linguistics professor, and boasts advisory board members such as Saul Bellow and Alistair Cooke. The group was tarred eight years ago when its founder, John Tanton, wrote a memo suggesting that Hispanics have "greater reproductive powers" than Anglos; two directors quit, Tanton was forced out and the group has been re-

building its reputation ever since. Its competitor, English First, whose founder, Larry Pratt, also started Gun Owners of America, is more hard-line.

Defenders of bilingual education, multilingual ballots and other government services ask whether legal immigrants will vote if there are no bilingual ballots. If foreign speakers can't read the street signs, will they be allowed to drive? Such thoughts bring Juanita Morales, a Houston college student, to tears. "This just sets up another barrier for people,"

she says. "My parents don't know English, and I can hardly speak Spanish anymore and that's painful to me."

Go it alone, the hard-liners reply, the way our grandfathers did. But these advocates don't mention that there is little, if any, evidence that earlier German or Italian immigrants mastered English any faster than the current crop of Asians, Russians and Central Americans. And it's hard to argue that today's newcomers aren't trying. San Francisco City College teaches English to 20,000 adults every

semester, and the waiting list is huge. In De Kalb County, Ga., 7,000 adults are studying English; in Brighton Beach, N.Y., 2,000 wait for a chance to learn it.

The economic incentives for learning English seem as clear as ever. Yes, you can earn a good living in an ethnic enclave of Chicago speaking nothing but Polish. But you won't go far. "Mandating English," says Ron Pearlman of Chicago, "is like mandating that the sun is going to come up every day. It just seems to me that it's going to happen."

What worries many Americans are efforts to put other languages on a par with English, which often come across as assaults on American or Western culture. Americans may relish an evening at a Thai restaurant or an afternoon at a Greek festival, but many are less comfortable when their children are celebrating Cinco de Mayo, Kwanzaa and Chinese New Year along with Christmas in the public schools. In Arlington, Va., a classically trained orchestra teacher quit the public school system rather than

cave in to demands to teach salsa music.

But diversity carries the day. The U.S. Department of Education policy is not simply to promote learning of English but also to *maintain* immigrants' native tongues. And supporters of that policy make a good case for it. "People ask me if I'm embarrassed I speak Spanish," says Martha Quintanilla Hollowell, a Dallas County, Texas, district attorney. "I tell them I'd be more embarrassed if I spoke only one language."

**Language skills.** That may be what's most disturbing about the English-only sentiment: In a global economy, it's the monolingual English speakers who are falling behind. Along with computer skills, a neat appearance and a work ethic, Americans more and more are finding that a second language is useful in getting a good job. African-Americans in Dade County, now more than half Hispanic, routinely lose tourism positions to bilingual Cubans. Schoolteachers cry foul because bilingual teachers earn more money while monolingual teachers are laid off. "There is no way I could get a job in the Los Angeles public schools today," says Lucy Fortney, an elementary school teacher for 30 years.

The proliferation of state and local English-only laws has led to a flurry of language-discrimination lawsuits and a record number of complaints with the U.S. Equal Employment Opportunity Commission. Ed Chen, a lawyer with the San Francisco office of the American Civil Liberties Union, says clients have been denied credit and insurance because they don't speak English. But courts increasingly have endorsed laws that call for exclusive use of English on the job. Officials at New York's Bellevue Hospital, where the vast majority of nurses are Filipino, say an English-only law was necessary because nurses spoke Tagalog among themselves.

Other employers have wielded English-only laws as a license to discriminate, giving rise to fears that a national law would encourage more of the same. A judge in Amarillo, Texas, claimed a mother in a custody case was committing "child abuse" by speaking Spanish to her child at home. Another Texas judge denied probation to a drunk driver because he couldn't benefit from the all-English Alcoholics Anonymous program. In Monterey Park, Calif., a citizens' group

tried to ban Chinese signs on businesses that served an almost all-Asian clientele. In Dade County, a since-repealed English-only law was so strict that it forbade using public funds to pay for court translations and bilingual signs to warn metrorail riders against electrocution.

Though it is not intended as such, the

English-first movement is a reminder of a history of prejudice toward speakers of foreign tongues. Many American Indians were prohibited from speaking their own languages. The Louisiana Legislature banned the use of Cajun French in public schools in 1912, but instead of abandoning their culture, many Cajuns dropped out of school and never learned English. French was finally allowed back in the schools in the 1960s. As recently as 1971, it was illegal to speak Spanish in a public school building in Texas, and until 1923 it was against the law to teach foreign languages to elementary school pupils in Nebraska. At Ellis Island, psychologists tested thousands of non-English-speak-

ing immigrants exclusively in English and pronounced them retarded.

Champions of diversity say it's high time Americans faced the demographic facts. In Miami, with leading trade partners Colombia and Venezuela, businesses would be foolish to restrict themselves to English. If emergency services suffer because of a shortage of foreign-speaking 911 operators, it is downright dangerous not to hire more. As for embattled teachers, Rick Lopez of the National Association of Bilingual Education says: "Why should we expect students to learn a new language if teachers can't do the same? We have to change the product to fit the market. The market wants a Toyota and we're still building Edsels."

Many Americans still value the melt-

ing pot: General Mills's new Betty Crocker is a digitized, multiethnic composite. But Skokie, Ill., educator Charlene Cobb, for one, prefers a colorful mosaic. "You don't have to change yourself," she says, "to make a whole thing that's very beautiful." The question is whether the diverse parts of America still make up a whole. ■

BY SUSAN HEADDEN WITH LINDA RODRIGUEZ  
BERNFELD AND SALLY DENEN IN MIAMI, MISSY DANIEL IN  
BOSTON, MONIKA GUTTMAN IN LOS ANGELES, BARBARA  
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## Too Chatty?

**O** KLAHOMA CITY BOMBING suspect Terry Nichols likes to talk. And his chattiness could be damaging to his defense. NEWSWEEK has learned that prosecutors have a number of tapes of phone calls made by Nichols from the El Reno, Okla., federal prison. Twenty-seven of the recordings have been turned over to Nichols's attorneys. Sources close to the case suggest the Bureau of Prisons may have inadvertently—and illegally—taped privileged conversations between Nichols and his lawyers. The lawyers declined to comment. The Feds also have a tape of a prison call from Timothy McVeigh to James Nichols, Terry's brother, who was arrested on explosives charges and later released.

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The Ethnic NewsWatch  
AsianWeek

October 21, 1994

SECTION: Vol. 16; No. 9; Pg. 1

LENGTH: 2430 words

HEADLINE: Language Rights Loom Larger Than Ever In America's Workplace

BYLINE: Cacas, Samuel R.

BODY:

Language Rights Loom Larger Than Ever In America's Workplace.

By Samuel R. Cacas

SAN FRANCISCO -- A record number of national origin-based employment discrimination cases nationwide has brought about novel, proactive efforts by community groups and employers around the country.

The latest figures released by the U.S. Equal Employment Opportunity Commission (EEOC) show that the volume of such cases reached 7,393 last year, a level that surpasses totals of each of the prior three years.

Currently, the EEOC has about 120 active charges of these cases against 67 different employers who have imposed English-only rules. And groups that serve immigrants around the country, such as the Asian Law Caucus, Mexican American Legal Defense and Education Fund, American Civil Liberties Union (ACLU) and Asian Pacific Legal Center of Southern California, report unprecedented inquiries and caseloads dealing with language rights issues.

The most common problems are employers who impose English-only requirements and accent-based employment practices.

These ever-common workplace occurrences have brought about efforts by community groups and employers to institute preventive efforts to deal with a problem that, thus far, has been reactively dealt with through the legal system.

Ed Chen, of the Northern California office of the ACLU in San Francisco and a co-counsel in Garcia, said that his group and the Employment Law Center will be starting a joint project in the next few months to help immigrant workers become better aware of their rights on national origin employment issues.

"A community outreach campaign will be carried out utilizing a telephone hotline, public service announcements, flyers and posters that will inform immigrant workers of their legal rights," said Chen, who added that a training video is being considered, aimed at employees as well as employers.

In Los Angeles, Kathryn Imahara of the Asian Pacific Legal Center of Southern California reported that management training groups are increasingly incorporating language rights issues into their presentations. "The number of consultants who do such training has increased from a handful only two years

The Ethnic NewsWatch, October 21, 1994

ago to over 40 today," she added, noting that her office has experienced an increased number of telephone referrals and inquiries about such consultants.

Chen offers the following advice to immigrant workers:

National origin discrimination is a broad term that is not specifically defined well enough by federal or state statutes. Thus, workers with questions or concerns should contact organizations like the ACLU or Employment Law Center or government-enforcement agencies like the EEOC;

What is happening in workplace discrimination cases involving immigrants is usually more than just a language issue. Racial and other human relations problems among different groups of workers may also be an issue, and management should deal with such problems by providing multicultural and diversity training for employees and management staff.

The federal government's concern for this issue appears more heightened with the recent swearing-in of Paul Igasaki to serve as EEOC vice chair. Igasaki, former executive director of the Asian Law Caucus in San Francisco, has publicly stated that he would make national origin-based discrimination one of his key priorities.

"That is an issue that has been given inadequate attention by the EEOC. Part of that enhanced focus will include my pushing for hiring of bilingual staffing where there is a substantial language minority," he said.

Igasaki is not alone in pushing this issue. In June 1994, the Clinton administration, through the EEOC and the U.S. Justice Department's Civil Rights Division, filed an amicus curiae brief in the Garcia case, one which involved a meat-packing plant employee, asking the High Court to review the Ninth Circuit decision in Garcia. The brief stated that the Ninth Circuit decision rejecting the EEOC's guidelines on Speak English-only rules "is wrong."

"It fails to accord appropriate deference to the EEOC's longstanding view and is premised on several fundamental misunderstandings about what plaintiffs must prove in order to establish a discriminatory impact under Title VII," the brief stated.

"It is certainly true that many members of national origin minority groups feel completely comfortable speaking English in all circumstance; it is also true that some employees who do not belong to such a group may sometimes be more comfortable speaking a language other than English ...

"English-only rules have a significant adverse impact on bilingual members of national origin minorities" because they "can dramatically limit their range of expression and communication" and also "communicates a rejection of the excluded language and the culture it embodies, but also a denial of that side of an individual's personality," the statement continued.

The cause of these heretofore uncommon discrimination cases is varied, according to experts nationwide. Chris Ho, staff attorney at the Employment Law Center in San Francisco, attributes the increase to the dismal economy and anti-immigrant backlash throughout the country.

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"Generally, it's an intolerance of new immigrants and Americans not being exposed to new cultures," said Bill Tamayo, managing attorney of the Asian Law Caucus in San Francisco. "This type of discrimination reflects this country's historical pattern of racist tendencies."

Ho added: "Today, it is more acceptable to focus on language characteristics as a racial expression, rather than race itself. Also, we are going through bad economic times, so language issues are a convenient way to keep a person who is foreign-looking out of the workplace."

"And as the workplace becomes more diverse, language restriction is used more often as a seemingly legitimate pretext for screening out job applicants, or otherwise discrimination on the basis of nationality," Ho added.

A climate of anti-immigrant hysteria is being manifested by increased hate violence directed against immigrants, as well as federal, state and local legislation (proposed and enacted), that has limited or curtailed their legal rights to immigrate, receive public benefits and services, and even speak their own language.

An example of such legislation is Proposition 63, the so-called Official English initiative, enacted in 1986 by California voters. Though essentially symbolic, and though the Legislature never passed any regulations to enforce the policy, the confusion it has caused among employers has contributed to the anti-immigrant climate and has encouraged 12 other states to enact similar legislation. Immigrant employees have been unwitting victims of this climate.

Another factor is the changing demographics of America: from 1981 to 1990, Asians made up 37 percent of all immigrants, compared with 6 percent in the '50s, and Latin American and Caribbean natives were 47 percent of the total, compared with 25 percent three decades earlier.

Whatever the reason, this issue, while not as pressing as other Title VII areas, as far as case volume, appears to be emerging as a cutting-edge civil rights concern that will not diminish in the near future.

"Language discrimination cases are going to be the fastest-growing issues of employment discrimination in the next few years," said Doug Farmer, an attorney for Corbett & Kane (in Emeryville, Calif., which advises employers on employment matters). Farmer also handled such cases when he worked earlier as a staff attorney with the EEOC's San Francisco district office.

#### Recent Cases

An important case that personalizes the statistics is Garcia v. Spun Steak, involving Priscilla Garcia, a meat-packing plant employee in the city of South San Francisco, who challenged her employer's imposition of an English-only workplace rule in 1991.

Her employer, Spun Steak Company, claimed they imposed the policy after receiving complaints that some workers were using their bilingual ability to insult and harass other workers in a language they could not understand, as well as to ensure a safer work environment for employees engaged in dangerous tasks.

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Garcia and other workers asserted that any insults or other verbal harassment spoken by them was in English and, therefore, the problem could have been addressed through existing company policy dealing with racial harassment.

Other similar cases involve Adelaida Dimaranan, a Filipino American nurse, who challenged a Pomona, Calif., hospital's English-only policy and a Miami-based company that was charged by the EEOC with coding foreign applicants as having heavy or light accents.

In a pending case, a Filipino nurse at Hill Haven hospital in San Francisco is challenging an English-only policy by her employer who claims to have enacted the rule at the behest of patients. Ironically, Filipino and Chinese workers have been forced to translate for management when a bilingual patient required translation.

An accent-based case, Ramirez v. AMPB, involved five Filipino American security guards -- Perfecto Estrada, Carbito Rose, Teodulfo Loyola, Cayetano Decena and Florentino Ramirez -- who were stationed at the Department of Treasury building in San Francisco by the American Mutual Protective Bureau and were fired from their positions by the security company in 1992 on the basis of an alleged language barrier.

AMPB's defense to the guards' national origin discrimination claim was that they had been told by the federal government's General Service Administration (the agency responsible for contracting with the security company) to remove all Filipino guards from their post at the Treasury Department. But the GSA later settled the 2-year-old lawsuit, awarding the five plaintiffs a record-setting amount of \$87,500, plus an undisclosed amount from AMPB.

In October 1991, a federal district court in San Francisco ruled in Garcia that the Spun Steak company's English-only rule discriminated against Spanish-speaking employees on the basis of their national origin in violation of the 1964 Civil Rights Act. The district court expressed concern that such a rule might be an excuse for discrimination against Latino American employees and issued a preliminary injunction barring the company from enforcing the rule.

The federal district court cited existing federal regulations on English-only work rules which state that barring employees from speaking their primary language may create "an atmosphere of inferiority, isolation and intimidation based on national origin which could result in a discriminatory working environment."

But the Ninth Circuit federal court of appeals in 1993 rejected those guidelines, ruling that although an individual's primary language is an important link to his or her ethnic culture and identity, Title VII does not protect the right to express cultural heritage on the job. Because Title VII addresses only the disparities in treatment of workers, employees must often sacrifice individual self-expression during work hours, the court said.

Most significantly, the Garcia court rejected the presumption that all English-only policies are to be presumed discriminatory, absent a disparate impact shown by the employee. That decision seemed a diametrically opposed view of a 1988 Ninth Circuit decision in Gutierrez v. Municipal Court, in which the court struck an employer's rule that forbade employees to speak any language other than English, except when acting as translators or during breaks or

lunch.

The Gutierrez court upheld the guidelines, stating, "we adopt the EEOC's business necessity test as the proper standard for determining the validity of limited English-only rules."

The guidelines properly balanced an individual's interest in speaking his or her primary language, with the employer's need to ensure that English is spoken in a particular circumstance, the court concluded, in effect rejecting the argument that an English-only rule should be immunized from judicial scrutiny, because a bilingual employee can easily comply with it.

On June 21, the U.S. Supreme Court, in a 7-2 decision, voted not to review the Garcia decision without comment.

Doug Farmer observed that employers will still be required to show "a legitimate business justification for English-only rules." He also offered the following do's and don't's for employers on minimizing discrimination of Englishonly workplace rules:

Don't apply such rules during both work and non-work hours;

Don't apply them to employees who were hired into jobs where fluency in English was not a job requirement at the time of hiring;

Don't apply the rules where an employer's needs can be served by less restrictive alternatives;

An employer should not implement the rules where he or she was able to run a business effectively prior to adoption of the rules;

Do apply such rules during work hours and only to certain job categories or certain job tasks, as justified by business necessity. Prior notice to employees is considered essential to show business necessity;

Do implement such rules where close coordination among employees is necessary to workplace efficiency or safety, such as when employees are working with dangerous equipment or hazardous materials.

Language rights in the workplace have developed alongside parallel issues in schools (bilingual education) and voting (bilingual ballots and voting materials), among others, despite a backlash led by the Official English Movement that has been behind numerous states adopting legislation like California's Proposition 63.

Their emergence in this country's civil rights agenda in the 1980s and 1990s are part of a continuing struggle, internationally waged by ethnic minority groups the world over.

As Gregory Guy wrote in "Language Loyalties: An Official Source Book on the Official English Controversy" (edited by James Crawford, University of Chicago Press, 1992), "Language differences become divisive precisely when a dominant group tries to impose its language as an 'official' requirement. Therefore, the officialization of English will more likely create language conflict rather than prevent it. The solution would be to guarantee minority language rights."

The Ethnic NewsWatch, October 21, 1994.

Crawford points out several examples of countries throughout the world -- including Switzerland, India, Canada, Brazil and Israel, among others -- where such conflict was avoided. With its enhanced concern and action on this issue, the United States may join these enlightened group of countries in the future.

ETHNIC-GROUP: Asian/Pacific Island

LANGUAGE: English

LOAD-DATE: January 16, 1995

14TH STORY of Level 1 printed in FULL format.

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November 4, 1994, Friday - METRO Edition

SECTION: FORUM; Pg. 7A

LENGTH: 814 words

HEADLINE: POLITICS OF RACISM

SOURCE: THE WILMINGTON NEWS JOURNAL

BYLINE: NORM LOCKMAN

DATELINE: WILMINGTON, DEL.

BODY:

The undercurrents that are eddying beneath the socially conservative tide sloshing around the base of American politics are toxic. They are tainted with racism and nativism, and they threaten our freedoms.

Do you really want to know why being anti-federal government plays so well with social conservatives? It is because the federal government is seen to be the major benefactor to -- and the major employer of -- minorities. Want to know why so many conservatives went bonkers opposing the crime bill, in spite of all its lamentable prison and police expansionism and new death penalties? It is because it too is seen as benefiting too many minorities through its urban crime prevention schemes.

The movement even has a new bible, *The Bell Curve*, which uses bogus scholarship to help the already convinced contend that continued efforts toward educational and social equality for minorities -- particularly blacks -- is futile. Those who buy the incomplete logic of Charles Murray and the late Richard Herrnstein will not stop and ponder whether it is genetics or environment that has produced a substantial sub-strata of poor white people whose IQs also fall 15 points below the average for whites. It's more convenient to believe that there is a genetic "black intelligence gap"; that makes it easier to defend racist policies.

The whole "cut off welfare, chop the entitlement programs" mentality is fueled more by the myth that most of this money goes to support shiftless black people than by the reality that these programs have become corrupted across the board.

This year's campaign propaganda about crime is often designed to intersect with the fear of urban-type crimes; the kind most associated with young black males. The problem is the propaganda simply panders to the fears and doesn't offer sound solutions. The California hots for depriving illegal immigrants of all but emergency social aid is pure nativist baloney. Proposition 187 won't stem the tide of illegal immigrants, most of whom are too afraid of discovery to apply for government help, any more than "English-only" legislation will prevent immigrants from speaking their own languages.

The Courier-Journal, November 4, 1994

These are more baying at the moon than thoughtful solutions, but the Fearful Majority eats them up.

Even President Clinton's woes, many though they be, are not entirely unrelated to his willingness to court minorities for political support and respond to their interests.

Carefully inspect the people who claim to be the truest Christians, out to redeem the country from its worst demons. Check out their demons and see if you won't find among them, with some notable exceptions, an assumption that blacks are ruining the country.

With that backdrop, it is suicidal for black voters, who constitute the minority group with the most political clout, to sit out Tuesday's elections.

America could be on the brink of a second Reconstruction period. After the Civil War, there was a period in which black people made some great breakthroughs, politically, socially and economically. It ended when racially prejudiced leaders from the North and South collaborated to reverse racial progressivism and eliminate the competition. Reconstruction introduced the tawdry period of legal apartheid in the South and de-facto segregation in the North. Jim Crow ruled.

That old buzzard is not dead! He is sitting just barely out of view in the crags surrounding this election, stretching his claws and preening his wings, shaking himself awake in hopes the tide turns and uncovers some rotting minds for him to feed upon.

Let's kill him.

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LANGUAGE: English

LOAD-DATE: November 5, 1994

2ND STORY of Level 1 printed in FULL format.

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September 22, 1995; Friday 01:41 Eastern Time

SECTION: Washington - general news

LENGTH: 600 words

HEADLINE: Study: Gov't. Mostly English

DATELINE: WASHINGTON

BODY:

The federal government communicates in English about 99.94 percent of the time, according to a congressional study that examined the effect of proposals to make English the official language of officialdom.

The General Accounting Office study identified 265 foreign-language documents released by the Government Printing Office and a Commerce Department agency over five years out of some 400,000 titles checked.

The total covers everything from full agency reports to fact sheets and maps. But it does not include foreign-language communications by the State and Defense departments, which most English-only proponents consider legitimate.

It also does not include government publications put out independently of the official printer. The Government Printing Office estimates it handles half of the federal government's printing and binding.

The study "gives an idea of what the universe was," said its author, Timothy P. Bowling, the GAO's associate director for federal management and work force issues.

Of the titles reviewed, fewer than 0.06 percent were in a foreign language. A recent Census study found 8.7 percent of people in the United States are foreign-born.

Still, Sen. Richard Shelby, R-Ala., a sponsor of legislation that would mandate the use of English for most federal communications, said Thursday that the list of 265 "is in itself overwhelming," and shows the need for a language law.

More than 300 languages are spoken in the United States, he told a news conference. "It's unfathomable for the federal government to try to accommodate each and every language," he said.

The study found 221 of the documents were in Spanish, 17 were in multiple languages and 12 were in French. Of the rest, one to three documents were printed in each of 10 other languages.

The Social Security Administration was the largest single source of foreign-language communications, producing 50 documents. The Food and Drug Administration produced 19 and the Education Department, 16.

AP Online, September 22, 1995

Shelby cited six titles as examples of the inappropriate use of tax dollars. They included "Investigation About the Reproductive Behavior of Young People in the City of Sao Paulo," produced in Portuguese by the Centers for Disease Control; and, in Ukrainian, "Investigation of the Ukrainian Famine 1932-1933," by the Commission on the Ukraine.

But a listing of the subjects provided by the GAO showed the bulk of the titles concerned health and safety issues and explanations of Social Security programs.

LANGUAGE: ENGLISH

LOAD-DATE: September 22, 1995

3RD STORY of Level 1 printed in FULL format.

## The Associated Press

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September 22, 1995, Friday, PM cycle

SECTION: Washington Dateline

LENGTH: 419 words

HEADLINE: Study Indicates Government is Practically English Only Already

DATELINE: WASHINGTON

## BODY:

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Still, Sen. Richard Shelby, R-Ala., a sponsor of legislation that would mandate the use of English for most federal communications, said Thursday that the list of 265 "is in itself overwhelming," and shows the need for a language law.

More than 300 languages are spoken in the United States, he told a news conference. "It's unfathomable for the federal government to try to accommodate each and every language," he said.

The study found 221 of the documents were in Spanish, 17 were in multiple languages and 12 were in French. Of the rest, one to three documents were printed in each of 10 other languages.

The Associated Press, September 22, 1995

The Social Security Administration was the largest single source of foreign-language communications, producing 50 documents. The Food and Drug Administration produced 19 and the Education Department, 16.

Shelby cited six titles as examples of the inappropriate use of tax dollars. They included "Investigation About the Reproductive Behavior of Young People in the City of Sao Paulo," produced in Portuguese by the Centers for Disease Control; and, in Ukrainian, "Investigation of the Ukrainian Famine 1932-1933," by the Commission on the Ukraine.

But a listing of the subjects provided by the GAO showed the bulk of the titles concerned health and safety issues and explanations of Social Security programs.

LANGUAGE: ENGLISH.

LOAD-DATE: September 22, 1995

Date: 03/25/96 Time: 14:59

## Justices Will Consider Whether English Can Be Official Language

WASHINGTON (AP) Stepping into a politically charged dispute, the Supreme Court agreed Monday to review whether states can make English their official language and require its use for most government actions.

The justices said they will examine a lower court ruling that said Arizona's official-English constitutional amendment violates state employees' right of free speech.

Official-English laws have been growing in popularity along with proposals to limit immigration and restrict government benefits to immigrants.

Twenty-two other states and at least 40 cities have enacted some type of official-English law, and Congress is considering legislation similar to the amendment Arizona voters adopted in 1988.

Bob Dole, the prospective Republican presidential nominee, supports the federal legislation, saying, "We need the glue of language to hold us together."

But President Clinton has criticized the idea, saying English is "of course" the language of the United States but that people should value "the culture, the traditions of everybody."

In other action Monday, the court:

Agreed to use an Oregon case to decide whether people may use the Endangered Species Act to file lawsuits accusing the federal government of doing too much to protect a species.

Agreed to decide in a Kansas case whether people must pay income taxes on punitive damages they are awarded in personal-injury lawsuits.

Turned down Louisiana's bid to deny Medicaid-funded abortions for women impregnated as a result of rape or incest. Federal law allows Medicaid-funded abortions for such women.

The justices may not reach a decision on the merits of the Arizona official-English amendment. Both sides were asked to address whether supporters of the amendment have legal standing to carry the case to the nation's highest court.

Only if the court finds that Arizonans for Official English has legal standing will its decision set a precedent for other states.

Arizonans for Official English says governments can regulate their employees' speech while they are on duty.

"Making English our official language recognizes the unique role of a common language in society," said Daphne Magnuson of U.S. English, an advocacy group supporting the Arizona amendment.

But Stephen Montoya, lawyer for Arizonans Against Constitutional Tampering, which opposes the amendment, said, "If the First Amendment protects anything it protects someone's right to choose the words in which they speak."

"English-only is about, I think, prejudice," particularly against Hispanics and Asians, Montoya said. His group noted in court papers that the nation's motto, "e pluribus unum" out of many, one is in Latin, not English.

The Arizona amendment says English is "the language of the ballot, the public schools and all government functions and actions."

The amendment, which applies to all government officials and employees when they are on government business, says the state "shall act in English and no other language," with some exceptions.

Supreme Court agrees to hear case on English as official language.  
The Supreme Court has voted to hear an appeal by a group called Arizonans For Official English arguing that an English-only amendment to the Arizona Constitution does not violate government employees' free speech rights. The amendment says the state "shall act in English and no other language." It applies to all government officials and employees when they are on government business.

In another case, the Court without comment turned down an appeal from former employees of a Philadelphia bank that the government could not cancel the bank's promise to pay severance benefits if workers were laid off. The workers were let go after Federal regulators took over Meritor Savings Bank in 1992.

Also today, the Court asked the Justice Department for an opinion on whether a California cable television company should be able to pursue its claim that two other companies competed unfairly by charging below-cost prices. At issue is whether Justice thinks Federal law governing rate-cutting negates a California law banning predatory pricing. On other announcements today, the AP reports: -- The Court, without comment, upheld a ruling forcing Louisiana to pay for Medicaid abortions for financially-eligible women who are victims of rape and incest. Louisiana becomes the fifth state to fail in its attempt to bar such funding.

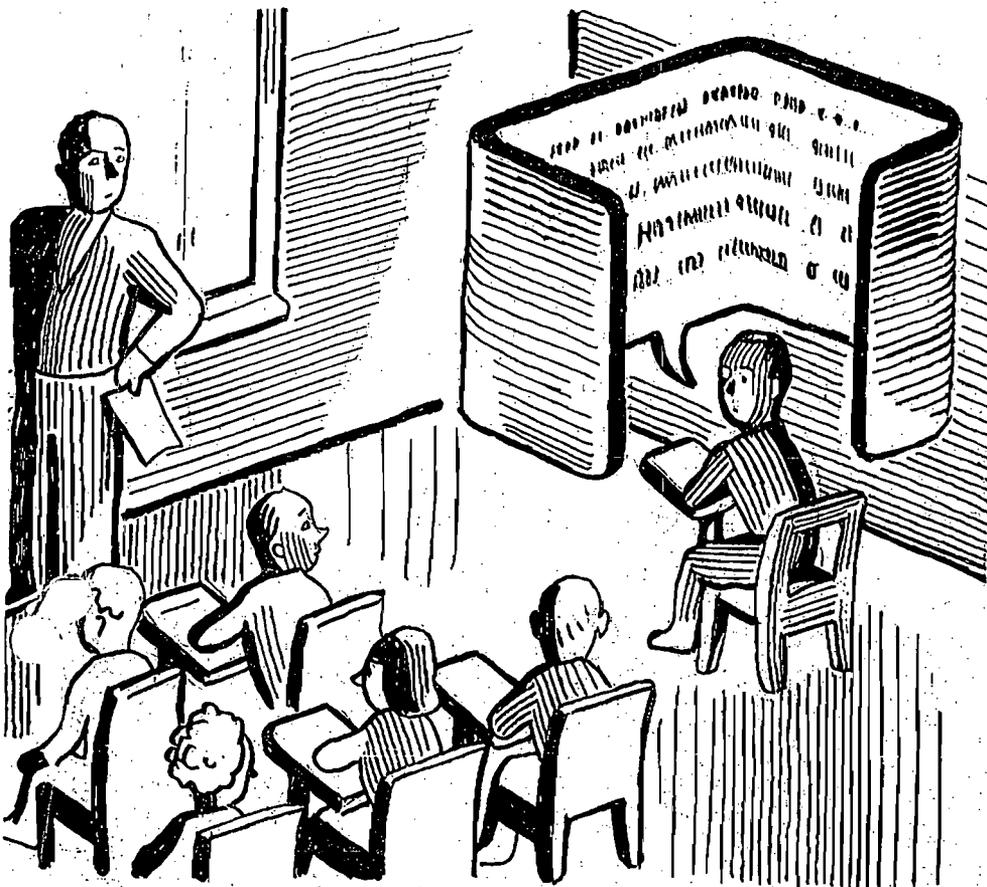
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## Bilingual Questions

# Answer Is Either 'Si' or 'No Way'



David Suter

English be taught in their own language immigrant children who entered New York City, at the rate of 20,000 a year, many of them immigrants. And that is a sure bet on school spending. Out of a total of \$1.5 billion, the Board of Education spends \$100 million on bilingual programs.

Questions seem to have been overtaken by whether bilingual programs yield benefits that would justify their cost. A backlash against preferential programs has led to cuts in art, music, sports and other school programs.

In New York City, enrollment in many districts is down by 10 percent. In New York City, at the rate of 20,000 a year, many of them immigrants. And that is a sure bet on school spending. Out of a total of \$1.5 billion, the Board of Education spends \$100 million on bilingual programs.

At the beginning of this century, when foreign-born people constituted nearly twice the proportion of the population that they do today, immigrants' assimilation by learning English was taken for granted. But for those who could not learn the language, there were plenty of factory jobs available to dropouts. Today, even the most menial service jobs demand some ability to speak and read English (which may explain why, by some reports, more of today's immigrants earn less for longer periods than their counterparts did a century ago).

Still, bilingual education has received decidedly mixed reviews since it was first upheld by the United States Supreme Court in 1973 — in a case involving Chinese children in San Francisco.

Some educators say the best bilingual programs speed immigrants into all-English classes at their

normal grade level after two or three years. But some parents complain that students are left to languish in bilingual programs well beyond the three to five years in which they are expected — or required — to move into the academic mainstream.

All sides in the debate agree that bilingual education has fallen woefully short of its promise. Supporters say it never has been given a chance. They say that bilingual programs have too often been underfinanced, grudgingly put in place by school systems that never devised challenging curriculums, and taught by teachers who were not well trained in bilingual education.

Now, some colleges are preparing bilingual teachers better. Also, many states are letting school systems certify educated immigrant parents as teachers after short training sessions. Many cities, including San Francisco and, more recently, New York, have established "newcomer schools," where the entire student body is foreign-born and the courses are taught by teachers fluent in an array of languages. (In New York, students also learn in Spanish, Chinese, Russian, Korean, Polish and French, to name a few.)

### Next, College

Some bilingual programs do seem to work. Fully half of the 7,100 students in the Calexico Unified School District, in California near the Arizona state line and the Mexican border, are enrolled in bilingual classes. Most of the students are poor. But the district graduates nearly 90 percent of its high school students and sends nearly as many to four-year colleges. Calexico's curriculums for Spanish-speaking students and for English speakers are the same. The Spanish speakers move first into "sheltered English" classes conducted in both languages and then, typically within three to four years, transfer to all-English classes where they manage to perform at the same grade level as their English-speaking classmates.

"It can be done," says Emily J. Palacio, Calexico's assistant superintendent of instructional services. "But many school districts have viewed bilingual education as a compliance program and not an education program."

Still, at a time when school budgets are tight and when many Americans see immigrants as competition for employment rather than as potential assets in an increasingly global economy, the debate over bilingual education is not just academic.

"Do immigrants deserve special services? Yes," says Sanford J. Ungar, an American University professor and author of "Fresh Blood: The New American Immigrant."

"Will they get them? No. Not in this political climate."

PHOTOCOPY  
PRESERVATION



## English-language amendment aimed at HUD's harassment

By Joyce Price  
THE WASHINGTON TIMES

An amendment to a bill the House Appropriations Committee has sent to the floor would block the Department of Housing and Urban Development from harassing or investigating any state or local government that enacts a law making English its official language.

Rep. Joe Knollenberg, Michigan Republican, said the amendment is intended to prevent a recurrence of what happened in Allentown, Pa., earlier this year, when HUD was looking into a law making English the official language of the city government.

Mr. Knollenberg "feels very strongly in these tight budget times that HUD should not be using funds for investigations like that," said Trent Wisecup, a spokesman for the congressman.

He added that Mr. Knollenberg "is very confident the language will be kept in the bill" by the full House, which is expected to vote on the HUD appropriations measure Tuesday.

"We always expect a struggle in the Senate ... but this is an issue

supported by 98 percent of the people," said Jim Boulet Jr., executive director of English First, a group that opposes bilingual education and backs efforts to make English the official language of the federal government.

Mr. Boulet said the HUD appropriations amendment followed English First's request to the Appropriations Committee that it investigate the Allentown episode.

"Thanks to the Knollenberg Amendment, HUD can no longer terrorize state and local governments that pass official-English laws," Mr. Boulet said. "HUD thought it could repeal official-English laws. The Knollenberg amendment will keep Secretary [Henry] Cisneros and his successors from abusing their power."

It was Mr. Cisneros who triggered the Allentown investigation. He was in Allentown last fall, and a Hispanic-American woman voiced concerns about the ordinance. Mr. Cisneros immediately turned to HUD's general counsel, who was traveling with him, and asked him to look into it.

Within weeks, Allentown officials began receiving threatening letters from a regional HUD of-

ficial in Philadelphia demanding that city leaders meet with HUD to answer questions about the English law.

Asked about the Knollenberg amendment yesterday, a HUD spokesman indicated it was of no consequence.

"HUD has not investigated English-only ordinances anyway," said William Connelly, who cited a letter Mr. Cisneros sent to Rep. Toby Roth, Wisconsin Republican, in May.

In the letter, Mr. Cisneros said HUD "did not embark on a formal investigation" of the Allentown ordinance.

What it did, he said, was make a "routine inquiry" into the ordinance.

Mr. Cisneros said enactment of an "English only" ordinance "in and of itself would not necessarily constitute a violation of Title VI." But, he said a federal probe of such a law "might be warranted" if the law interferes with HUD programs by prohibiting the use of bilingual documents HUD might require or if the measure was passed to "intentionally deprive" housing to protected groups.

**VETERANS' AFFAIRS**  
**BILL TO STRENGTHEN VETERANS' PREFERENCE SET FOR MARKUP**

A House Government Reform and Oversight subcommittee will mark up legislation today aimed at strengthening a requirement that veterans receive special treatment in obtaining and keeping federal jobs known as veterans preference.

The bill before the Civil Service Subcommittee, HR 3586, would extend veterans preference to non-political jobs in the legislative branch, the White House and the General Accounting Office. The bill would also add allowing veterans claiming they were denied preference to make their case to federal court for the first time.

Despite assertions by some Republicans that the Clinton administration has evaded or ignored veterans preference, no partisan fireworks or amendments are expected at the markup today.

**SENATE FLOOR**  
**BILL FOR DISPUTE RESOLUTION AT FEDERAL AGENCIES PASSES**

The Senate last night passed legislation that aims to make alternative means of dispute resolution more attractive to federal agencies.

The bill (HR 2977, formerly S 1224), passed on a voice vote, would streamline the requirements of a 1990 law that authorized federal agencies to use mediation and arbitration as a way to resolve disputes without taking them to court.

The law enacted during the Bush administration encourages federal agencies to try to resolve their disputes by some means other than litigation, such as mediation, arbitration, or "mini-trials."

The bill would broaden confidentiality protections in an effort to encourage both parties to participate in the dispute resolution process. The measure now goes to conference.

**Hispanic Lawmakers Urge Court Fight on 'English-Only' Law**

*In letter to Attorney General Reno They ask administration to file Brief in Supreme Court case*

Hispanic House members have asked the Justice Department to get involved in a Supreme Court case that will test the constitutionality of "English only" mandates.

The case before the high court, which will not be argued until the term that begins Oct. 7, involves an article of the Arizona constitution adopted in 1988 that requires the state and all of its political subdivisions to conduct government business in English only. With many Republicans in Congress seeking to impose a similar requirement on the federal government, the court's decision will have national implications.

"The federal government has a compelling national interest in the Supreme Court's decision in this case," said 16 Hispanic lawmakers in a letter last week to Attorney General Janet Reno. "The Supreme Court ruling will affect millions of taxpaying citizens and residents who work hard and play by the rules, but whose first language is not English."

The Hispanic members asked the Justice Department to file a friend-of-the-court brief challenging the mandate. Their letter comes a month after 35 other House members, led by Charles Canady, R-Fla., and Toby Roth, R-Wis., signed on to a brief supporting the law that was filed by the conservative Washington Legal Foundation.

The case, *Arizonaans for Official English v. Arizona*, stems from a suit filed by state government worker Maria-Kelley Yniguez, whose job was to process medical malpractice claims. Yniguez said many claimants spoke only Spanish, making it impossible for her to fulfill her duties in English only.

Both a U.S. district judge and the 9th U.S. Circuit Court of Appeals ruled that the English-only law violates First Amendment free speech rights. "Language is by definition speech, and the regulation of any language is the regulation of speech," the appellate court said.

Supporters of the Arizona law say the case goes beyond the issue of English only. "This case has very far reaching implications," Canady said. "It goes to

the ability of states to manage the activities of their governments and state employees. To say state employees have the right to engage in protected First Amendment activities within their official activities is very novel and troubling."



**Government Reform & Oversight**

**SUBCOMMITTEE MARKUP VETERANS PREFERENCE**

Civil Service Subcommittee (Chairman Mica, R-Fla.) of House Government Reform and Oversight Committee will mark legislation that would strengthen preferences given to veterans to obtain and keep federal jobs.

2pm 2247 Rayburn Bldg. June 13

**Agenda:**

HR 3586 - A bill to amend title 5, U.S. Code, to strengthen veterans' preference, to increase employment opportunities for veterans, and for other purposes.

Commented MacLeish, "This is pandering to the media without regard to the truth. We'll deal with it to the maximum extent provided by law."

The complaint also goes further than previous allegations made in court cases and a report in Business Week magazine in detailing an alleged conspiracy among top Astra executives.

Those executives, led by Bildman, would capriciously fire employees in order to maintain silence and perpetuate the ongoing harassment of women at the company, it is claimed. Four of the six plaintiffs in the new suit are men who claim they were fired or were silenced by being forced to sign settlement agreements with the company.

For instance, former district manager Stephen J. Walton claims that he was among the top 25 Astra salespeople when he was summarily terminated. He claims he was fired in order to justify the termination of a top-ranked woman employee who had reported an instance of sexual harassment.

The lawsuit inexplicably continues the Nazi metaphor by referring several times to a company arbitration plan as "the ultimate solution" for maintaining the alleged culture of wild partying and sexual harassment. Hitler referred to his plan to exterminate the Jews as "the final solution."

THURSDAY, JUNE 13, 1996 THE WASHINGTON POST

**A former executive** fired by Airborne Express was awarded \$3.33 million by a federal judge in an age bias lawsuit. Because a jury found the firm had willfully discriminated against John M. Kelley, 49, of Dracut, Mass., its \$1.5 million award was automatically doubled, and Judge W. Arthur Garrity had the option of awarding even higher damages, which he did. Kelley was fired as regional field services manager for the Northeast region in 1993, three months after receiving a superior performance evaluation.

PHOTOCOPY  
PRESERVATION

235TH STORY of Level 1 printed in FULL format.

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THE ORLANDO SENTINEL

June 24, 1994 Friday, 3 STAR

SECTION: EDITORIAL; Pg. A10

LENGTH: 572 words

HEADLINE: ENGLISH-ONLY RULE IS WRONG REMEDY FOR RUDENESS AMONG CO-WORKERS

BYLINE: Myriam Marquez, of The Sentinel Staff

BODY:

Do companies have a right to require their workers to speak only English on the job?

The Clinton administration believes that English-only work rules violate federal law that protects workers against discrimination based on national origin.

Meanwhile, the Supreme Court has decided to shy away from that polarizing debate for now.

On Monday, the Supreme Court refused to hear a California case involving English-only work rules. That inaction let stand a 2-1 appeals-court decision that allows employers to impose English-only rules on the job. That ruling, though, applies only to the nine Western states in that federal district.

Without the top court giving a definitive answer, more and more cases dealing with the English-only agenda are bound to come up, and for which Supreme Court guidance will be sought.

The Supreme Court's refusal to hear arguments in this case, though, shouldn't be construed as a victory for English-only rules. For one, the appeals court distinguished between imposing English-only rules on bilingual employees and requiring that of workers who speak little or no English.

"Because they are able to speak English, bilingual employees can engage in conversation on the job. (The federal anti-bias law) is not meant to protect against rules that merely inconvenience some employees," the appeals court stated.

It's an important distinction. The court added that English-only rules might be illegal if imposed on employees who don't speak and understand English.

Despite the appeals court distinction, though, it seems to me that this English-only rule - whether it applies to bilingual employees or not - amounts to discrimination.

Consider the facts in this case. Two bilingual meat packers at Spun Steak in San Francisco were talking among themselves and allegedly made derogatory remarks - in both English and Spanish - about two co-workers. Shortly after the two offended employees complained to management, the company changed its rules to ban Spanish.

Orlando Sentinel Tribune, June 24, 1994

Seems as though the true issue, then, was one of rudeness among coworkers.

There were no complaining customers, mind you. This was a meat-packing line.

And there was no problem in communications about the work that had to be done, because the employees understood English.

So what was the problem?

It's not the language that should have been at issue; it's what those employees said, regardless of the language they used to say it in. If the two employees insulted their co-workers, as the company alleged, then certainly the company should have taken steps to stop such nonsense.

An insult is an insult, in whatever language one chooses.

No question, it's plain rude for bilingual people who can speak English to insist on speaking another language, whether it's Spanish or anything else, in the presence of co-workers who speak only English. Such lack of courtesy can lead English-only speakers to the wrong conclusion. They may think that coworkers are using a foreign language in their presence simply to talk about them.

It shouldn't take a federal case, though, to instill politeness in people.

People on the job who speak more than one language should always try to speak the language that most people around them understand. Companies should make those rules clear - instead of trying to play language cop by banning one language simply because two people may have acted rudely.

LANGUAGE: ENGLISH

LOAD-DATE: June 24, 1994

## Dole: Make English U.S. language

By Richard Wolf  
USA TODAY

Republican presidential candidate Bob Dole attacked "liberal academic and intellectual elites" Monday in urging English be recognized as the USA's official language.

The Senate GOP leader's comments are seen as taking a step to the political right, where key primary votes are.

He told the American Legion in Indianapolis the government must "end its war on traditional American values" by:

- ▶ Insisting all citizens be fluent in English. Nearly 32 million speak another language at home, the 1990 Census found.

Several other GOP presidential candidates have called for the English-first standard.

- ▶ Protesting proposed national history education standards. Dole said they stressed the worst of U.S. history.

- ▶ Opposing affirmative action and pressing to bar government use of quotas, set-asides or race-based preferences.

- ▶ Passing a constitutional amendment, already approved by the House, banning desecration of the flag.

White House spokeswoman Ginny Terzano called Dole's English-only approach "not very realistic."

President Clinton, in California, lauded efforts to tighten borders, but added, "This is a nation of immigrants."

Dole, 72, leads the field for the Republican presidential nomination in polls. But his campaign has struggled since an Iowa straw poll last month put him in a dead heat with Texas Sen. Phil Gramm.

## Dole Urges Schools to Offer Regular Classes in English

By a WALL STREET JOURNAL Staff Reporter  
WASHINGTON — In another speech jabbing at America's cultural "elites," Senate Majority Leader Robert Dole called for recognizing English as "America's official language."

Kicking off the fall phase of his presidential campaign, Sen. Dole told an American Legion convention in Indianapolis that schools should conduct regular classes in English. The Kansas Republican said the nation should "stop the practice of multilingual education as a means of instilling ethnic pride, or as a therapy for low self-esteem, or out of elitist guilt over a culture built on the traditions of the West."

Sen. Dole also reiterated his opposi-

tion to affirmative action and repeated his attacks on Hollywood and the movies and music it produces. All the themes were designed to appeal not only to the American Legion audience, but also to the Republican social conservatives Sen. Dole has been wooing assiduously.

Sen. Dole also took up another popular theme among social conservatives by blasting a federal commission on national history standards, which was begun under the Bush administration to establish guidelines for history courses in American schools. He charged that the commission advocated slighting American heroes and successes and stressed dark moments in American history.

THE WASHINGTON POST

TUESDAY, SEPTEMBER 5, 1995

# Dole Backs Official Language

## English Is Needed to Unify Nation, Presidential Hopeful Says

By David S. Broder  
Washington Post Staff Writer

Republican presidential candidate Robert J. Dole, warning that "ethnic separatism" is a threat to American unity, yesterday called for making English the official language of the country.

In a speech to the national convention of the American Legion in Indianapolis, the Kansas senator also attacked proposed national standards for teaching American history that he said would destroy youngsters' belief that "this is the greatest country on the face of the Earth." And he renewed his previous pledges to clean up movie and TV screens, end affirmative action and pass a constitutional amendment against desecration of the American flag.

In introducing the newest plank of his conservative social-issue platform, Dole declared that "with all the divisive forces tearing at our country, we need the glue of language to help hold us together. If we want to ensure that all our children have the same opportunities in life, alternative

language education should stop and English should be acknowledged once and for all as the official language of the United States."

Dole is not one of the 17 co-sponsors of legislation by Sen. Richard C. Shelby (R-Ala.) to make English the official language, and campaign press secretary Nelson Warfield said last night Dole has not made up his mind about the specifics of the bill he might support. In his speech, Dole focused instead on the need for teaching English to immigrant youngsters.

Most of the pending bills declaring English the official language require that all government business be conducted solely in English and all public documents be in English, with exceptions for public health and safety services and some judicial proceedings. Some of the bills go further and ban bilingual education and bilingual ballots.

Sen. Richard G. Lugar (R-Ind.), a rival for the nomination who is a co-sponsor of the Shelby bill, said he believed, "as a practical matter, every immigrant needs to master English to be a full par-

See DOLE, A5, Col 1

Cont'd  
192

282

# Dole Calls For One Official U.S. Language

DOLE, From A1

icipating citizen and to have full economic opportunity." Sugar said, "I appreciate Senator Dole's affirming it—in my home town. I say welcome aboard."

In 1987, President Clinton signed a bill as governor making English the official language of Arkansas, but Democrats in Congress generally have opposed federal legislation in this area.

White House spokeswoman Ginny Terzano said Dole's proposal "is not realistic because so many young students don't speak English, and in order to communicate with their teachers and reach full competency in their courses they have to be taught in Spanish" and other languages.

Yesterday's speech was the first of a pair that Dole campaign strategists said were designed to restate the broad themes of his candidacy before the Senate majority leader plunges back into the nitty-gritty legislative battles on Capitol Hill. Today, in Chicago, he is expected to spell out his economic policy differences with the Clinton administration and outline his ideas for a simplified tax system that would reduce rates and transform or even eliminate the Internal Revenue Service.

The audience of 6,500 fellow veterans provided a warm welcome for Dole, whose status as the early favorite for the 1996 nomination was jarred by a series of psychological and public relations setbacks during the August congressional break. He was tied by Sen. Phil Gramm (R-Tex.) in a straw vote in Iowa, expected to be one of Dole's strongest states, and was embarrassed by a controversy over a campaign contribution from a group of gay Republicans, which he decided to return.

"He's shown some slippage," said Dan Schnur, a spokesman for another rival, California Gov. Pete Wilson (R), "but he's still a couple laps ahead of the field."

Dole was criticized, even by some supporters, for appearing too casual and unfocused in remarks to the Iowa convention and to a meeting a week earlier in Dallas of several thousand supporters of 1992 independent candidate Ross Perot. For

the Indianapolis and Chicago speeches, he promised to return to the formal texts and professionally crafted rhetoric he used on his well-received announcement tour last spring. Yesterday, he kept his ad-libbing to a minimum.

As he has done repeatedly in this, his third bid for the presidency, Dole reached out very publicly yesterday to the conservatives in his party who in the past have criticized him for being too much a non-ideological deal-maker.

His endorsement of legislation to make English the official language drew a scornful comment from one conservative rival, commentator Patrick J. Buchanan. "Senator Dole is really violating the copyright laws," Buchanan said in a telephone interview from Florida. "I came out for this in 1992, and I said then that all federal funding for bilingual education should be ended."

Wilson also entered a paternity claim to the English-as-official-language idea, citing his support of a 1986 California initiative to create such a status for English in that state. However, Jim Boulet Jr., head of the advocacy group English First, said, "Wilson has failed to enforce the law. It's nothing but grandstanding." A Wilson spokesman said the governor's efforts had been "hamstrung" by the Democratic legislature.

The Dole campaign staff said the senator had supported a nonbinding resolution to have English declared the official language in 1982 and cited other examples of votes germane to the position he advocated yester-

day. An aide said yesterday's speech was intended as a "broad discussion of the issue."

Dole said that "schools should provide the language classes our immigrants and their families need, as long as their purpose is the teaching of English. . . . But we must stop the practice of multilingual education as a means of instilling ethnic pride or as a therapy for low self-esteem or out of elitist guilt over a culture built on the traditions of the West."

In criticizing the history standards, Dole said they overemphasized negative aspects of U.S. history such as "the scourge of McCarthyism and the rise of the Ku Klux Klan." He blamed the standards on the same "liberal academic elites" that he said created the controversial Smithsonian Institution display on the anniversary of Hiroshima that suggested "dropping the [atomic] bomb was an act of American violence against Japanese culture."

"Today," he told the Legionnaires, "even Japan has finally apologized for its atrocities and aggression, so maybe it's time the Embarrassed-About-America Crowd gets the message too: We're proud of our country. And we won't put up with our tax dollars being used to drag it down or sow doubt about the nobility of America in the minds of our children."

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The Washington Times

June 4, 1994, Saturday, Final Edition

SECTION: Part A; Pg. A1

LENGTH: 832 words

HEADLINE: White House rails at rules requiring workers to speak English on the job

BYLINE: Joyce Price; THE WASHINGTON TIMES

BODY:

~~The Clinton administration wants the Supreme Court~~ to strike down a 1993 federal appeals court ruling that upheld the right of employers to require workers to speak English on the job.

In a brief filed with the high court this week, Justice Department lawyers attacked a decision by the 9th U.S. Circuit Court of Appeals that allowed a meat-processing company in San Francisco to impose an English-only policy on a work force that was heavily Hispanic.

The appellate decision makes it too difficult for ethnic workers to challenge English-only rules that are not justified by any business necessity, government lawyers argued in the brief.

"Depriving persons of the opportunity to use the language in which they communicate most effectively cannot be characterized as a [minor] injury," they said.

The administration is disturbed that the appeals court rejected Equal Employment Opportunity Commission (EEOC) guidelines that state that barring employees from speaking their primary language may create "an atmosphere of inferiority, isolation and intimidation . . . which could result in a discriminatory working environment."

The brief was requested by the Supreme Court in March to help the court decide if it should review an appeal brought by two bilingual workers at Pan-Ready Foods Inc. who said the company discriminated against them by imposing a rule that "only English will be spoken in connection with work."

Such rules are increasingly common nationwide. According to the government's brief, the EEOC has about 120 cases in which 67 different employers are accused of unfairly imposing English-only rules.

The Supreme Court has not yet decided if it will review the appeal brought by the assembly-line workers, Priscilla Garcia and Marciela Buitrago, and their labor union. The company was called Spun Steak Co. when they first filed suit in 1991.

The Washington Times, June 4, 1994

Currently, only one of the women, Ms. Buitrago, remains employed there; Ms. Garcia resigned, company officials said.

The brief states that in September 1990 the women "allegedly taunted a non-Hispanic employee in both English and Spanish."

"The next day, company president Ken Bertelsen issued a letter stating: 'Only English will be spoken in connection with work. During lunch, breaks and employees' own time, they are obviously free to speak Spanish if they wish,' " the brief states.

"We imposed the policy on our bilingual employees only," Mr. Bertelsen said in a telephone interview yesterday.

He said the policy only affected day workers and that the lone daytime worker who spoke only Spanish was allowed to continue using that language.

"As for my night crew, all but one man was bilingual," and all were Hispanic, he said. "I instructed the night crew to speak Spanish only, but the government didn't object to that. . . . The government objected only to the English-only policy, not the Spanish-only policy."

A Justice Department source, who asked not to be identified, said the language policy for the nighttime workers was equally discriminatory.

According to the brief, Mr. Bertelsen first imposed his company's English-only rule, then discovered the women speaking Spanish several months later and reprimanded them.

But Mr. Bertelsen said the women "went to EEOC and were told they were suffering feelings of inferiority, isolation and intimidation because of the policy" and then filed suit.

Christopher Ho, a lawyer with the Employment Law Center, a public service legal firm in San Francisco that handles employment discrimination cases for low-income people, said the women deny they verbally harassed other employees.

The Employment Law Center and the American Civil Liberties Union are serving as co-counsel for the women. The Justice Department is representing the EEOC.

Mr. Ho said the charges that the women verbally abused another worker came from a supervisor (not Mr. Bertelsen), who sexually harassed Ms. Buitrago in September 1990. When she complained to someone at a higher level of management, the supervisor then counteraccused her, he said.

Mr. Bertelsen denied that scenario, saying the EEOC found no evidence of sexual harassment in its investigation of the women's complaint.

However, Mr. Ho said the EEOC's investigation "found probable cause that there had been a violation of [employee] rights" based on discrimination by national origin.

A federal judge in 1991 ruled that Pan-Fried Foods' English-only rule violated federal anti-discrimination law. Calling the rule too broad and unnecessary, the judge likened it to "hitting a flea with a sledgehammer."

The Washington Times, June 4, 1994

The judge relied on guidelines established by the EEOC treating English-only rules in employment as presumptively illegal.

Yet the 9th U.S. Circuit Court of Appeals rejected the guidelines in ruling for the company last year.

LANGUAGE: ENGLISH

LOAD-DATE: June 4, 1994



**Wrong language.** Dominga Sanchez says her English-speaking son Javier suffered when he was moved into a mostly Spanish program.

# Tongue-tied in the schools

*Bilingual education began as a good idea. Now it needs fixing*

**J**avier Sanchez speaks English like the proud American he is. Born in Brooklyn, N.Y., the wiry 12-year-old speaks English at home, and he speaks it on the playground. He spoke it in the classroom, too—until one day in the third grade, when he was abruptly moved to a program that taught him in Spanish all but 45 minutes a day. "It was a disaster," says his Puerto Rican-born mother, Dominga Sanchez. "He didn't understand Spanish." Sanchez begged the teacher to return her son to his regular class. Her request was met with amazement. "Why?" the teacher asked. "Don't you feel proud to be Hispanic?"

Along with crumbling classrooms and violence in the hallways, bilingual education has emerged as one of the dark spots on the grim tableau of American public

education. Started 27 years ago to help impoverished Mexican-Americans, the program was born of good intentions, but today it has mushroomed into a \$10 billion-a-year bureaucracy that not only cannot promise that students will learn English but may actually do some children more harm than good. Just as troubling, while children like Javier are placed in programs they don't want and may not need, thousands more children are foundering because they get no help with English at all.

Bilingual education was intended to give new immigrants a leg up. During earlier waves of immigration, children who entered American schools without speaking English were left to fend for themselves. Many thrived, but others, feeling lost and confused, did not. Their failures led to Title VII of the Elemen-

tary and Secondary Education Act, which ensured supplementary services for all non-English-speaking newcomers to America.

**Armenian to Urdu.** Significantly, the law did not prescribe a method for delivering those services. But today, of the funds used to help children learn English, 75 percent of federal money—and the bulk of state and local money—goes toward classes taught in students' native tongues; only 25 percent supports programs rooted in English. That makes bilingual education the de facto law of the land.

Historically, Hispanics have been the largest beneficiaries of bilingual education. Today, however, they compete for funding with new immigrant groups whose urge to assimilate, some educators say, may be stronger. Further, not many school districts can offer classes



in such languages as Armenian and Urdu. So for practical reasons, too, children of other nationalities are placed in English-based classes more often than children of Hispanics. The problem, as many see it, is that students are staying in native-language programs far too long. In a typical complaint, the mother of one New York ninth grader says her daughter has been in "transitional" bilingual education for nine years. "We support bilingual education," says Ray Domanico of the New York Public Education Association. "But it is becoming an institutionalized ghetto."

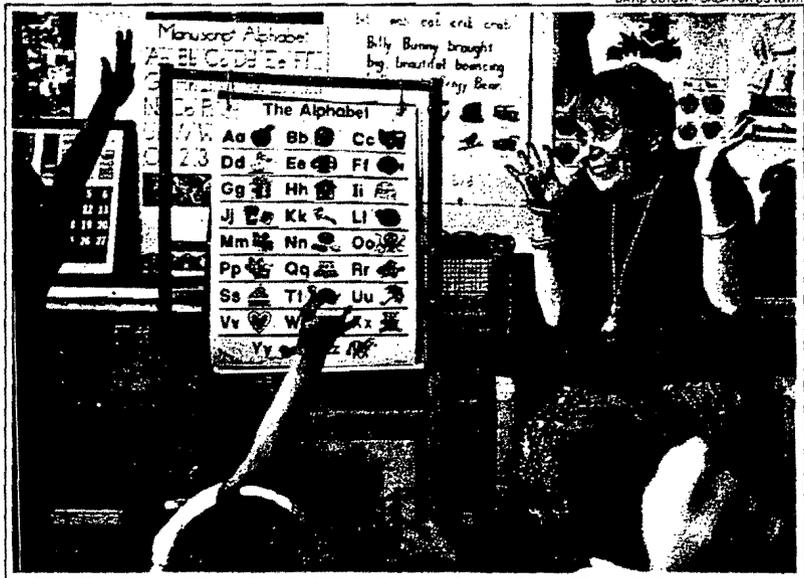
**Learning Chinese.** In theory, bilingual education is hard to fault. Students learn math, science and other "content" subjects in their native tongues, and they take special English classes for a small part of the day. When they are ready, ideally within three or four years, they switch to classes taught exclusively in English. The crucial advantage is that students don't fall behind in their other lessons while gaining competence in English. Further, supporters claim, bilingual education produces students fluent in two languages.

That would be great, if it were true. Too often it is not. What is sometimes mistaken for dual-language instruction is actually native-language instruction, in which students hear English for as little as 30 minutes a day. "Art, physical education and music are supposed to be taught in English," says Lucy Fortney, a third-grade teacher from Sun Valley, Calif. "But that is absolutely not happening at all."

Assignments to bilingual programs are increasingly a source of complaint. Many students, parents say, are placed in bilingual classes not because they can't understand English but because they don't read well. They need remedial, not bilingual, help. Others wind up in bilingual programs simply because there is no room in regular classes. Luz Pena says her third-grade son, born in America, spoke excellent English until he was moved to a bilingual track. Determined to avoid such problems with her daughter, she registered her for English kindergarten—only to be told the sole vacancies were in the Spanish class.

In some cases, the placements seem to defy common sense. In San Francisco, because of a desegregation order, some English-speaking African-Americans end up in classes taught partly in Chinese. Chinese-speakers, meanwhile, have been placed in classes taught partly in Spanish. Presented with evidence that blacks in bilingual programs scored

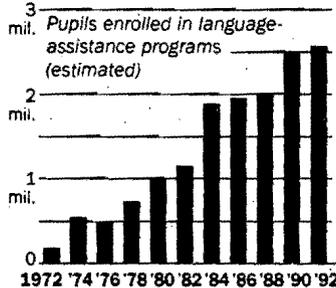
# A COSTLY SURGE IN BILINGUAL COURSES



Worried. Teacher Lucy Fortney decries lack of courses in English.

## A growth industry

About 3 million students are designated as limited English proficient (LEP), 45% of them in California. Some \$156 million in federal money supports an estimated 600,000 LEP students; others are funded by states and local agencies.

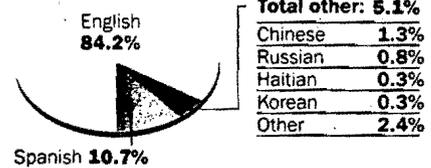


USN&WR—Basic data: U.S. Dept. of Education  
ROBERT KEMP—USN&WR

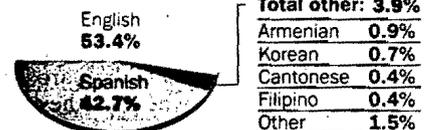
## English, Spanish and others

Of the students in the nation's two largest cities, the native languages spoken are—

### New York: 1.03 million total students



### Los Angeles: 632,973 total students



USN&WR—Basic data: California Dept. of Education; New York City Board of Education

■ U.S. voters who say bilingual education programs should be continued so children don't fall behind in other subjects **55%**

■ Voters who say bilingual education programs slow down learning English and should be eliminated **35%**

■ Even if bilingual education slows down the learning of English, is it valuable in order to preserve a student's heritage? **YES: 49% NO: 44%**

## U.S. NEWS

well below other blacks on basic skills tests, school officials recently announced an end to the practice.

Whether a child is placed in a bilingual program can turn on criteria as arbitrary as whether his name is Miller or Martinez. In Utah, federal records show that the same test scores that identified some students as "limited English proficient" (LEP) were used to identify others as learning disabled. The distinction depended on the student's ethnic group:

achievement scores below the 20th percentile. Four more had D's and test scores below the 30th percentile. In Twin Falls, Idaho, three high-school teachers had no idea that their students needed any help with English, despite their obvious LEP background and consistently failing grades.

Poorly trained teachers further complicate the picture. Nationwide, the shortage of teachers trained for bilingual-education programs is estimated at 170,000. The paucity of qualified candidates has forced desperate superinten-

rooms also may be a significant factor. A New York study, published earlier this year, determined that 80 percent of LEP students who enrolled in English-immersion classes graduated to mainstream English within three years, while only half the students in bilingual classes tested out that quickly. A similar study released last fall by the state of California concluded that students stayed in native-language instruction far too long. It followed an independent investigation in 1993 that called native-language instruction "divisive, wasteful and unproductive."

Not everyone agrees. More than half of American voters, according to a new *U.S. News* poll, approve of bilingual education. Jim Lyons, executive director of the Bilingual Education Association, says the recent studies are flawed because they fail to measure mastery of academic content: "They don't even pretend to address the issue of the *full* education," he says. Learning English takes time, insists Eugene Garcia of the education department. "And it's well worth the wait."

**Practical approach.** The alternative to native-language instruction is to teach children exclusively in English, pulling them out of class periodically for lessons in English as a second language. Lucy Fortney taught exclusively white American-born children when she started her career 30 years ago; now her classroom is almost entirely Vietnamese, Cambodi-

an and Armenian. "I can't translate one single word for them," she says. "but they learn English."

Today, bilingual education is creeping beyond impoverished urban neighborhoods to rural and suburban communities likely to expose its failings to harsher light. Until now, no constituency has been vested or powerful enough to force the kind of reforms that may yet come with civil-rights lawsuits. "Everybody's appalled when they find out about the problems," says Linda Chavez, onetime director of the Commission on Civil Rights and a dogged opponent of bilingual education. "but the fact is, it doesn't affect their kids." That may have been true in the past. But as a rainbow-hued contingent of schoolchildren starts filling up the desks in mostly white suburbia, it is not likely to be the case for long. ■

BY SUSAN HEADDEN



San Francisco. Chinese-speaking students have ended up in partly Spanish classes.

Hispanics were designated LEP, while Native Americans who spoke Navajo or Ute were labeled learning disabled. In New York City, where public schools teach children in 10 different languages, enrollment in bilingual education has jumped by half since 1989, when officials raised the cut-off on a reading test. Critics say that 40 percent of *all* children are likely to fail the test—whether they speak English or not.

Misplacement, however, is only part of the problem. At least 25 percent of LEP students, according to the U.S. Department of Education, get no special help at all. Other children are victims of a haphazard approach. In Medford, Ore., LEP students received English training anywhere from three hours a day, five days a week to 30 minutes a day, three days a week. The results? Of 12 former LEP students reviewed by education department officials, seven had two or more F's and

dents to waive some credentialing requirements and recruit instructors from abroad. The result is teachers who themselves struggle with English. "You can hardly understand them," said San Francisco teacher Gwen Carmen. In Duchesne, Utah, two teachers' aides admitted to education department inspectors that they had no college credits, no instructional materials and no idea what was expected of them.

What all these problems add up to is impossible to say precisely, but one statistic is hard to ignore. The high-school dropout rate for Hispanic students is nearly 30 percent. It remains by far the highest of any ethnic group—four times that of whites, three times that of blacks—and it has not budged since bilingual education began.

Although poverty and other problems contribute to the disappointing numbers, studies suggest that confining Hispanic students to Spanish-only class-

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# U.S. NEWS

SEPTEMBER 25, 1995 & WORLD REPORT

## ONE NATION, ONE LANGUAGE?

### The battle over English in America



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# ONE NATION, ONE

*Would making English the nation's official language unite the country or divide it?*

**F**or a Sherman Oaks, Calif., election worker, the last straw was hanging campaign posters in six languages and six alphabets. For a taxpayer in University Park, Texas, it was a requirement that all employees of the local public utility speak Spanish. For a retired schoolteacher from Mount Morris, N.Y., it was taking her elderly and anxious mother to a Pakistani doctor and understanding only a fraction of what he said.

As immigration, both legal and illegal, brings a new flood of foreign speech into the United States, a campaign to make English the nation's official language is gathering strength. According to a new *U.S. News* poll, 73 percent of Americans think English should be the official language of government. House Speaker Newt Gingrich, Senate Majority Leader Bob Dole and more than a third of the members of Congress support proposed federal legislation that would make English

America's official tongue; twenty-two states and a number of municipalities already have English-only laws on the books.

Like flag burning and the Pledge of Allegiance, the issue is largely symbolic. Without ever being declared official, American English has survived—and enriched itself from—four centuries of immi-

gration. It is not much easier for today's Guatemalan immigrant to get a good education and a good job without learning English than it was for his Italian, Polish or Chinese predecessors. And at best, eliminating bilingual education might save about a dollar per student per day. But many Americans are feeling threatened by a triple whammy of growing economic uncertainty, some of it caused by foreign competition; rising immigration, much of it illegal; and political pressure to cater to the needs of immigrants rather than letting them sink or swim. "Elevating English as an icon," says author and bilingual expert James Crawford, "has appeal for the insecure and the resentful. It provides a clear answer to the question: Who belongs?"

**Nation of strangers.** There is no question that America is undergoing another of its periodic diversity booms. According to the Census Bureau, in 1994 8.7 percent of Americans were born in other countries, the highest percentage since before World War II. More tellingly, at



**One nation, indivisible?** America's citizenry grows more diverse at a naturalization ceremony in Arlington, Va.



# E LANGUAGE?



least 31.8 million people in the United States speak a language other than English at home. Of the children returning to urban public schools this fall, a whopping one third speak a foreign language first. "It blows your mind," says Dade County, Fla., administrator Mercedes Toural, who counts 5,190 new students speaking no fewer than 56 different tongues.

English-only advocates, whose ranks include recent immigrants and social liberals, believe that accommodating the more than 300 languages spoken in the United States undercuts incentives to learning English and, by association, to becoming an American. Massachusetts offers driver's tests in 24 foreign languages, including Albanian, Finnish, Farsi, Turkish and Czech. Federal voting rights laws provide for ballots in multiple translations. Internal Revenue Service forms are printed in Spanish. And in Westminster, Calif., members of Troop 2194 of the Boy Scouts of America can earn their merit badges in Vietnamese. "It's completely insane," says Mauro Mujica, the chairman of the lobbying group U.S. English and himself an immigrant from Chile. "We are not doing anybody any favors."

**Pulling the plug.** The proposed official-English laws range from the barely noticeable to the almost xenophobic. A bill introduced by Missouri Republican Rep. Bill Emerson would mandate English for government use but provide exceptions for health, safety and civil and criminal justice. Although it is the most viable of the bunch, it would change the status quo so little that it begs the question of why it is needed at all. The most extreme official-English measures would pull the plug on what their sponsors consider linguistic welfare, ending bilingual education and bilingual ballots.

Advocates of official-English proposals deny that their measures are draconian. Says U.S. English's Mujica: "We are simply saying that official documents should be in English and money saved on translations could go to help the people learn English. We're saying you could still take a driver's test in another language, but we suggest it be temporary till you learn English."

U.S. English, which reports 600,000 contributors, was founded by the late U.S. Sen. S. I. Hayakawa, a Japanese-American linguistics professor, and boasts advisory board members such as Saul Bellow and Alistair Cooke. The group was tarred eight years ago when its founder, John Tanton, wrote a memo suggesting that Hispanics have "greater reproductive powers" than Anglos; two directors quit, Tanton was forced out and the group has been re-

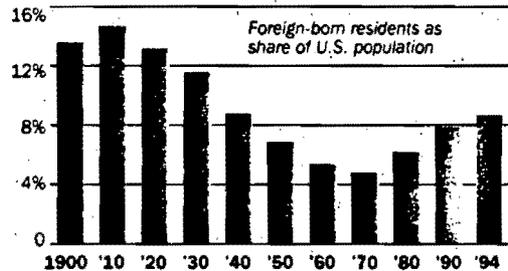
# A LANDSLIDE FOR OFFICIAL ENGLISH



Coming to America. An immigrant family at Ellis Island in 1920

## A rising tide

A larger share of Americans were foreign born earlier in this century, but the percentage is again on the rise.



US&WR - Basic data: U.S. Census Bureau  
ROBERT KEMP - US&WR

■ American voters who favor making English the official language of government (for instance, printing government forms only in English):

**FAVOR: 73% OPPOSE: 23%**

■ Voters who favor legislation that would prohibit bilingual election ballots and swearing-in ceremonies:

**FAVOR: 50% OPPOSE: 43%**

U.S. News poll of 1,000 registered voters conducted by Celinda Lake of Lake Research and Ed Goetz of the Tarrance Group on Sept. 11-13, 1995. Margin of error: plus or minus 3.1 percent. Percentages may not add up to 100 because some respondents answered, "Don't know."

building its reputation ever since. Its competitor, English First, whose founder, Larry Pratt, also started Gun Owners of America, is more hard-line.

Defenders of bilingual education, multilingual ballots and other government services ask whether legal immigrants will vote if there are no bilingual ballots. If foreign speakers can't read the street signs, will they be allowed to drive? Such thoughts bring Juanita Morales, a Houston college student, to tears. "This just sets up another barrier for people."

she says. "My parents don't know English, and I can hardly speak Spanish anymore and that's painful to me."

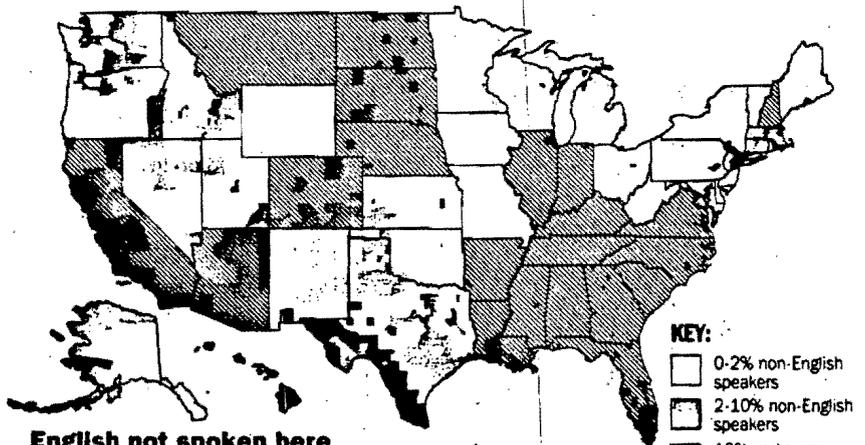
Go it alone, the hard-liners reply, the way our grandfathers did. But these advocates don't mention that there is little, if any, evidence that earlier German or Italian immigrants mastered English any faster than the current crop of Asians, Russians and Central Americans. And it's hard to argue that today's newcomers aren't trying. San Francisco City College teaches English to 20,000 adults every

# DEFENDING THE MOTHER TONGUE



LEE CELANO - SABA

Keeping the old customs. Playing dominoes in Miami's "Little Havana"



## English not spoken here

Most of the 6.7 million non-English-speaking people in the United States live in the Southwest, south Florida and New York. So far, 22 states have enacted English-only laws.

Note: Demographic data as of 1990 census and laws as of August 1995

**KEY:**

- 0-2% non-English speakers
- ▒ 2-10% non-English speakers
- 10% and more non-English speakers
- ▨ States with English-only laws

USNEWS - Basic data: U.S. Census Bureau, U.S. English

semester, and the waiting list is huge. In De Kalb County, Ga. 7,000 adults are studying English; in Brighton Beach, N.Y., 2,000 wait for a chance to learn it.

The economic incentives for learning English seem as clear as ever. Yes, you can earn a good living in an ethnic enclave of Chicago speaking nothing but Polish. But you won't go far. "Mandating English," says Ron Pearlman of Chicago, "is like mandating that the sun is going to come up every day. It just seems to me that it's going to happen."

What worries many Americans are efforts to put other languages on a par with English, which often come across as assaults on American or Western culture. Americans may relish an evening at a Thai restaurant or an afternoon at a Greek festival, but many are less comfortable when their children are celebrating Cinco de Mayo, Kwanzaa and Chinese New Year along with Christmas in the public schools. In Arlington, Va., a classically trained orchestra teacher quit the public school system rather than

cave in to demands to teach salsa music.

But diversity carries the day. The U.S. Department of Education policy is not simply to promote learning of English but also to *maintain* immigrants' native tongues. And supporters of that policy make a good case for it. "People ask me if I'm embarrassed I speak Spanish," says Martha Quintanilla Hollowell, a Dallas County, Texas, district attorney. "I tell them I'd be more embarrassed if I spoke only one language."

**Language skills.** That may be what's most disturbing about the English-only sentiment: In a global economy, it's the monolingual English speakers who are falling behind. Along with computer skills, a neat appearance and a work ethic, Americans more and more are finding that a second language is useful in getting a good job. African-Americans in Dade County, now more than half Hispanic, routinely lose tourism positions to bilingual Cubans. Schoolteachers cry foul because bilingual teachers earn more money while monolingual teachers are laid off. "There is no way I could get a job in the Los Angeles public schools today," says Lucy Fortney, an elementary school teacher for 30 years.

The proliferation of state and local English-only laws has led to a flurry of language-discrimination lawsuits and a record number of complaints with the U.S. Equal Employment Opportunity Commission. Ed Chen, a lawyer with the San Francisco office of the American Civil Liberties Union, says clients have been denied credit and insurance because they don't speak English. But courts increasingly have endorsed laws that call for exclusive use of English on the job. Officials at New York's Bellevue Hospital, where the vast majority of nurses are Filipino, say an English-only law was necessary because nurses spoke Tagalog among themselves.

Other employers have wielded English-only laws as a license to discriminate, giving rise to fears that a national law would encourage more of the same. A judge in Amarillo, Texas, claimed a mother in a custody case was committing "child abuse" by speaking Spanish to her child at home. Another Texas judge denied probation to a drunk driver because he couldn't benefit from the all-English Alcoholics Anonymous program. In Monterey Park, Calif., a citizens' group tried to ban Chinese signs on businesses that served an almost all-Asian clientele. In Dade County, a since-repealed English-only law was so strict that it forbade using public funds to pay for court translations and bilingual signs to warn metro-rail riders against electrocution.

Though it is not intended as such, the

## U.S. NEWS

English-first movement is a reminder of a history of prejudice toward speakers of foreign tongues. Many American Indians were prohibited from speaking their own languages. The Louisiana Legislature banned the use of Cajun French in public schools in 1912, but instead of abandoning their culture, many Cajuns dropped out of school and never learned English. French was finally allowed back in the schools in the 1960s. As recently as 1971, it was illegal to speak Spanish in a public school building in Texas, and until 1923 it was against the law to teach foreign languages to elementary school pupils in Nebraska. At Ellis Island, psychologists tested thousands of non-English-speak-

ing immigrants exclusively in English and pronounced them retarded.

Champions of diversity say it's high time Americans faced the demographic facts. In Miami, with leading trade partners Colombia and Venezuela, businesses would be foolish to restrict themselves to English. If emergency services suffer because of a shortage of foreign-speaking 911 operators, it is downright dangerous not to hire more. As for embattled teachers, Rick Lopez of the National Association of Bilingual Education says: "Why should we expect students to learn a new language if teachers can't do the same? We have to change the product to fit the market. The market wants a Toyota and we're still building Edsels."

Many Americans still value the melt-

ing pot: General Mills's new Betty Crocker is a digitized, multiethnic composite. But Skokie, Ill., educator Charlene Cobb, for one, prefers a colorful mosaic. "You don't have to change yourself," she says, "to make a whole thing that's very beautiful." The question is whether the diverse parts of America still make up a whole. ■

BY SUSAN HEADDEN WITH LINDA RODRIGUEZ  
BERNFELD AND SALLY DENEEN IN MIAMI, MISSY DANIEL IN  
BOSTON, MONIKA GUTTMAN IN LOS ANGELES, BARBARA  
BURGOWER HORDERN IN HOUSTON, SCOTT MINERBROOK IN  
NEW YORK, DEBRA A. SCHWARTZ IN CHICAGO AND JILL JORDAN  
SIEDER IN ATLANTA

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### THE IMMIGRATION BATTLE

## Closing the golden door

California Gov. Pete Wilson's bid for re-election last year was in trouble. Polls had him behind by as much as 23 percent. Then the Republican discovered Proposition 187, a ballot measure that sought to cut off most government services for illegal immigrants. Wilson's popularity soared, and he breezed to victory in November.

Many politicians are now trying to appeal to the nation's uneasiness about immigrants. "When we got here," says White House aide Rahm Emanuel, "the border looked like swiss cheese. We've spent two years plugging holes." But some legislators and presidential hopefuls want to reduce the flow of legal, as well as illegal, immigrants. In June, the U.S. Commission on Immigration Reform concluded that reducing legal immigration is in the "national interest." President Clinton surprised immigration advocates by calling the commission's findings "consistent with my views."

Congress, too, is following the commission's lead. The House Judiciary Committee this week considers a bill by Republican Rep. Lamar Smith of Texas that would



Signs of the times. Diversity in Queens, New York

crack down on illegal immigration—through steps such as doubling the Border Patrol and stiffening penalties for bogus documents—and would reduce legal immigration by about 20 percent, to 535,000 a year. GOP Sen. Alan Simpson of Wyoming held hearings last week on legislation that closely resembles Smith's bill.

**Undue burden?** Critics say there is no evidence that legal immigrants are placing an undue burden on society. Frank Sharry of the National Immigration Forum, a pro-immigration group, says the com-

mission "is still trying to come up with a rationale for their cuts." Michael Fix of the Urban Institute says data on the costs and benefits of legal immigration are scarce and unreliable. As a result, he says: "These limits are culturally or politically driven choices."

Still, Smith and Simpson think the numbers are on their side. "Over the past 12 years, the number of legal immigrants applying for supplemental security income has increased by 580 percent," Smith says. Simpson, meanwhile, feels the country needs

a "breathing space" to absorb a recent uptick in new residents. Indeed, the Census Bureau reported last month that 20 percent of the country's foreign-born population arrived in the past five years.

The Smith and Simpson bills also would eliminate several visa categories. Both give priority to "nuclear family" members—spouses and minor children of current citizens and legal residents—but parents, siblings and adult children would no longer be eligible for permanent residency. Last week Doris Meissner, head of the Immigration and Naturalization Service, said the Clinton administration opposes that strategy: "We are arguing for parents to be in the scheme, along with adult married and unmarried children, so that the core family unit is maintained."

A crackdown on illegal immigration is a virtual certainty; restrictions on legal immigration are not so certain. More than 100 co-sponsors have signed on to Smith's bill. But House Majority Leader Dick Armey of Texas believes legal immigration is good for the economy, and other prominent Republicans such as Jack Kemp and Texas Gov. George W. Bush also support legal immigration. The battle is just beginning.

BY DAVID BOWERMASTER



WASH.  
TIMES

# HUD ends probe of English-only law

## Cisneros says he ordered investigation

By Joyce Price  
THE WASHINGTON TIMES

Henry Cisneros, secretary of housing and urban development, told a House subcommittee yesterday that he ordered a HUD probe of an English-only law passed by the city of Allentown, Pa.

On Wednesday, department officials informed the mayor of Allentown that it had decided to end the inquiry because the city law didn't affect HUD programs.

Mr. Cisneros admitted his initiation of the inquiry at a hearing of a House banking subcommittee on housing and community opportunities after questioning by Rep. Jerry Weller, Illinois Republican.

"He said he was at a women's training forum in Allentown [in November] when a Hispanic lady in the audience got up and said she was concerned she might not be able to benefit from a training program she was participating in because of the city's English-only ordinance," a subcommittee staffer said.

"Mr. Cisneros said Nelson Diaz, HUD's general counsel, was with him at the forum and that he turned to Diaz and said, 'Let's look into this,'" the staffer said, recounting Mr. Cisneros' testimony.

In December, Mr. Diaz sent a memorandum to Roberta Achtenberg, HUD's assistant secretary of fair housing and equal opportunity, recommending that her office "begin an investigation" of the Allentown law.

"Refusal to make documents available in languages other than English, in some circumstances, conflicts with federal civil rights requirements," Mr. Diaz told Miss Achtenberg in the memo.

But in a certified letter sent Wednesday to Allentown Mayor William L. Heydt, a HUD regional official said the agency now concludes the city's ordinance "does not apply to HUD-funded programs," so "there is no need to continue our inquiry" into the law.

The letter from Walter V. Valentine, acting director of HUD's Office of Fair Housing and Equal Opportunity in Philadelphia, came one day after 23 members of Congress — including three committee chairmen — sent a letter to Mr. Cisneros, demanding to know why HUD was investigating the ordinance.

At yesterday's hearing, Mr. Cisneros confirmed the probe was over.

The law, passed by the Allentown City Council by a vote of 6-1, established English as the official language of the city government. It urged that all city "documents, publications, correspondence, literature or any written material of whatever nature" be issued in "English only and in no other language except where required by state or federal law or where public safety or health issues may require otherwise."

Mr. Valentine, in his letter explaining HUD's decision to bow out, said, "We interpret the ordinance to mean that it was never intended to supersede any federal or state law that may require documents to be published in languages other than English either for civil rights reasons or for substantive programmatic reasons."

Allentown City Council member Tony Frey, a sponsor of the ordinance, wondered why it took HUD nearly four months to determine it had no reason to investigate the ordinance. "Nelson Diaz better go to another college to get his law degree," he said.

As for HUD's explanation of why it ended the inquiry, Mr. Frey said, "They got their hand caught in the cookie jar, and now they are trying to bail themselves out."

He and ordinance co-sponsor Emma Tropiano both had suspected Mr. Cisneros was behind the HUD probe because of his family ties in the Allentown area.

"My suspicions were correct... the buck stops with Mr. Cisneros," Mr. Frey said yesterday.

WASH. TIMES ↙

# U.S. will appeal 'don't ask' ruling

## Judge found policy unconstitutional

By Jerry Seper  
THE WASHINGTON TIMES

The Justice Department yesterday said it would appeal a federal court ruling declaring the Clinton administration's "don't ask, don't tell" policy on homosexuals in the military as unconstitutional.

Solicitor General Drew S. Days III will appeal the ruling by U.S. District Judge Eugene H. Nickerson in New York in a motion to the 2nd U.S. Circuit Court of Appeals in New York, according to Justice Department spokesman Joseph C. Krovitsky.

Branding the Pentagon's policy on homosexuals in the armed services as "inherently deceptive," Judge Nickerson ruled against "don't ask, don't tell" on March 30, saying it violates free-speech provisions of the Constitution.

The judge handed down the ruling in the Eastern District of New York in Brooklyn, where last month proponents of homosexual rights filed their first challenge to the policy established by the National Defense Authorization Act. The lawsuit named six service members, two on active duty and four in reserve forces.

"The policy of the act is not only inherently deceptive, it also offers powerful inducements to homosexuals to lie," Judge Nickerson said in a 39-page ruling.

"To presume from a person's status that he or she will commit undesirable acts is an extreme measure," he wrote. "Hitler taught the world what could happen when the government began to target people not for what they had done but because of their status."

Central to the argument in the case was whether the presence of homosexuals compromised the ability of the armed forces to perform their mission.

In his opinion, Judge Nickerson said: "Even if defendants do believe that heterosexual service members will be so upset by a co-worker's mere statement of homosexuality as not to work cooperatively in the unit, such a belief does not justify a discriminatory policy."

### Solicitor General Drew S. Days III will appeal Judge Eugene H. Nickerson's ruling.

The ruling applies only to the six plaintiffs. Coast Guard Petty Officer Robert Heigl of New York, Army Reserve Capt. Kenneth Osborn of California, Army Reserve Sgt. Stephen Spencer of Washington state, Navy Reserve Lt. Cmdr. Richard von Wohld of California and Navy Seaman Werner Zehr of Florida were identified in the suit. The sixth plaintiff joined the suit under the alias Jane Able.

Under "don't ask, don't tell" — adopted in 1993 as a compromise policy — homosexuals can serve as long as they keep their sexual orientation private. Additionally, commanders are prohibited from asking service members about their sexual orientation.

Judge Nickerson ruled that the government had failed to prove its main argument, that homosexuals in the service can harm a military unit's cohesion.

Beatrice Dohrn, director of the Lambda Legal Defense and Education Fund, has said the Nickerson decision "will hold up on appeal because laws based on prejudice are never constitutional."

Matthew Coles, director of the American Civil Liberties Union, has called Judge Nickerson's ruling "gratifying" and has vowed to fight on until the "don't ask, don't tell" policy is struck down.

During three days of testimony, plaintiffs in the case — including the ACLU and the Lambda Legal Defense and Education Fund — produced six witnesses, including two retired generals and a "sexuality expert," who argued that homosexuals do not adversely affect the cohesion, morale or discipline of a military unit.

The Justice Department produced no witnesses and cross-examination was often desultory.

WASH. Post ↙

## Justice Department to Appeal Ruling on Gays in Military

The Justice Department said yesterday it would appeal a ruling declaring unconstitutional the Clinton administration's policy barring gays from serving openly in the military.

Spokesman Joe Krovitsky said Solicitor General Drew S. Days III, the administration's top courtroom lawyer, had decided to appeal the ruling to a U.S. Court of Appeals in New York.

A lower federal court judge a week ago ruled that the policy dubbed "don't ask, don't tell and don't pursue" violated constitutional guarantees of free speech and equal protection under the law. An appeal had been widely expected after the Pentagon said it had recommended an appeal, and the Justice Department said it remained committed to defending the policy.

Judge Eugene H. Nickerson's decision in a case stemming from a lawsuit filed by six gay service members in federal court in Brooklyn marked the first ruling on President Clinton's policy, which took effect in February 1994. Under the policy, a service member may be discharged for saying he or she is gay or for engaging in homosexual acts.

— Reuter

WALL ST JOURNAL ↙

## Smoking Ban Lawsuit

A ban on smoking can be a reasonable accommodation under the Americans With Disabilities Act, a federal appeals court said in one of the first appellate rulings on that issue.

A lower court had thrown out a lawsuit brought against McDonald's Corp. and Burger King Corp., a subsidiary of Grand Metropolitan PLC, by three children with asthma and a woman with lupus seeking such a ban in the chains' restaurants. The trial judge in Hartford, Conn., ruled that a total ban wasn't reasonable under the ADA, which bans discrimination against people who are disabled.

The Second U.S. Circuit Court of Appeals, however, said, "We see no reason why, under the appropriate circumstances, a ban on smoking couldn't be a reasonable modification." The three-judge panel reinstated the lawsuit, but provided no guidelines for determining when an outright ban would be reasonable.

Date: 9-18-95

# GOP joins drive to make English official language

By William Goldschlag  
New York Daily News

WASHINGTON — It was conceived as a way to reach out to millions outside the American mainstream. It is now condemned by the conservative revolution as "linguistic warfare."

Republicans in Congress and on the presidential trail are embracing a movement to reverse a quarter-century of government policies that accommodate speakers of foreign languages and to make English the official U.S. language for the first time in the nation's history.

Brushing aside liberal critics who contend the English-only movement is a form of "immigrant bashing," a House subcommittee has scheduled hearings in mid-October on a range of proposals, including two that take direct aim at bilingual education.

"It's a cultural trend in this country which I think is dangerous," said the bill's sponsor, Rep. Pete King, R-N.Y. "To many people, it's become a metaphor for liberal policies that have failed."

King's bill would end mandates and \$240 million in federal aid for bilingual education, although it would give states and localities the option of paying for it on their own.

Arizona passed an official-English law in 1988 prohibiting state- and local-government employees from

conducting business in any language but English.

However, it never has been enforced because of a string of court challenges.

In late 1994, the 9th Circuit Court of Appeals ruled that the law violates public employees' freedom of speech and is "unconstitutional in its entirety."

In New York City, public schools have about 150,000 children in bilingual classes, a statistic that has not escaped notice by the method's foes.

"New York City, like most states and cities, employs an entire staff of bilingual bureaucrats whose job it is to convince reluctant parents of the virtues of bilingual education," said Rep. Toby Roth, R-Wis., whose bill would ban it outright.

The drive has the support of House Speaker Newt Gingrich, R-Ga., and

Senate Majority Leader Bob Dole, R-Kan., front-runner for the GOP presidential nomination.

In a Labor Day speech to the American Legion, Dole said, "With all the divisive forces tearing at our country, we need the glue of language to help hold us together. If we want to ensure that all our children have the same opportunities in life, alternative-language education should stop, and English should be acknowledged once and for all as the official language of the United States."

To Rep. Jose Serrano, D-N.Y., the English crusade is a "mean-spirited" attack on a non-problem, a baseless fear that multilingual policies dampen the desire of new arrivals to learn English.

The campaign against multilingualism, Serrano charged, "is not being done to save us from harm."

"It's not being done to save our children," he said. "It's being done for

cheap political trickery to get your so-called angry white male even angrier now."

Both sides agree that English is, and should remain, the dominant American language and that fluency in English is a must to succeed.

King says he's no immigrant basher — he opposed California's Proposition 187 and his party's move to deny immigrants welfare benefits.

But multilingual policies, he said, make it easy for people "to stay in their own language ghetto. ... We're not encouraging people to learn English."

Serrano said the appeal and necessity of being able to function in mainstream, English-speaking American society is incentive enough.

The official-English movement has been fighting and winning battles on the state and local level for more than a decade.

The largest group, U.S. English,

claims 640,000 members and is strongest in California, where one in four residents is foreign-born. Its chairman, Mauro Mujica, a Chile-born architect, adopted the term "linguistic warfare" to attack policies that create "dependence" on multilingual services instead of sending a clear message to immigrants that "you must know English to fully participate in the process of government."

A law declaring English official was signed in Arkansas in 1987 by then-Gov. Bill Clinton. That has been unsettling to the movement's foes, who worry that Clinton might allow a new bill passed by Congress to stand.

However, Serrano said White House adviser George Stephanopoulos recently told him, "I guarantee you that he (President Clinton) will veto a bill if it comes to his desk."

Contributing to this article was a staff report.

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USA TODAY

September 5, 1995, Tuesday, FINAL EDITION

SECTION: NEWS; Pg. 1A

LENGTH: 226 words

HEADLINE: Dole: Make English U.S. language

BYLINE: Richard Wolf

BODY:

Republican presidential candidate Bob Dole attacked "liberal academic and intellectual elites" Monday in urging English be recognized as the USA's official language.

The Senate GOP leader's comments are seen as taking a step to the political right, where key primary votes are.

He told the American Legion in Indianapolis the government must "end its war on traditional American values" by:

-- Insisting all citizens be fluent in English. Nearly 32 million speak another language at home, the 1990 Census found.

Several other GOP presidential candidates have called for the English-first standard.

-- Protesting proposed national history education standards. Dole said they stressed the worst of U.S. history.

-- Opposing affirmative action and pressing to bar government use of quotas, set-asides or race-based preferences.

-- Passing a constitutional amendment, already approved by the House, banning desecration of the flag.

White House spokeswoman Ginny Terzano called Dole's English-only approach "not very realistic."

President Clinton, in California, lauded efforts to tighten borders, but added, "This is a nation of immigrants."

Dole, 72, leads the field for the Republican presidential nomination in polls. But his campaign has struggled since an Iowa straw poll last month put him in a dead heat with Texas Sen. Phil Gramm.

LANGUAGE: ENGLISH

LOAD-DATE: September 06, 1995

## 'English-Only' Emerges as National Trend

### *Concern Over Immigration Pushes Movement Beyond State Level*

The movement to make English the official language of the United States is a byproduct of rising national concern over immigration. Like the term-limits movement, it has been scoring notable successes at the state level and now is emerging as a national issue.

Earlier this summer, New Hampshire became the 22nd state to make English its exclusive language for public documents and public proceedings. While that action may have special significance for candidates eyeing its first-in-the-nation presidential primary, it is just one step in what advocates see as an accelerating campaign. When then-Gov. Bill Clinton of Arkansas signed the Arkansas version of the law in 1987, only eight other states had such statutes.

Next month, the first congressional hearings on the issue have been called by Rep. Randy "Duke" Cunningham (R-Calif.), whose San Diego district may be as sensitive to the repercussions of illegal immigration as any in the country.

Rep. Bill Emerson (R-Mo.) has collected 180 co-sponsors on his bill to make English the official language, and Sen. Richard C. Shelby (R-Ala.) has 18 names on his companion measure.

According to officials at U.S. English, an advocacy group supporting the

Emerson-Shelby bill, it would make English "the primary, but not the exclusive, language of government." All documents, records and proceedings

would have to be in English, but there could be "common-sense exceptions" for other languages in hospitals, emergency rooms, police stations, schools, tourism facilities, etc.

Other legislation, sponsored by Reps. Toby Roth (R-Wis.) and Peter T. King (R-N.Y.), goes further and specifically eliminates both bilingual ballots and bilingual education.

Rep. John T. Doolittle (R-Calif.) also has a proposed constitutional amendment establishing English as the official language.

Critics of the measure contend that all these measures are hostile to recent

immigrants. When Maryland Gov. Parris N. Glendening (D) vetoed an English-as-official-language bill passed by the legislature last May, he said immigrants see such a measure "as a message that they are not welcome in our state." Rep. Ed Pastor (D-Calif.) told the Associated Press about the same time that "English-only initiatives convey a message of intolerance to cultural diversity."

Advocates say the intent is to foster national unity and argue that the growth in the number of immigrants who know only their native languages is encouraged by bilingual education programs and by state practices allowing people to take driver's license exams and fill out ballots in a wide variety of languages. They also cite the cost of translating and printing notices into multiple languages.

Bilingual education programs—designed to teach students with little English—are supported by a quarter-billion-dollar annual federal expenditure. They long have generated controversy between those who see them strictly as a transitional device and those who view them as an important prop to preserving diverse cultures.

— David S. Broder

# The Washington Times

## FBI's new complex getting last touches

DATE: 9-8-95

PAGE: A-11

By David Wilkison  
ASSOCIATED PRESS

CLARKSBURG, W.Va. — Construction is nearly complete on the FBI's \$200 million Criminal Justice Information Services Division complex, which welcomed 340 more employees last week.

"What you see out there in terms of landscaping is about all that remains," said special agent Earl Roberts, who is overseeing the division's move from Washington.

The division eventually will employ 2,600 persons and will provide fingerprint identification information to law-enforcement officers and other agencies throughout the country.

The three-story, 530,000-square-foot facility will also house the National Crime Information Center and the Uniform Crime Reporting Center. Officials hope to dedicate the building in October.

Many of the employees who moved into the facility Monday had spent the past two years in a section of the U.S. post office in Clarksburg helping classify 32 million fingerprint cards and entering information into computer

databases.

"Everything is so brand new," said Jackie Carothers, an identification records examiner. She worked in the Washington office for 15 years before transferring in June 1994.

"We had twice as many people in one room in Washington," said Ms. Carothers, 41.

The facility, which is 60 percent opened, houses more than 1,100 people since it opened four months ago. An additional 160 people still work at an office in Fairmont.

Employees will be added over the next three years as computers are created to allow computerized identification of fingerprints. A contractor will begin converting fingerprint cards into electronic images next month.

Identification work that can take more than a month eventually will be done in hours, allowing authorities to know quickly if a person they have arrested for shoplifting is wanted for murder elsewhere.

Surrounding hills naturally hide the facility from public view, and federal officers stop all cars at two main entrances.

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The Baltimore Sun

December 8, 1994, Thursday, FINAL EDITION

SECTION: TELEGRAPH (NEWS), Pg. 3A, Newswatch... ON THE NATION

LENGTH: 641 words

HEADLINE: Judge blocks new Ore. suicide law

SOURCE: From Wire Reports

BODY:

A federal judge yesterday blocked Oregon's new assisted suicide law, which allows doctors to prescribe lethal doses of drugs to terminally ill patients.

U.S. District Judge Michael Hogan issued a temporary restraining order in Eugene, delaying the law from going into effect today. Another hearing will be held Dec. 19. The law, the first of its kind in the United States, permits doctors to prescribe lethal doses of drugs upon the request of a terminally ill patient. The doctors must determine that the patient will die within six months -- and the patient must wait 15 days before receiving the drugs. The measure was approved by voters Nov. 8.

GATT legislation signed

At the Organization of American States today in Washington, President Clinton signed legislation that authorizes the United States to join with 123 other nations in the most sweeping trade agreement in history, declaring that "American can lead in the 21st century."

Mr. Clinton's signature means that almost 40 countries have now approved the agreement and another 40 are expected to do so before the end of this year. The GATT accord, which sets up a new, more powerful World Trade Organization to police trade disputes, is to go into effect Jan. 1.

'English-only' rejected

Declaring that "the diverse and multicultural character of our society is widely recognized as . . . among our greatest strengths," a federal appeals court in San Francisco struck down an Arizona law that ordered state employees performing government business to speak and write only in English.

In a 3-0 decision, the 9th U.S. Circuit Court of Appeals ruled that the "official English" statute, enacted into law by Arizona voters in 1988, violates the First Amendment.

Video 'vendetta' claimed

A Los Angeles Fire Department video that shows female recruits struggling through training exercises illustrates a department "vendetta" against women, three former trainees claimed yesterday.

Date: 09/18/95 Time: 08:42

## GOP Candidates Tailor Immigration Message to Cuban American Voters

MIAMI (AP) Presidential candidates made few references to building high fences on the border, booting immigrants off welfare and making English the official language during a weekend meeting of Miami Republicans.

The candidates wore their most tolerant smiles as they pitched for support from an audience largely made up of Cuban Americans, who dominate the Republican Party in Dade County.

The GOP contenders will need their support Nov. 18, when Florida Republicans gather in Orlando to cast votes in a straw poll that Sens. Bob Dole of Kansas and Phil Gramm of Texas and former Tennessee Gov. Lamar Alexander have identified as an important political event.

And they'll again need Cuban Americans in Florida's primary March 12.

Other candidates like California Gov. Pete Wilson and television commentator Pat Buchanan have shown interest in the straw poll, but play down its importance.

Dole, appearing with his wife, Elizabeth, told the crowd at the county caucus Saturday that he favors bilingual education, wants to block Fidel Castro from visiting the United Nations for its 50th anniversary celebration next month and supports tough new legislation to block foreign subsidiaries of U.S. companies from trading with Cuba.

"Enough is enough," Dole barked to the cheering crowd of 800 who came to pick delegates for the state convention. "It's time to make the end of Fidel Castro the explicit goal of American foreign policy."

"The last president to allow Castro a visa was Jimmy Carter and we don't want President Clinton to make that mistake," he said, referring to Carter's granting Castro a visa to address the U.N. in 1979.

Dole's Labor Day comments to an Indiana veteran's group calling for English as the nation's official language had caused a mini-crisis in Dade County, where Spanish is the dominant, if unofficial, language.

Opponents tried to portray Dole as an opponent of bilingual education and of Spanish-speaking people in general. Campaign officials said they'd heard about phone banks to scare Dole supporters from the caucus.

Dade County was one of nine counties picking delegates this weekend to wrap up delegate selection for the Presidency III convention and straw poll in Orlando in two months.

In his address to the crowd, Alexander attacked Dole and Gramm over amendments to a welfare reform bill that would cut off benefits for legal immigrants. Alexander said he favors eliminating benefits for illegal immigrants, but for people "who are here legally, play by the rules and pay taxes, that is wrong."

Gramm didn't make it to Florida over the weekend, instead investing time in Arizona and then Albuquerque, N.M. where he won a straw poll of a national Republican women's group.

But Sen. John McCain of Arizona, Gramm's campaign chairman, said the Texas senator was alone among the candidates in not wanting to make English the official language of the country. And McCain told the crowd about a Korean family who immigrated to the United States and who produced a bright young offspring named Wendy who became a success in the academic world and married a U.S. senator Phil Gramm.

One candidate who didn't attend was Wilson, whose anti-immigration stance is central to his campaign. Jeb Bush, the chairman of Presidency III, said he expected Wilson to campaign in Florida, but not to make a major effort in Dade County.

"This would not be his area of strength," Bush said.

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USA TODAY

September 5, 1995, Tuesday, FINAL EDITION

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-- Insisting all citizens be fluent in English. Nearly 32 million speak another language at home, the 1990 Census found.

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White House spokeswoman Ginny Terzano called Dole's English-only approach "not very realistic."

President Clinton, in California, lauded efforts to tighten borders, but added, "This is a nation of immigrants."

Dole, 72, leads the field for the Republican presidential nomination in polls. But his campaign has struggled since an Iowa straw poll last month put him in a dead heat with Texas Sen. Phil Gramm.

LANGUAGE: ENGLISH

LOAD-DATE: September 06, 1995

# Members relieved at Quebec vote; some push English-only measure

By Deborah Kalb and Jamie Stiehm

While lawmakers voiced relief Tuesday that Quebec voters chose to remain within Canada, some on the Hill, in the wake of the referendum's razor-thin margin, are pushing for measures that would make English the official language in the United States.

Monday's close vote "highlights the necessity for us to face up to English as the official language," said Sen. Ted Stevens (R-Alaska), chairman of the Government Affairs Committee. "Too many communities around the country are adopting a language other than English. We could have little Quebecs in this country" if measures aren't taken.

Stevens said his committee will be holding hearings on the controversial issue of "English-only," adding, however, that he was not saying that there should be no bilingual education, for example.

House Speaker Newt Gingrich (R-Ga.) said Monday, before the results of the referendum were known, that the United States must have English as a common language. He cited Quebec as an example of the division that can result without a common language.

But not everyone drew the same lessons from the referendum, which demonstrated that separatists — whose support is found among many French speakers but few English speakers in Quebec — are gaining strength. The pro-Canada victors garnered just over 50 percent of the vote.

"Some folks are drawing conclusions above and beyond" what is called for, said Rep. Ileana Ros-Lehtinen (R-Fla.), such as "ending bilingual education. ... [the]



*Sen. Ted Stevens wants to avoid "little Quebecs" in this country.*

situation doesn't call for grandiose conclusions of that caliber."

Some Democrats agreed. Rep. Kweisi Mfume (D-Md.) said that drawing conclusions from the situation in Quebec and applying them to the United States is "like apples and oranges. There's a totally different set of circumstances at work. Whether we are bilingual or trilingual, the United States, by definition of its name, is in a far different position."

Others noted that it's important to find common ground. Rep. Bob Torricelli (D-N.J.), who believes Canada is "held together by a narrow thread," commented that the referendum sounds a "note of caution" about the importance of "recog-

nizing the common cultural elements that make a country."

Overall, members were pleased at the outcome, although concerned at the narrow victory for the pro-unification forces. "The question is what happens in the next referendum," said Rep. Lincoln Diaz-Balart (R-Fla.). "There's definitely a trend in favor of separation."

The Canadian government has a difficult task ahead of it, some commented. "It's all in Ottawa's court right now," said Sen. Joseph Biden (D-Del.). "They've got to convince [people] that the next vote has got to be 60-40."

Rep. David Obey (D-Wis.), who said he stayed up until 1:40 a.m. Tuesday watching the outcome, joked that he told Secretary of State Warren Christopher that morning that "he totally misplayed it. He should have threatened that we're going to annex Canada," thus allowing the anger in Quebec to focus somewhere else besides the Canadian government. "That would have taken the steam out of it," Obey said, adding, "Canada's a great country. I'd hate to see it mucked up."

Sen. Richard Lugar (R-Ind.) voiced a similar opinion. "It was an extraordinarily important vote for both Canada and the United States," he said. "All of us anticipated that it would be very close, and I'm grateful that a united Canada still remains."

In the end, most lawmakers, both Democrats and Republicans, agreed that the vote would not disrupt U.S.-Canadian relations. Sen. Olympia Snowe (R-Maine), whose state borders Canada, said she found the vote "amazingly close," but considered it an internal matter that would not significantly change U.S. policy toward Canada. "It's obviously in our interest to have a good relationship," she said.

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CNN

SHOW: NEWS 8:22 am ET

October 18, 1995 15:00 Eastern Time

Transcript # 179-10

SHOW-TYPE: Interview

SECTION: News; Domestic

LENGTH: 1567 words

HEADLINE: Roth Says America Needs One Language to Be One People

BYLINE: JOIE CHEN

HIGHLIGHT: One opponent of an English-only bill in Congress calls the bill "a pernicious solution to a non-existent problem. Raul Yzaguirre says most people who don't speak English are learning as fast as they can.

BODY:

JOIE CHEN, Anchor: The presidential candidates and many members of Congress are conducting a debate on a hot-button issue- should English become the nation's official language. A House subcommittee is set to hold hearings on that question. Joining us now to debate the merits of this proposal are two guests. Congressman Toby Roth is a Wisconsin Republican. He is sponsoring a bill in the House to make English the nation's official language. And Raul Yzaguirre is president of the National Counsel of La Raza, a Hispanic constituency organization and think tank as well. He joins us this morning from Detroit. Good morning to both of you gentlemen.

Rep. TOBY ROTH (R-WI), Supports English-Only: Good morning, Joie.

RAUL YZAGUIRRE, President, La Raza: Buenas dias.

JOIE CHEN: Buenas dias. Good morning. Congressman, let me ask you first- What, in practical terms, are you talking about in terms of making English the only and official language? What does that really mean?

Rep. TOBY ROTH: It means that when you vote, when you become a naturalized citizen, when you work with the government, it's done in the English language. If you want another- speak another language at home or take foreign languages at school to become proficient in it, that's great. That's what we're looking for. But we have to have a commonality, a common glue. And the English language has given us that. And America today is breaking up into linguistic groups. And I don't think we can allow that to continue if we want to have one nation, one people.

JOIE CHEN: Mr. Yzaguirre, what is wrong with that- that proposal there? Doesn't a nation have a right to expect that its citizens or that its people living in a country, living, working, making money while living in this country, should

NEWS, October 18, 1995

Speak English?

RAUL YZAGUIRRE: Indeed they should. And we spend a lot of our time and effort teaching people how to speak English. The issue is not whether English is the official language of this country or the practical official language of this country. The question is whether the government is going to use its coercive powers to enforce a language policy. Are we going to have a language police? What we're talking about is a pernicious solution to a non-existent problem. The fact of the matter is that 95 percent of the people in the United States speak English, that those who do not are actively seeking to speak English. They're literally going after work at 2:00 in the morning to learn English. This law will not help them one bit. It will divide us.

Rep. TOBY ROTH: Joie-

JOIE CHEN: Yes, Congressman Roth. I mean, as a - As a practical matter, most people do speak English. If they do not speak English, isn't that their own problem?

Rep. TOBY ROTH: One out of seven Americans will not be speaking English, according to government studies, in five years. This is a big problem in America today. And the question is not of the coercive government. The government is now coercing local units- for example, in school bilingual education, the federal government is being used to promote other than English language. And what we're saying is that if people want to keep their heritage and their culture, God love 'em. We encourage them to do that. But when you vote, you vote in the English language. In Los Angeles now, you can vote in six different languages.

JOIE CHEN: So Congressman, what you're concerned about is in part the costs of what it requires a local government or a state government.

Rep. TOBY ROTH: No. I'm concerned- I'm concerned about the cost, but not really. I am concerned about keeping this one nation, one people. You have to remember that America is the most diverse country in the world. We are a people from every corner of the globe- Every religious, every cultural, every linguistic background. But we have been one nation, one people. Why? Because we've had a wonderful commonality called the English language. We're losing that today.

JOIE CHEN: But as a practical matter- But as a practical matter, Congressman, isn't it the person who does not speak English who suffers, who does not speak English well enough to get a better job. I mean, isn't it- Isn't it in their own best interest?

Rep. TOBY ROTH: Yes, it's in their own best interest and that's why the new Americans are my strongest supporters in making English our official language, because they know that in order for their children to compete and to be successful, that they have to have a good understanding of the English language. But what's happening today? Millions of students are being taught in other than English right here in the United States of America. And we can't continue to allow that because America today is breaking up into groups. Look all around you.

JOIE CHEN: Mr. Yzaguirre-

NEWS, October 18, 1995

Rep. TOBY ROTH: We are not a united nation and we again are going to have to go back-

JOIE CHEN: All right. Let's let Mr. Yzaguirre get in here. The question I think that we go to also is this question of money. After all, should a local government, should a school district have to finance these additional programs just because they have students who don't speak English well enough to mainstream into other programs?

RAUL YZAGUIRRE: Well, if we don't, we're going to have a nation that is not providing equal opportunity to its citizens. The fact of the matter is, we have bilingual education because monolingual education has not worked for language minorities. It may not cost us any more. We have a very small program, and the Senate- the congressman I think characterized it wrongly when he talked about it being a coercive program. We have a federal program where school districts are applying at a level three times at the level that we can- that we can support and they're voluntarily wanting to do this. The fact of the matter is that all 50 governors in the United States said that the problem in this country was not that we were speaking too many languages, but that in fact we were the most linguistically ignorant nation in the industrialized West. And so what- What we need in this country in order to be able to sell our goods and products abroad, is- is greater language proficiency, more multi-lingualism. I grew up in a English-only atmosphere, and believe me, what it did was to divide the country, not to unite it.

JOIE CHEN: Congressman, let's get into this question, then. Wouldn't there be a benefit to- instead of making English the only official language, perhaps making some requirement that people learn a second language so that we can encourage young people to learn a second language and therefore enhance their skills in the job market later?

Rep. TOBY ROTH: But before that, they have to have- They have to have- know the English language. What's taking place today is that when kids are going to school, they aren't being taught in English. They're taught- being taught in other languages, in so-called bilingual education. And it- And it is coercive because what's happening is these kids are put into these schools to fill a quota and what happens is that once the parents- they're in these classrooms, the parents can't get them out. I have thousands upon thousands of letters, from all over the country- every one of our 50 states, 10 foreign countries, that are talking about this very problem. And-

JOIE CHEN: But Congressman, isn't some of the concern, though, really a frustration among citizens or among people who live in this country who speak English well, that the people that they're dealing with- immigrants- it's not really that they don't speak English at all but they don't speak English well?

Rep. TOBY ROTH: No. No, that's not the case at all. We've got one out of seven Americans does not- does not- does not speak English. And we have- If we're- If we're going to go back again to have a unified country, then we've got to have one language because we, as I said before, are the most diverse country in the world. If we want to have a United States of America, one nation, one people, then we have to have one language. And that's-

JOIE CHEN: Mr. Yzaguirre, last comment to you. Gotta let you in there.

RAUL YZAGUIRRE: The congressman is misrepresenting the fact. The fact of the matter is that 95 percent-

Rep. TOBY ROTH: That's not true-

RAUL YZAGUIRRE: -Ninety-five percent of the American people speak English. The other five percent are desperately trying to learn English. If the congressman wants to promote further facility in the English language, he would like to join with us in adopting some measures that would do that, we'd be happy to work with him constructively.

JOIE CHEN: Gentlemen, I'm sorry to have to wrap this up here. We're running out of time, but I appreciate both of you joining us this morning.

Rep. TOBY ROTH: Thank you, Joie.

JOIE CHEN: Representative Toby Roth of Wisconsin. Also Raul Yzaguirre of La Raza.

RAUL YZAGUIRRE: Muchas gracias.

The preceding text has been professionally transcribed. However, although the text has been checked against an audio track, in order to meet rigid distribution and transmission deadlines, it may not have been proofread against tape.

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# My Fellow Immigrants

WASHINGTON

Last week Senator Bob Dole told an American Legion convention that "ethnic separatism" was threatening American unity, and he called for making English our official language. These are valid issues. Unfortunately, Senator Dole has suddenly raised them not to unite the country but to divide it — to play on the patriotism of the American Legion and the fear of new immigrants. But give Mr. Dole credit. If he was looking for a hot-button issue to revive his campaign, he found it.

I discovered this for myself two years ago when I was asked to give a speech to a teachers' convention in Miami on what I had learned about multiculturalism from living in Beirut. I explained that watching Lebanon, a multiethnic society, unravel had instilled in me two very strong beliefs: one was the importance of the American public school system. In Lebanon, Christians, Sunnis and Shites tended to go to their own schools, and it made their society

## Using language to unite, not divide.

that much easier to fracture when the strains came. It is the public school system in America that helps insure that out of many we remain one.

The other point was that in Lebanon education was in French, English or Arabic. There was no common language. I think that in America English should be the primary language and that students should only be taught in other languages as a bridge to English education. Permanent multilingual education is a road to ruin. We have enough trouble communicating in English.

What was striking was how many teachers said to me afterward that they felt the same way but that it was not "politically correct" for them to say so at their schools because multicultural extremists, pushing diversity as an end in itself, were the dominant trend.

This is sad. And what it produces are equally pernicious counter-reactions, like the Dole speech, which tries to use English as a club, or a code word, for stamping out diversity in education altogether.

The objective we should be work-

ing for is community. But how? Well, unless we give people of diverse ethnic backgrounds a sense of belonging, unless we give them a sense that their identity and heritage are valued threads in the tapestry of American society, real community is impossible. That is why it is important to bridge people into the community, if necessary with languages other than English, and to encourage people of different backgrounds to express their cultural identities as a way of enriching the community as a whole.

But we should oppose a notion of diversity that becomes an end in itself, a diversity that becomes a substitute for neighborhood and community, where Hispanics, blacks, Asians and Jews have their corners, separate but equal. Diversity without a spirit of community leads to tribalism. Community without a spirit of diversity leads to alienation for all minorities.

The goal should be a tension between the two. You won't feel the tension if you just live in your separate corner or walled community. And you won't feel the tension if the majority so overwhelms the minority that it is smothered into silence. You will only feel the tension when groups are rubbing against each other, trying to express their unique ethnic or linguistic identities, and at the same time trying to keep those identities enough in check to maintain the common bonds of community. That is the hard work of nation-building.

Unfortunately, that was not the hard work Senator Dole was engaged in. The giveaway was where he made his speech. It wasn't at Ellis Island. It wasn't at a language school where English was being taught to new immigrants. It wasn't somewhere where the tension between diversity and community was openly at play, and the Senator could talk about the right mix between the two.

No, it was at an American Legion convention, where Mr. Dole crudely assumed that people didn't want to feel the tension at all, and that was what he was selling them. He was selling community on the cheap — community without tension, community that is built from us against them and not us with them.

If Mr. Dole really wanted to wrestle with this issue, and not just exploit it, he would have begun his speech to the American Legion the same way F.D.R. once began a speech on this subject to the Daughters of the American Revolution: "My fellow immigrants..." □

# English-only advocates sense momentum

## See passing chance for proposed bills

By Joyce Price  
THE WASHINGTON TIMES

**B**ouyed 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.

- 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 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.

## 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	Illinois	1969	North Carolina	1987
Arizona*	1988	Indiana	1984	North Dakota	1987
Arkansas	1987	Kentucky	1984	South Carolina	1987
California	1986	Louisiana	1812	South Dakota	1995
Colorado	1988	Mississippi	1987	Tennessee	1984
Florida	1988	Montana	1995	Virginia	1950
Georgia	1986	Nebraska	1920		
Hawaii	1978	New Hampshire	1995		

\*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

The Washington Times

PHOTOCOPY  
PRESERVATION

GREENBELT

### **Officer sues for discrimination**

Cpl. Judith McCloskey, a 13-year veteran Prince George's County police officer, is suing the department for \$21 million claiming she was discriminated against.

Cpl. McCloskey, 43, claims she is a victim of both sex and age discrimination after being denied a transfer to the agency's canine unit.

Her attorneys said that officials denied her transfer requests three times and that there was a conspiracy to keep female officers out of the unit. Instead they assigned dog-handling positions to younger, male officers, she claims.

From wire dispatches and staff reports

### **White House announces new agency reforms**

The White House announced yesterday the fourth in a series of federal regulatory reforms aimed at ending or simplifying regulations.

It said the reforms cover the departments of Treasury, Labor, Health and Human Services, and Transportation and other agencies and, with previous actions, will eliminate some 16,000 pages of regulations and streamline another 31,000 pages.

President Clinton said in a statement, "Without stripping away regulations that protect and improve people's lives, we have shown today that it is possible to reform the regulatory system so that it's less intrusive and more responsible to the American people."

### **Race-based contracts**

Affirmative-action programs will be scrutinized at House and Senate subcommittee hearings this month and next by lawmakers questioning whether race-based federal contracts violate a recent Supreme Court ruling.

The high court said the government must be certain it is not infringing on the right to equal protection when it awards race-based contracts. The chairmen of the House and Senate Judiciary subcommittees on the Constitution said the court's 5-4 decision in the case of *Adarand vs. Peña* should be reviewed to determine if federal affirmative action programs are in conformance.

Hearings likely would lead to new legislation, said Sen. Hank Brown, Colorado Republican, and Rep. Charles T. Canady, Florida Republican, who will conduct the hearings.

The first Senate hearing will be today, followed by a joint hearing Sept. 22 with the House subcommittee. A second House hearing is scheduled for Oct. 18.

**PHOTOCOPY  
PRESERVATION**

## English-Only Case to Get Court Review

### Arizona Law Covers Government Business

By Joan Biskupic  
Washington Post Staff Writer

Confronting one of the nation's most divisive topics, the Supreme Court announced yesterday it will review the constitutionality of an Arizona law that makes English the official language and forces state employees to conduct business in English only.

The 1988 law, an amendment to Arizona's constitution, was challenged by a state employee who handled medical malpractice claims against the state and spoke both Spanish and English to claimants, depending on their need. The worker, Maria-Kelley Yniguez, said the "English only" mandate violated her right to free speech.

The Arizona conflict has played out nationally as 23 states have made English their official language, and legislation to do the same on the federal level is pending in Congress. In this region, Virginia has a largely symbolic law that declares English to be the official language of the state but does not prohibit public employees from distributing information in other languages.

At stake in those efforts and the court case are competing American traditions of multicultural tolerance and a quest for unity through a common language. Like the debate on immigration, the controversy also invokes anxieties about foreigners and perceived assaults on a traditional way of life.

The conflict is part of the presidential campaign, too, as GOP candidates Patrick J. Buchanan and Senate Majority Leader Robert J. Dole (Kan.), the party's presumptive nominee, have proclaimed they want the American people to speak a single language. They have offered various proposals

for English only in public schools and the federal government. President Clinton has said opposition to bilingual culture conflicts with the nation's values.

The question in the Arizona case is whether forcing state employees to communicate only in English violates their rights to free speech. ("English only" restrictions vary among the states. Most are merely symbolic declarations, like Virginia's, that make the English language official. Arizona has gone the furthest, according to court filings, by demanding that state employees conduct all their business

in English. Its provisions do, however, allow exceptions for non-English languages to protect the rights of criminal defendants and victims of crime.)

The 9th U.S. Circuit Court of Appeals, in a decision the Supreme Court agreed to review, said the Arizona law violates government workers' free speech. By a 6 to 5 vote, the appeals court ruled that a person's choice of language was a speech right. It said requiring official acts to be conducted only in English also discriminated against Hispanics and other minorities because it "significantly interferes with the ability of the non-English speaking populace of Arizona to receive information and ideas."

"The protection of the Constitution extends to all, to those who speak other languages as well as those born with English on the tongue," Judge Stephen Reinhardt wrote for the majority, using language from a 1923 Supreme Court case: "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."

In appealing that decision to the Supreme Court, a group known as Arizonans for Official English argue that a public employee's choice of language is not a constitutionally protected speech right. The group referred to a dissenting opinion by 9th Circuit Judge Alex Kozinski, countering the majority's view that government employees have a personal stake in the words they speak in their official capacities.

The force of this idea will turn government employment into a platform for endless attacks on govern-

ment policy," Kozinski said.

Proponents of "official English" say states should be able to encourage people to speak a single language. David A. Price, a lawyer with the Washington Legal Foundation, which, along with 21 members of Congress, submitted a "friend of the court" brief in favor of the Arizona law, stressed yesterday the unifying nature of a common language.

"The idea that it is exclusionary overlooks the history of the country, in which generation upon generation of immigrants have come here and learned English and succeeded," Price said.

While the Supreme Court agreed to review the basic constitutional question, it also threw up a flare that its ruling could be more procedural than substantive. It issued an order saying it would also examine whether the group Arizonans for Official English had legal standing to intervene in the case.

After the state of Arizona lost the case at the district court level, then-Gov. Rose Mofford, who had criticized the amendment, did not have the state launch an appeal. So the citizens group intervened to take the matter to the 9th Circuit. The appeals court ruled that because the organization was the principal sponsor of the ballot initiative, it had "a strong interest" in defending the amendment in the courts and could step into the state's position.

The Supreme Court also said it would consider whether Yniguez, who was never subject to any state action and now works for a private firm, still has a case.

Yniguez's lawyer, Robert J. Pohlman, said yesterday he hopes the 9th Circuit ruling striking down the Arizona law survives Supreme Court scrutiny. On the core constitutional issue, he relies on a 1923 Supreme Court case striking down a Nebraska law that forbade a teacher to use any language other than English.

The Arizona law, which was narrowly adopted with 50.5 percent of the vote, was immediately suspended because of the court challenge, but Pohlman said that if it were allowed to take effect, people who did not speak English would be unable to do busi-

## Another Client in Starr's Orbit

**R**onald Haft, still fighting with Daddy over their vast real estate holdings, has hired some Starr power.

Whitewater independent counsel Kenneth Starr became head of Haft's legal team a few weeks ago and already has filed hundreds of pages of briefs in the family feud that has killed many a forest.

One might think Starr far too busy to make more than a cameo appearance.

Last week, in his \$55-an-hour job for the government, he gained new authority to investigate Hillary Rodham Clinton's role in firings in the White House travel office and possible obstruction of justice in the matter. But the 49-year-old lawyer, hired at Kirkland and Ellis in 1993 at a salary of \$1.2 million, has continued to represent clients on a limited basis since his Whitewater appointment in 1994. Among them: tobacco giants Brown & Williamson Corp. and the conservative Bradley Foundation, which has funded court battles for school choice and school prayer.

"It would appear that Ronald Haft has decided to fight and appeal the



Ronald Haft, above, and his mouthpiece.



jury's decision rather than coming to terms with it," attorney Michael Carroll, who represents Herbert Haft, said yesterday. A D.C. Superior Court jury in February awarded Herbert Haft millions of dollars in compensatory and punitive damages, and a judge is set to hear arguments April 5 on how the properties should be parceled out between father and son.

"Basically, [Starr's] a brilliant man, and he works very closely with people," said Ronald Haft's business partner Don Bourassa. "He can sit down and absorb information presented to him and distill it."

ness with the state, from paying taxes to seeking needed services.

The case of *Arizonans for Official English v. Arizona* will be argued next fall.

In other matters yesterday, the court agreed to hear a case over two little-known fish, the Lost River sucker and the shortnose sucker, that has great environmental implications for the Pacific Northwest. The legal question in *Bennett v. Plenert* is whether individuals can sue the federal government under the Endangered Species Act for providing too much protection to wildlife at a cost to those individuals' economic interests.

Two Oregon ranchers and irrigation districts sued regulators after they proposed changing water flows at reservoirs in Southern Oregon and Northern California to protect the two endangered species. The ranchers and irrigation districts, who would lose water under the plan, claimed regulators failed to abide by a provision of the Endangered Species Act requiring consideration of the economic impact before designating an area a critical habitat for an endangered species.

The court also, without comment, rejected an appeal by Louisiana to revive its statute denying Medicaid funds for women seeking to abort pregnancies that are the result of rape or incest.

## Supreme Court Roundup

### Justices to Review Law Making English the Official Language

By LINDA GREENHOUSE

WASHINGTON, March 26 — Turning the constitutional spotlight on the growing number of state laws declaring English to be the official language, the Supreme Court today agreed to review an Arizona effort to require public employees to conduct government business only in English.

At the same time, the Court indicated doubt about whether it would actually rule on the merits of the case, in which two lower Federal courts found that the English-only amendment to Arizona's Constitution violated the First Amendment right of public employees to speak the language of their choice.

The state itself is not defending the amendment, which was narrowly adopted in a voter referendum in 1988. Since the Federal District Court in Phoenix struck down the amendment in 1990, the case has been carried forward by the private group that sponsored the referendum, *Arizonaans for Official English*. Rose Mofford, Arizona's Governor at the time, opposed the amendment and refused to appeal the district court's ruling. In accepting the appeal today, the Justices asked for briefs on the question of whether the private group had standing to defend the law.

The Court's unusual order raised the prospect that a case that had been seen as an important test case for the English-only movement might instead produce a ruling on the ability of private citizens' groups to appear in court to defend laws that state officials choose not to defend.

With state ballots showing voter initiatives on subjects from gay rights to lawyers' fees to affirmative action, the question of who has standing to defend the measures if they become law is significant in itself.

Twenty-one states have recently acted to make English the official language, with most provisions being essentially symbolic. Arizona's constitutional amendment, which was approved by 50.5 percent of the voters, is one of the more sweeping, and it was challenged shortly after adop-

tion by a bilingual state employee, Maria-Kelley F. Yniquez, who processed medical malpractice claims. Ms. Yniquez spoke Spanish and drafted documents in Spanish when dealing with Spanish-speaking Arizonans.

When the amendment, known as Article 28, took effect, Ms. Yniquez stopped speaking Spanish on the job and filed a lawsuit. She later left her state job, and the Court's order today also suggested that her interest in the case may now be moot.

In a 6-to-5 ruling last October, the United States Court of Appeals for the Ninth Circuit found that the amendment placed an unconstitutional burden on the free-speech rights not only of the public employees, but also of the people they served. The amendment "obstructs the free flow of information and adversely affects the rights of many private persons by requiring the incomprehensible to replace the intelligible," Judge Stephen Reinhardt wrote for the majority.

In the dissenting opinion, Judge Alex Kozinski said the majority was ignoring the principle that "government employees have no personal stake in what they say in the course of employment because that speech is the government's, not theirs." The majority's approach, Judge Kozinski said, would give "bureaucrats the right to turn every policy disagreement into a Federal lawsuit."

The appeal, *Arizonaans for Official English v. Arizona*, No. 95-974, which comes from an earlier stage of the case, argues that the First Amendment implications of Article 28 are minimal because the choice of what language to use is an aspect of conduct, not speech. The Ninth Circuit majority had rejected a similar argument.

"Speech in any language is still speech, and the decision to speak in another language is a decision involving speech alone," Judge Reinhardt said.

There were also these developments at the Court today:

#### Endangered Species

The Court agreed to decide whether people can sue the Federal Government under the Endangered Spe-

cies Act to argue not that an endangered species is being inadequately protected — as is nearly always the allegation in such lawsuits — but that it is being overprotected.

There is a "citizen suit" provision of the Endangered Species Act that permits "any person" to file a lawsuit charging that Federal officials failed to carry out the law properly.

In this case, a group of ranchers

and Oregon irrigation districts sued to set aside a finding by the Fish and Wildlife Service that more water must be kept in reservoirs in Oregon to protect the environment of two endangered fish, the Lost River sucker and the shortnose sucker. The plaintiffs argued this would unnecessarily hurt the economy by decreasing water for irrigation.

The Federal District Court in Eugene, Ore., in a decision upheld last

year by the Ninth Circuit, dismissed the lawsuit on the ground that the citizen suit provision did not apply to suits seeking to lower rather than increase the level of environmental protection.

The ranchers and irrigation districts "seek only a greater share of the water and do not contend that compliance with the Act will improve the fish's lot," Judge Reinhardt said in his opinion for the appeals court. Rather than serving the

purpose of the law, "they claim a competing interest," he said of the plaintiffs.

In their appeal, *Bennett v. Plenert*, No. 95-813, the plaintiffs argue that the Ninth Circuit has misinterpreted the intent of Congress to make citizen suits available to "any person" rather than only to "one apparently favored group."

#### Punitive Damages

The Court agreed to decide wheth-

er punitive damages awarded in a personal injury suit are taxable.

The Internal Revenue Code excludes from its otherwise sweeping definition of gross income any damages received "on account of personal injuries or sickness."

The lower Federal courts, as well as the Internal Revenue Service itself, have interpreted this provision inconsistently in various contexts. The Supreme Court has ruled in two recent cases that the provision cannot be used to exclude from taxable income the money received from successful suits for employment discrimination.

In the new case, *O'Gilvie v. United States*, No. 95-966, is an appeal by the husband and children of a woman

who died of toxic shock syndrome in 1983. The family won a \$10 million punitive-damage award in a products liability suit against International Playtex, Inc., the manufacturer of the tampons the woman, Betty O'Gilvie, had used.

The family members reported the award as personal income, paid taxes and filed a claim for a refund on the ground that the money should have been excluded as damages received "on account of personal injuries." They lost in the United States Court of Appeals for the 10th Circuit, in Denver, which joined four other appeals courts in finding that punitive damages were not excludable from taxable income.

## English-Only Appeal Goes to High Court

■ **Free speech:** Justices to hear Arizona case requiring government to use the language exclusively. The significance of the case is seen as mainly symbolic.

By DAVID G. SAVAGE  
TIMES STAFF WRITER

WASHINGTON—In the face of a growing backlash over the use of Spanish as a second language in much of the nation, the Supreme Court said Monday that it would consider reviving an Arizona voter initiative that makes English the only language for "all government functions and actions."

In a brief order, the justices agreed to hear an appeal filed by a group known as "Arizonans for Official English," which sponsored the measure in 1988. Its leaders said that the government not only must recognize English as the "official language" but use it in all of its daily dealings with the public.

Twenty-three states, including California, have adopted measures declaring English their "official language," but most do not go as far as the Arizona initiative.

Last year, a U.S. appeals court, on a 6-5 vote, struck down the Arizona measure for violating the free-speech rights of a Spanish-speaking state employee.

The Supreme Court, led by two conservative Arizonans—Chief Justice William H. Rehnquist and Justice Sandra Day O'Connor—appears to be inclined to reverse that ruling.

In recent years, the high court generally has upheld the wishes of the majority of voters and limited the free-speech rights of public employees.

For example, in a closely watched abortion case in 1991, the court said doctors and nurses who take federal funds do not have a free-speech right to encourage abortion. Writing for the court, Rehnquist said public employees do not have a right to espouse a message that conflicts with the views of the government that employs them.

Lawyers for the English-only advocates cited that decision as precedent for reversing the appeals court.

A Supreme Court ruling reviving the "English-only" amendment could spur the backlash against immigration and encourage cut-backs in services for non-English-speaking newcomers.

In the Republican primaries, Senate Majority Leader Bob Dole (R-Kan.) and his prime challenger, commentator Patrick J. Buchanan, have called for a federal declaration of English as the nation's official language.

Still, the court case is likely to have more symbolic importance than practical impact.

In Arizona, even proponents of the "English-only" amendment conceded that the state will continue to offer bilingual education in its classrooms and bilingual ballots in the voting booth. That is so, they said, because federal law requires

it. They agreed even that a government official can speak Spanish to a Spanish-speaking person who seeks a driver's license, welfare aid or any other public benefit.

Robert D. Park, a retired federal immigration agent from Prescott who headed the group that sponsored the Arizona initiative, agreed that the measure would not have much real effect in the state if upheld by the Supreme Court.

"It's not going to change much. We have never maintained [that] it requires the exclusion of services" in the native language for those who do not speak English, Park said in a telephone interview.

**B**ut, he added, most voters want to stop the move "toward greater and greater accommodation to other languages. We believe all state documents must be in English only."

In 1986, California's voters overwhelmingly approved a state constitutional amendment declaring English the "official language" of the state. But officials in Sacra-

mento said that measure did not change how the government operates and will not be directly affected by the outcome in the Arizona dispute.

The Arizona case is muddled by procedural problems, leaving open the possibility that the justices could void the lower court decision without writing an opinion deciding whether an English-only rule is constitutional.

No state official joined the appeal of the lower court ruling, and the Spanish-speaking worker who brought the case no longer works for the state.

In the order agreeing to hear the case (Arizonans for Official English vs. Arizona, 95-974), the high court told the lawyers that it also wanted to hear arguments on whether the citizens group had "standing" to appeal the lower court decision and whether a "case or controversy" remained after the Spanish-speaking employee quit the state service.

That left lawyers on both sides to speculate that at least several justices are uncertain over whether the case should be decided.

The dispute prompted a fierce battle in the lower courts.

It began in November 1988, when Arizona's voters, by a razor-thin margin of 50.5%, approved the broadly worded measure. It said that "the English language is the language of the ballot, the public schools and all government functions and actions" and is to be used by "all government officials and employees during the performance of government business."

The entire hierarchy of state officials had opposed the initiative. A lawsuit challenging the measure was brought on behalf of Maria-Kelley Yniquez, a bilingual state employee who said that she often needed to speak Spanish to people who came to her state office seeking information.

In response, the state attorney general's office issued a statement saying that the amendment did not mean what it said. It "does not prohibit the use of other languages when they are reasonably required in the day-to-day operation of government," it said.

Nonetheless, a federal judge in Phoenix invalidated the measure, and then-Gov. Rose Mofford refused to appeal. Arizonans for Official English appealed to the U.S. 9th Circuit Court, but lost there, too.

"The state cannot, consistent with the First Amendment, gag the employees currently providing members of the public with information," wrote Judge Stephen Reinhardt of Los Angeles. He condemned the English-only amendment as "a mean-spirited, nativist measure."

In dissent, Judge Alex Kozinski said public employees do have a free-speech right to say what they want on their own time, but they do not have a right to defy the wishes of the voters. The decision, he said, "gives bureaucrats the right to turn every policy disagreement into a federal lawsuit."

The high court will hear the case in the fall.

The justices also agreed to review a second opinion written by Reinhardt, this one in an environmental dispute.

The Endangered Species Act allows "any person" to file a lawsuit to enforce its provisions. Under that clause, two Oregon ranchers sued saying that the government went too far in protecting the shortnose sucker, an endangered fish.

Reinhardt, speaking for the 9th Circuit, threw out the suit on grounds that it did not seek to further the aim of the law. But the court agreed to hear an appeal filed by the ranchers (Bennett vs. Plentert, 95-813).



DATE: 3-26-96

PAGE: 1-A

# English-only to face test in high court

By Tony Mauro  
USA TODAY

The rancorous debate over making English the USA's official language will go before the Supreme Court this fall.

The justices agreed Monday to decide whether an Arizona law making English the official language violates the First Amendment free speech rights of government workers who use other languages on the job.

Arizona's constitutional amendment passed in 1988 but never took effect because of court challenges.

It bars all official use of other languages in government forms, ballots and even schools — except in language instruction, health emergencies and law enforcement.

Most of the official-English laws passed in 22 other states are more symbolic, akin to naming an official state flower.

But Arizona's law calls for penalties for violators. Because Arizona's law is unique, the effect of the court's decision

could be limited unless it declares a broad First Amendment right.

Polls show support for English-only laws run 70% to 80%. Republican presidential candidate Bob Dole supports pending federal legislation. "We need the glue of language to hold us together," he says.

President Clinton opposes the legislation although he signed an official-English law as governor of Arkansas.

The high court will hear arguments this fall. A decision is unlikely before the election.

Three lower federal courts have said the Arizona law violates freedom of speech.

"If the First Amendment protects anything it protects someone's right to choose the words in which they speak," says Stephen Montoya, lawyer for Arizonans Against Constitutional Tampering.

But supporters of the measure say it does not regulate the content of speech, making the First Amendment irrelevant.

"To say that you have a right under the Constitution to speak a different language when you're conducting the business of your employer seems to us absurd," says Anthony Caso of the Pacific Legal Foundation.

## LAW

### Justices to Decide Case Involving Official Use of English Language

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — The Supreme Court, taking a tentative step into the controversy over language and immigration, agreed to decide whether states may require civil servants to use English in carrying out their duties.

The case concerns an invalidated "English only" amendment to Arizona's state constitution. It could get sidetracked, however, on procedural issues having to do with whether the dispute has been litigated by the proper sort of parties. One of the procedural questions is whether private backers of the measure can seek its reinstatement after the state of Arizona itself dropped out of the case.

The justices are expected to hear oral arguments in the fall, with a decision likely in 1997.

Buffeted by fear of cultural fragmentation and, in some areas, alarm over immigration, nearly half the states and some cities have enacted legislation declaring English as their official language, according to Arizonans for Official English, the group pressing to revive the Arizona amendment. Arizona voters approved a ballot initiative in 1986 that went further than most other states. In addition to the symbolic gesture of labeling English as the official language, the Arizona amendment bars public employees from using other languages for official duties, with only a few exceptions. The exceptions include teaching English or foreign languages and police communication with suspects or victims.

The Arizona amendment was challenged in 1988 by a state employee who sometimes used Spanish while processing medical-malpractice claims against the state. A federal judge struck down the amendment, finding that it violated the free-speech guarantee of the First Amendment of the U.S. Constitution. Arizona's former Gov. Rose Mofford, a critic of the state measure, declined to appeal, but Arizonans for Official English was permit-

ted to intervene and filed an appeal. A federal appeals court based in San Francisco last year agreed with the trial judge that the amendment should be struck down.

The appeals court reasoned that choice of language is equivalent to speech itself and that the Arizona amendment infringed the rights of both residents who don't speak English but need information and the civil servants who want to help them.

In its appeal to the Supreme Court, Arizonans for Official English attacked the



notion that public employees have a right to use a particular language and that residents have a right to be served in a tongue other than English. (*Arizonans for Official English vs. Arizona*)

\* \* \*



DATE: 3-26-96

PAGE: 7-A

# Here comes the judge – again,

## Liberal rulings keep coming up for review

By Tony Mauro  
USA TODAY

California federal appeals judge Stephen Reinhardt made headlines this month by expounding a new constitutional right — the right to die with the help of a doctor.

On Monday the most liberal judge on the most liberal federal appeals court made news again when the Supreme Court agreed to consider overturning two of his other decisions.

In one case, Reinhardt ruled that Arizona violated First Amendment free speech rights by making English its official language.

In the other, he said that private parties can invoke the Endangered Species Act only if they want more protection for a species, not less.

For a Supreme Court that accepts only one of every 100 appeals, it's rare for two decisions by the same judge to be taken the same day.

Two other Reinhardt decisions, favoring defendants in drug cases, are already pending on the high court's docket.

Reinhardt, a Los Angeles-based Carter appointee, is a rare, unabashed liberal who revels in lobbing high impact grenades toward a Supreme Court dominated by Reagan and Bush conservatives.

In a 1992 speech, he held the Supreme Court partly to blame for the Los Angeles riots: "The message the new Su-

## says court

preme Court has delivered to the minority communities is clear: We no longer care."

"He is the principled, unwavering judge on the left," says Ed Chen of the American Civil Liberties Union.

"His decisions are brilliant, tightly reasoned," says University of Southern California law professor Erwin Chemerinsky.

But some say that he has become such a burr under the high court's saddle that he hurts his own causes.

"There's an assumption

here that if it's a Reinhardt opinion, it's reversible," says Michael Rushford of the conservative Criminal Justice Legal Foundation. "On a court that's pretty much out there on the left (the Ninth Circuit Court of Appeals), he's the most out there."

The court will soon get another chance to reconsider a Reinhardt opinion. On Monday, Washington Attorney General Christine Gregoire announced plans to appeal Reinhardt's right-to-die ruling to the Supreme Court.

In a telephone interview Reinhardt, 64, said he doesn't keep track of how often he is reversed. "As long as a judge says what he believes, you can't criticize it. I have to say what I believe the Constitution tells me to say."

Reinhardt laughs at his image as a wild liberal, noting that his rulings won wide support from other judges on his appeals court: "It's a little odd to say you're inventing rights that aren't there when eight judges join you."

Reinhardt grew up in a Hollywood show-business family. His stepfather was a movie director. After Yale Law School, he became a labor lawyer.

Republicans have attacked President Clinton for appointing liberal judges. But to Reinhardt, they're not liberal enough: "His judges don't stand for anything and he still gets criticized. If he's going to get criticized anyway, he might as well appoint judges who stand for something."

OPINION USA

# English-only rules: EEOC has gone too far

**Requiring employees to speak English on the job is not a civil rights violation. Surely the agency has better things to pursue.**

David Andrew Price

Parents of children at the A&B Nursery school in Houston, Texas, complained to the school's management that some staff members spoke Spanish around the children. The children, parents said, were learning more Spanish than English.

Bowing to pressure from the parents — including Hispanic parents — the school adopted a policy requiring all employees to speak English on the premises.

For its troubles, the nursery school is now being sued for discrimination by the federal government.

That's right. In today's America, the Equal Employment Opportunity Commission considers it discriminatory to require English on the job.

Never mind that this "discriminating" employer has a staff almost 50% Hispanic. And although the suit against A&B was won out as frivolous by the trial judge, the EEOC has appealed.

The school is not alone. In 1994, the EEOC reported that it had 120 active charges pending against 87 employers based on English-language rules. In 1995, the agency added 11 more cases, though final figures are not available. With the threat of costly litigation as a weapon, the EEOC has obtained settlements in English-language cases against employers ranging from Sears to the Salvation Army.

Even though two federal appeals courts have already rejected the agency's position, the EEOC pushes on and companies regularize because it just doesn't pay to fight

The question is, why? Discrimination based on someone's race or sex is a proper target of the civil rights laws because these factors are outside the person's control and are irrelevant to job performance. But the decision not to speak English is just that — a decision.

Obviously, newcomers can learn and speak English, as America's successful experience with generations of immigrants demonstrates.

Indeed, many of the employees bringing complaints in these cases are bilingual in the first place; they simply prefer, out of pride and convenience, to speak their native language on the job.

In the workplace, though, personal preferences often have to give way to the needs of others. Certainly, the use of a common language at work fosters communication and ease between employees and their colleagues, supervisors and customers.

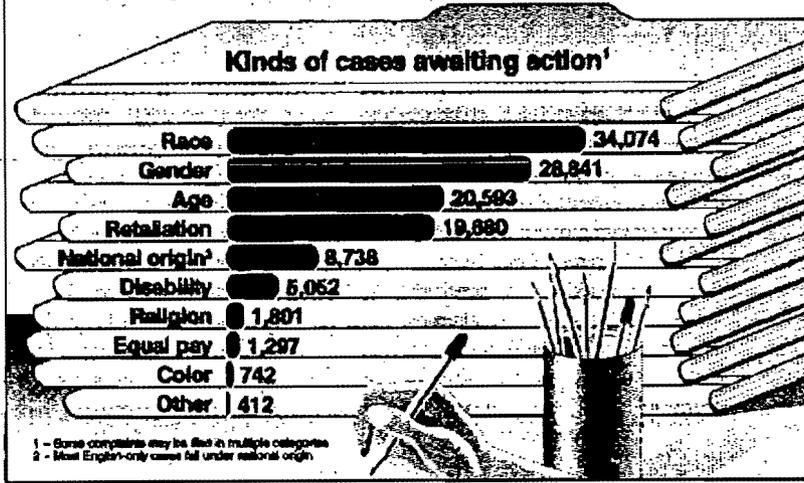
In addition, English-language rules are adopted to reduce racial tensions that occur when employees or customers believe that they are being disparaged by those conversing in another language.

For example, in 1990, the Spun Steak Co., a poultry and meat wholesaler in San Francisco, adopted an English-language rule in response to complaints from African-American and Chinese-American employees who believed that Spanish-speaking workers were making racist comments about them.

The Spanish-speaking employees, with the support of the EEOC, sued and persuaded the trial court that the company was guilty of discrimination — even though the policy was

## A backlog of bias cases

According to columnist David Price, the Equal Employment Opportunity Commission is wasting its time pursuing frivolous English-only complaints when it has a growing number of more pressing cases that need resolution.



Source: EEOC preliminary data for fiscal 1996

By Genevieve Lynn, USA TODAY

adopted to maintain equality in the workplace. (The decision was overturned on appeal.)

Although the EEOC purports to be protecting foreign-born residents from repression, it is the EEOC's own policy that will truly repress foreign-born Americans in the long run.

The fact is that English proficiency is critical to economic achievement in this country, and the government cannot litigate that fact

out of existence.

But federal policy can, and does, help to convey the misleading impression that the arduous task of learning English can be circumvented — indeed, that the option of circumventing it is a civil right.

The notion that requiring someone to speak English on the job is a violation of his or her civil rights would have been surprising to Frederick Douglass, the great anti-slavery leader of the 19th century.

While a young slave, he became curious, as he later recalled, about "this mystery of reading."

Like other slaves, he was denied any schooling. But he persuaded his owner's wife to teach him the alphabet and some short words.

Later, he managed to obtain a book of great speeches called *The Columbian Orator* and polished his English by reading it daily, learning from giants like William Pitt and George Washington.

In time, he became a giant himself — thanks to his hard-won mastery of America's common language.

Regardless of the merits of the policy, the EEOC knows the courts disagree with its interpretation of the law.

Both times a business's English-only rules have gone to federal appeals courts, the EEOC has lost. Yet the EEOC continues to prosecute cases both inside and outside the jurisdiction of courts where it has lost.

"The commission has not revised or modified its position," the agency says, "nor does it anticipate doing so."

With its perennial backlog of thousands of civil rights charges, the agency has plenty of other work to do; it just needs to get its priorities straight.

Like its recent sex-discrimination lawsuit against a clothing store that refuses — for some strange reason — to hire men to assist women customers in the dressing room, the agency's policy on English language shows that it cannot tell the difference between real civil rights abuses and ones that exist only in the minds of fevered ideologues.

David Price is an attorney with the Washington Legal Foundation, a conservative public-interest law firm.

3-28-96 2:42PM EEOC- CCITT ECM: # 2

# High-Court Highlight Is an 'English Only' Law

By EDWARD FELSETHAL

Staff Reporter of THE WALL STREET JOURNAL

The fate of efforts to make English the country's official language may turn on the case of Kelly Yniguez.

Ms. Yniguez, a 46-year-old former state employee in Arizona, sued the state after it

## LEGAL BEAT

passed a law barring government workers from speaking languages other than English on the job. She claims that the law, one of nearly two dozen such measures around the country, violated her free-speech rights and kept her from giving vital information to non-English speakers who visited her agency.

The Yniguez case is one of a variety of disputes affecting consumers, workers and business that the Supreme Court will take up when it begins its 1996-97 term next month. Among the other cases are two in which companies are invoking their own First Amendment free-speech rights to challenge government regulations. The justices will also address a question with immediate relevance to companies that depend heavily on research and development: Do patent rights protect against inventions that differ only slightly from the patented product or process? And the court will clarify when the main federal job-discrimination law applies to thousands of small businesses.

The nationwide push for "English only" laws is rooted in fears of cul-

tural fragmentation, making it one of the most socially charged matters on the court's docket. Civil-rights groups have blasted the laws as exclusionary and insulting to immigrants. And Arizona's law, an amendment to the state constitution, is particularly restrictive, allowing public employees to speak other languages in only a few situations, such as when teaching English or communicating with crime suspects.

But the case also has implications

for workers outside the government. Although the First Amendment can only be invoked against federal, state or local governments, the Equal Employment Opportunity Commission says company policies requiring the use of English may violate civil-rights laws. Several appeals courts have found otherwise, but lawyers say those rulings could be jeopardized if the Supreme Court invalidates the Arizona law.

The court will be assessing the gov-

ernment's interest in the rules that it's imposing," says Richard Willard, a Washington lawyer who wrote a friend-of-the-court brief supporting the Arizona law on behalf of two conservative think tanks and 34 members of Congress. The same issue comes up in discrimination cases against private businesses with English-only policies, Mr. Willard says.

The justices could still sidestep the English-only issue. That's because the state dropped out of the case, and the high court must now decide whether private backers of the Arizona measure can defend it.

Free speech is also at stake in two disputes this fall that involve business regulation. In one of these — the first case on the court's docket — 17 cable-television companies are trying to knock down federal rules requiring cable systems to carry local TV stations. This will be the second time this case has reached the high court; two years ago, the justices sent it back to a lower court to review Congress's justifications for enacting the rules.

If the high court throws out the rules, consumers are likely to find that their cable systems no longer carry some broadcast stations, particularly small public-television and independent channels with relatively low ratings. The cable operators contend the First Amendment protects them from having to air these stations against their wishes. But broadcasters say there is a solid justification for the rules to prevent cable systems, which now reach more than 60% of

Please Turn to Page B15, Column 6

homes with televisions, from squeezing competitor stations out of the market.

In a separate business-related free-speech case, a group of fruit producers are challenging a regulation from the 1930s that forces them to contribute money to a collective advertising program for California fruit. The companies involved say they disagree with the content of some of the ads, including some suggesting that all California fruit is the same. The U.S. government, supported by 10 states, says the program is necessary to boost demand and prevent disruptions in the agricultural markets.

Both cases present the court with a chance to flesh out an important but undeveloped area of law: the rights of businesses to refrain from associating with particular ideas or programs. We usually think of a First Amendment case as the government saying, "You can't say something," observes John Roberts, a litigator with the Washington law firm Hogan & Hartson. "These are cases where the government is saying, 'You must say this.'"

The patent case on the court's agenda grew out of a dispute between two companies that produce synthetic food dyes: Hilton-Davis Chemical Co., a unit of Freedom Chemical Co., Philadelphia, claims its patented technique of purifying dyes was used illegally by Warner-Jenkinson Co., a unit of Universal Foods Corp., Milwaukee. Warner-Jenkinson says its process differs somewhat from the patented one, but a jury concluded those differences were so insignificant that the company had infringed the patent.

Warner-Jenkinson is urging the high court to rule that small differences count and that the law is broken only when a competing invention is literally identical to the description in the patent record. But Hilton-Davis says that approach would allow unscrupulous companies to take advantage of patented inventions by making tiny changes. The court's answer will be especially important to Silicon Valley firms and high-technology manufacturers that often get embroiled in patent disputes.

Continued From Page B1

At small companies of every stripe, workers will learn this term exactly when they are protected by Title VII of the 1964 Civil Rights Act. The law bars job bias based on race, sex or religion, but it applies only to employers who have 15 or more workers.

The issue in the case, which some lawyers loosely describe as "how to count to 15," is whether the 15 workers merely have to be on the payroll or whether they must be physically on the job. The case was filed by Darlene Walters, a former bill collector at an educational-products firm who claims she didn't get promoted because of her gender. But the federal appeals court in Chicago threw out the case because, although her company had 15 employees, some were hourly workers who didn't show up regularly.

Separately, the justices will once again consider the thorny issue of punitive damages. Last year, the court for the first time found a jury's punitive award outrageous enough to toss out. This term, it will address whether the Internal Revenue Service can tax such awards. The Tax Code exempts from taxation damages received on account of personal injuries. But the Internal Revenue Service says punitive damages are taxable because they are designed to punish wrongdoing, not to compensate for personal injuries.

THE WALL STREET JOURNAL  
TUESDAY, SEPTEMBER 24, 1996

PHOTOCOPY  
PRESERVATION

## U.S. Budget Deficit Widened in August

*By a WALL STREET JOURNAL Staff Reporter*  
WASHINGTON — The federal government's budget deficit widened to \$41.83 billion in August from \$33.85 billion a year earlier, the Treasury Department said.

The August budget gap compared with a deficit of \$27.1 billion in July. In its monthly statement, the Treasury Department said receipts declined to \$100 billion in August from \$103.89 billion in July, while outlays rose to \$141.83 billion, up from \$130.99 billion in July.

Still, the deficit appears to be headed for its fourth consecutive annual decline. During the first 11 months of fiscal 1996, which ends Sept. 30, the budget gap totaled \$144 billion, 16% narrower than the \$171.1 billion deficit in the 1995 period. The deficit for all of fiscal 1996 will likely be smaller than the 11-month total because there is often a surplus from quarterly income tax payments in September.

### Ad Notes

**TOBACCO ADS:** Philip Morris agreed to remove a billboard advertising Marlboro cigarettes after the Atlanta Braves' last home game of the regular baseball season last night, the Justice Department said in a Reuters report. The department charged that the sign had been placed in left-center field in such a way that it appeared on telecasts of baseball games, in violation of a federal law banning cigarette advertising on television. It said it had received complaints about the Marlboro sign appearing on several telecasts of the baseball team's games this season. Department officials told the cigarette maker and Atlanta-Fulton County Stadium the sign violated the advertising ban and a court agreement reached with Philip Morris last year. The company late last year removed a second and more conspicuous Marlboro sign and has taken down signs at other professional sports stadiums around the country as part of the agreement.

### CORRECTIONS & AMPLIFICATIONS

**HENRY FORD II** died in 1987. An illustration of the Ford family tree that accompanied a page-one article yesterday about Mr. Ford's nephew, William Clay Ford Jr., incorrectly indicated that the elder Mr. Ford was still alive.

**BUILDING OFFICIALS** in Buena Vista, Colo., shut down one rammed-earth home construction project. Builder Quentin Branch is working on two new projects there but not the one officials halted. A Home Front article Friday said incorrectly that Mr. Branch was finishing three projects that had been shut down.

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES  
OFFICE FOR CIVIL RIGHTS



OFFICE OF THE DIRECTOR

FAX TRANSMISSION COVER SHEET

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3

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MESSAGE:

Sacramento Bee; 10-5-95

# Judges to reject 'English-only' law

## Cite need for 'tolerance' in Arizona case

By Claire Cooper  
Bee Legal Affairs Writer

SAN FRANCISCO - Arizona's "English-only" law, requiring all government workers to act exclusively in English, will be struck down by a closely divided special panel of 11 federal judges.

The 6-5 decision will be issued by the 9th U.S. Circuit Court of Appeals in the only case testing the potential muscle of the "official English" movement that has put laws on the books in California and 21 other states, most of them since the mid-1980s.

Arizonans for Official English, the losers in the case, are likely to

take it to the U.S. Supreme Court, their lawyer, Barnaby W. Zall, said Wednesday.

It presents "a fairly straightforward question of whether the government can speak with one language," he said. Specifically, he said, it raises the issue of whether a state worker was required to write her reports in the language her supervisor could read - English.

On the other side of the case, another lawyer said the impending decision will mean "the people of Arizona can continue to converse in the language they under-

Please see LANGUAGE, page A6

# Language: Statutes are mostly symbolic

Continued from page A1  
stand and are most comfortable with," be it English, Spanish, Navajo or Hopi, except when that interferes with safety or efficiency.

"We were never saying that an air-traffic controller had the right to speak Hopi on the job," said Stephen G. Montoya of Phoenix, lawyer for Arizonans Against Constitutional Tampering.

Release of the 9th Circuit opinion is expected within a few days. It was circulated by mistake Tuesday on the court's electronic public information system. Court Clerk Cathy A. Catterson confirmed that the final version will not be significantly different.

Most of the English-only statutes and constitutional amendments enacted to date have been primarily symbolic — toothless and unenforced. For example, the California English-only measure, a state constitutional amendment approved by the state's voters as Proposition 63 of 1986, pledges preservation of "the role of English as the common language" but leaves open how that will be done.

On the other hand, the Arizona measure, a 1988-state constitutional initiative, requires "the state and all political subdivisions (to) act in English and in no other language."

Two days after the voters adopted it, Maria-Kelley F. Yniguez went to federal court to challenge it. A state insurance claims adjuster, Yniguez said she needed to speak Spanish to communicate with the many non-English-speaking people who filed claims.

Zall, the lawyer for Arizonans for Official English, said Yniguez asserted a right to file her claim reports in Spanish. "We thought it

would be better if her supervisor could read what she was doing," he said.

But attorney Montoya denied that had happened. "Kelley always provided an English copy of the document, too," he said.

U.S. District Judge Paul G. Rosenblatt of Phoenix ruled in favor of Yniguez, enjoining enforcement of the law as a violation of the First Amendment.

Last December, a three-judge panel of the 9th Circuit appellate court unanimously upheld his decision with an opinion written by Judge Stephen Reinhardt of Los Angeles.

A majority of appellate judges later voted to subject the case to reconsideration by an 11-judge panel.

But that review has produced no significant change.

Reinhardt once again has written the majority opinion. It acknowledges "the importance of establishing common bonds and a common language" in a "diverse and pluralistic society" but says the "American tradition of tolerance" is equally important.

It also acknowledges the importance of encouraging people to speak English but says that repressing other languages would deprive thousands of Arizonans of essential government information.

A narrower concurring opinion has been written by Judge Melvin Brunetti of Reno.

Three dissenting opinions have been written by Judges Ferdinand F. Fernandez and Alex Kozinski, both of Pasadena, and by Chief Judge J. Clifford Wallace of San Diego. The dissenters say the First Amendment does not apply.



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

TELEFACSIMILE COVER SHEET

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# Senate Future Meetings

### Agenda:

S 1526 - A bill to provide for retail competition among electric energy suppliers, to provide for the recovery of stranded costs attributable to an open access electricity market, and for other purposes.

## BARRING USE OF U.S. FOREST LAND FOR LANDFILLS

Forests and Public Land Management Subcommittee (Chairman Craig, R-Idaho) of Senate Energy and Natural Resources Committee will hold a hearing on legislation that would prohibit the transfer of any national forest system lands in the Angeles National Forest in California for use as a solid waste landfill.

1pm SD-366 Dirksen Bldg. **March 7**

### Agenda:

S 393 - A bill to prohibit the secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of federal ownership for use as a solid waste landfill.

HR 924 - A bill to prohibit the secretary of Agriculture from transferring any National Forest System lands in the Angeles National Forest in California out of federal ownership for use as a solid waste landfill.

## NATIONAL PARKS LEGISLATION

Parks, Historic Preservation and Recreation Subcommittee (Chairman Campbell, R-Colo.) of Senate Energy and Natural Resources Committee will hold a hearing on legislation related to national parks.

9:30am SD-366 Dirksen Bldg. **March 7**

### Agenda:

S 745 - A bill to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park, and for other purposes.

S 726 - A bill to provide for the protection of wild horses within the Ozark National Scenic Riverways, Mo., and prohibit the removal of such horses, and for other purposes.

HR 238 - A bill to provide the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses.

S 1451 - A bill to authorize an agreement between the secretary of the Interior and a state providing for the continued operation by state employees of national parks in the state during any period in which the National Park Service is unable to maintain the normal level of park operation, and for other purposes.

## Foreign Relations

### TEXTILE NEGOTIATOR NOMINATION

Senate Foreign Relations Committee (Chairman Helms, R-N.C.) will hold a confirmation hearing on the nomination of Rita Derrick Hayes to hold the rank of Ambassador during her tenure of service as Chief Textile Negotiator.

10am SD-419 Dirksen Bldg. **March 6**

### RELIGIOUS FREEDOM IN PAKISTAN

Near Eastern and South Asian Affairs Subcommittee (Chairman Brown, R-Colo.) of Senate Foreign Relations Committee will hold a hearing on religious freedom in Pakistan.

2pm SD-419 Dirksen Bldg. **March 6**

## CHEMICAL WEAPONS CONVENTION

Senate Foreign Relations Committee (Chairman Helms, R-N.C.) will hold a hearing on the Convention on Chemical Weapons.

10am SD-419 Dirksen Bldg. **March 7**

## Governmental Affairs

### CORPORATE SUBSIDIES

Senate Governmental Affairs Committee (Chairman Stevens, R-Alaska) will hold a hearing on legislation that would eliminate certain federal corporate subsidies.

9:30am SD-342 Dirksen Bldg. **March 5**

### Agenda:

S 1378 - A bill to terminate unnecessary and inequitable federal corporate subsidies.

### Witnesses scheduled:

#### PANEL:

Sen. John McCain, R-Ariz.; Sen. Fred Thompson, R-Tenn.

#### PANEL:

Stephen Moore - executive director, CATO Institute; Robert J. Shapiro - founder and vice president, Progressive Policy Institute

#### PANEL:

Martha Phillips - executive director, Concord Coalition; Ann McDride - president, Common Cause

### GOVERNMENT PLANNING

#### Joint Hearing

Senate Governmental Affairs Committee (Chairman Stevens, R-Alaska) and House Government Reform Committee (Chairman Clinger, R-Pa.) will hold a joint hearing on

"Performance-based government: Examining the Government Performance and Results Act." The hearing will focus on compliance with the 1993 act, which requires all agencies to set annual and long term planning goals and measure their performance against those goals.

9:30am 2154 Rayburn Bldg. **March 6**

### Witnesses scheduled:

#### PANEL:

Charles A. Bowsher - comptroller general, U.S. General Accounting Office

#### PANEL:

Donald P. Keel - professor of public affairs and political science, University of Wisconsin at Madison and nonresident senior fellow, Brookings Institution; Robert W. Lauterberg - director of planning and budget, Commonwealth of Virginia; Frank Fairbanks - city manager, Phoenix, Ariz.; Malcolm Holmes - senior public sector management specialist, World Bank and former senior official, Ministry of Finance, Government of Australia

### ENGLISH AS OFFICIAL LANGUAGE

Senate Governmental Affairs Committee (Chairman Stevens, R-Alaska) will hold a hearing on legislation that would declare English as the official language of the United States.

9:30am SD-342 Dirksen Bldg. **March 7**

### Agenda:

S 356 - A bill to amend title 4, U.S. Code, to declare English as the official language of the government of the United States.

### Witnesses scheduled:

#### PANEL:

Rep. Patsy T. Mink, D-Hawaii; Rep. Nydia M. Velazquez, D-N.Y.; Rep. Robert A. Underwood, D-Georgia

#### PANEL:

Sen. Paul Simon, D-Ill.

### PANEL:

Ed Philimonof - Eastern Aleut language specialist, Anchorage, Alaska; Kauanoo Kamara - president and Namaka Rawlins - director, Punaui Leo Programs, Hilo, Hawaii; Leonard Chee - chairman, education committee, Navajo Nation Council, Window Rock, Ariz.; Ron Allen - president, National Congress of American Indians

### PANEL:

Juan Perea - professor of law, University of Florida College of Law; Karen Narasak - executive director, National Asian Pacific American Legal Consortium

### GOVERNMENT TRAVEL

Oversight of Government Management and the District of Columbia Subcommittee (Chairman Cohen, R-Maine) of Senate Governmental Affairs Committee will hold a hearing on oversight of government-wide travel management. Their main focus will be on the executive branch's system of reimbursing employees for travel expenses.

9:30am SD-342 Dirksen Bldg. **March 8**

### WEAPONS PROLIFERATION

Permanent Investigations Subcommittee (Chairman Roth, R-DeL) of Senate Governmental Affairs Committee will hold hearings on global proliferation of weapons of mass destruction.

9:30am SD-342 Dirksen Bldg. **March 13, 20, 27**

### ASSET FORFEITURE PROGRAM

Permanent Investigations Subcommittee (Chairman Roth, R-DeL) of Senate Governmental Affairs Committee will hold a hearing on the Asset Forfeiture Program. The panel will focus on the seizure of the the Bicycle Club Casino in Los Angeles by the U.S. Marshals Service in 1990.

10am SD-342 Dirksen Bldg. **March 19**

## Judiciary

### PATENT RESTORATION ACT AND DRUG PRICE COMPETITION

Senate Judiciary Committee (Chairman Hatch, R-Utah) will hold a hearing on drug price competition and the patent term restoration act.

10am SD-226 Dirksen Bldg. **March 5**

### INTERSTATE TRANSPORTATION OF HUMAN PATHOGENS

Senate Judiciary Committee (Chairman Hatch, R-Utah) will hold a hearing on the interstate transportation of human pathogens.

10am SD-228 Dirksen Bldg. **March 6**

### FULL COMMITTEE MARKUP

Senate Judiciary Committee (Chairman Hatch, R-Utah) will mark up pending legislation.

10am SD-106 Dirksen Bldg. **March 7 &**

### ADDL DATES AS NEEDED

#### Agenda:

March 7

S 269 - A bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel; improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedure.

CQ's Congressional Monitor MONDAY MARCH 4, 1996

copy

Immigrant Policy Project  
State and Local Coalition on Immigration

Vol. 1, #3 1/24/94

Steve

**Court Bars Implementation of California's Prop. 187**

All but two provisions of Proposition 187 have been barred from taking effect, pending a hearing on the constitutionality and legality of the initiative. The only two sections left standing relate to 1) public higher education, and 2) the manufacture or use of fraudulent citizenship or resident alien documents. On December 9, a San Francisco judge temporarily blocked implementation of the higher education provisions; the next hearing, for the preliminary injunction, is scheduled for February 8 in the Superior Court in San Francisco.

In the December 14 ruling by the U.S. District Court in California, the judge said that the proposition was in apparent conflict with federal law, and that the state appeared to be interfering with the federal government's job of enforcing immigration laws.

California's Assistant Attorney General argued that California has a

right to determine who is eligible for its benefits.

Eleven lawsuits were filed in California state and federal courts challenging Proposition 187. The constitutional challenge to the measure relies primarily on the Supremacy Clause, that immigration is exclusively within the federal jurisdiction and may not be regulated by the states, the equal protection clause of the Fourteenth Amendment, that prevents discrimination by race or national origin, and the due process clause that requires an opportunity for hearings prior to termination of benefits.

Prop. 187, which passed by a 3-2 margin, denies publicly funded health care (except emergency care), social services, and education to undocumented persons. The measure adds reporting and verification requirements for social services, health care, education, and law enforcement, if the agency determines or "reasonably suspects" the applicant is in violation of immigration law. The provisions relating to manufacture and use of false documents mirror those in federal law, but add state penalties.

For the upcoming hearing on February 8, California's deputy attorney general is arguing that the costs of educating illegal immigrants is a serious burden on the state, and justifies the proposition's bar on public education.

**From the Bar**

**Arizona "Official English" Law Overturned**

On December 7, 1994 the 9th Federal Circuit Court of Appeals overturned an Arizona law making English the only language which state employees may use to conduct official state business. The court ruled that the law violated the First Amendment rights of Arizona employees. The law was passed as a ballot initiative in 1988 by Arizona voters.

The so-called "Official English" law was challenged by two Latino state employees, including former Arizona state senator Jaime Gutierrez, who contended that the law violated their right to free speech guaranteed by the U.S. Constitution. Senator Gutierrez argued that the law prevented him from speaking to his constituents in Spanish.

At least 19 other states have passed laws making English their official language. The ruling overturns Official English laws in Hawaii and California because these two states are also in the 9th Circuit. The ruling's effect on the other 17 state laws is unknown.

*The State-Local Report* is a companion newsletter to our federal newsletter, *Immigrant Policy News ... Inside the Beltway*. The focus of this newsletter is to highlight state and local activities related to immigrants, including innovative policies and programs that assist with the integration of immigrants and refugees.

**The State-Local Report welcomes your comments and suggestions for articles.** Please contact Ann Morse (202-624-8697) or Jon Dunlap (202-624-8684).

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## Update on State Lawsuits for Costs of Illegal Immigration

### ◆ **Florida Lawsuit Dismissed; Texas Suit Also in Danger**

On December 20, 1994 a U.S. District Court Judge in Miami dismissed Florida's lawsuit seeking damages against the federal government for its failure to control undocumented immigration. Although the court sympathized with the state's position, it ruled that the judicial branch did not have the authority to require the other two branches of federal government to reimburse Florida.

Florida had asked the court to require the federal government to deport all undocumented aliens, to permit undocumented aliens in Florida to receive AFDC and Medicaid, and to reimburse the state for the costs of providing federally-mandated services to undocumented aliens. The court ruled that each of these issues should be resolved through the political process and not by the courts. Florida had also asked the court to require the U.S. Department of Justice (DOJ) to disburse funds from the Immigration Emergency Fund to reimburse the costs Florida has incurred due to the influx of Cuban and Haitian rafters landing on its shores. However, subsequent to Florida's lawsuit, DOJ implemented program regulations for the Fund, causing the court to rule that this part of the complaint is moot until Florida applies for the funds under the new regulations. If Florida is denied these funds under the new regulations, the court could then hear this argument and make a ruling.

Florida Governor Lawton Chiles has announced that he is prepared to appeal the court's decision to the U.S. Supreme Court if necessary.

Also in December, a U.S. District Court in Brownsville, Texas indicated that it would likely dismiss a similar lawsuit filed by the state of Texas. After hearing oral arguments, the judge informally indicated to both the Texas attorney general and the DOJ lawyers that he would rule in favor of the federal government's motion to dismiss. Texas has subsequently amended its complaint and the case will be reargued in the near future.

The California lawsuit is set for oral arguments on February 13, 1995. Lawsuits filed by Arizona, New Jersey, and New York had not been given court dates at this printing. The U.S. Department of Justice has filed motions to dismiss each of these complaints. For more information, contact Thomas Millet, Civil Division, U.S. Department of Justice, (202) 514-3313.

### ◆ **Leading Immigration Indicators**

The Cato Institute and the Center for Equal Opportunity (formerly part of the Manhattan Institute) released a report entitled, *The Index of Leading Immigration Indicators*. The report includes a broad range of findings including statistics on the total number of foreign born in the U.S., the proportion of foreign-born vs. native-born, immigrant residence by state, immigrant household size and composition, immigrant education levels, immigrant participation in the work force, immigrant income levels, immigrant prison rates, immigrant welfare use, and public opinion on immigration.

Some of the highlights of the report are:

- Immigration arrivals have increased, but their numbers are relatively low as a percentage of the population: 3.1% in the 1980s compared to 10.4% at the previous peak decade of 1901-1910.
- In 1993, 68% of Americans believed most immigrants came here illegally, according to a New York Times/CBS News poll. However, that same year, legal immigrants outnumbered illegal immigrants three-to-one.
- The foreign-born are more likely to work than the native-born: 77% compared to 74%.
- Non-refugee immigrants of working age are less prone to welfare use than natives.
- Immigrants are twice as likely to have Ph.D.s as the native population.
- Many immigrants lack a high school education: 41% vs. 23% for natives.
- Immigrants do not lead to higher unemployment rates for U.S. workers, largely because they create jobs with their businesses and consumer spending.
- The 1991 Survey of State Prison Inmates found 4% of state prison inmates were not U.S. citizens; noncitizens comprise 4.7% of all U.S. residents.
- Over the last 40 years, almost always a plurality and sometimes a majority of Americans have wanted to reduce the flow of immigrants.

Copies of the report can be obtained from John Miller, Center for Equal Opportunity, (202) 842-3733.

## **Food Stamp Participation by Texas' Refugees**

*by Eric Taylor, Texas Office of Immigration and Refugee Affairs*

A recent study, conducted by the Texas Office of Immigration and Refugee Affairs, found that Texas refugees living in the country for more than three years are much less likely to receive food stamps than Texas' general population. Findings from the study of more than 1,400 Vietnamese, Laotian, Ethiopian, and former Soviet Union refugees provide several insights about refugees' food stamp utilization patterns.

### *Time in the Country*

As defined by the United Nations High Commission on Refugees, refugees are individuals who have fled their native countries because of persecution or well-founded fear of persecution due to their race, religion, nationality, social group or political opinion. In light of their pasts and usually arriving in the U.S. with few possessions, varying levels of education and English proficiency, and very little or no money, adaptation to new lives in the U.S. often proves to be a formidable task for refugees. Upon arrival, many refugees participate in government assistance programs to meet their most basic needs.

Of Texas' refugees who have received food stamps, almost 90% began participation during their first year in the U.S. Currently, three-fourths of refugees who began receiving food stamps no longer do. Additionally, the overall rate of use by refugees, including refugees in the country for less than three years, is equal to the rate of Texas' general population of 15%. Thus, refugees make up about one-half of

one percent of all Texas' food stamp recipients.

The high initial rate of participation may be the result of special efforts by social service agencies to help refugees. Short-term participation in the food stamp program may be necessary for survival during the initial adjustment process.

### *Work*

According to the study, refugees who are working use food stamps at significantly lower rates than those who are not working. Four percent of working refugees receive food stamps (a much lower rate than actually qualifies for the program), and approximately 40% of unemployed refugees are recipients.

The study also found that the average number of months a refugee receives food stamps is equal to the average number of months it takes refugees to find work. It may be that many refugees participate in this program only while looking for employment. Once employed, a relatively low percentage of refugees remains enrolled in the food stamp program.

### *Characteristics*

Other characteristics related to food stamp receipt by refugees include educational level, English proficiency, sex, and age. As a refugee's educational level and English proficiency increase, the likelihood he or she receives food stamps decreases.

Females are more likely to receive food stamps than males, and both the young and the old are more likely to be recipients than refugees between the ages of 26 and 49. The connection between these characteristics and food stamp receipt is not

completely clear. It may be that having less education, fewer English skills, being female, and/or being young or old makes it more difficult to find a job. Without employment, food stamps may become necessary.

### *Food Stamps*

Inclusion in the food stamp program for both refugees and U.S. citizens is based primarily upon household income. To be eligible, all persons in the household must have a combined gross income of less than 130 percent of the federally established limits for poverty, and countable resources of less than \$2,000. The average monthly Texas allotment in 1994 was \$69.09 per month per recipient.

### *Study Limitations*

As indicated in the report, a limitation of the study is that analyses are based on self-report data, and are thus accurate only to the extent reported by participants. While it is possible that some respondents were hesitant to admit to receiving food stamps, this concern is mitigated for several reasons. Over half of the refugees said they had used food stamps at some time, and the interviews were conducted in refugees' native languages by interviewers from their home country.

*For copies of the report, or further information, please call Eric Taylor at (512) 873-2400.*

## General Assistance Provides Key Assistance to Newcomers

A recent survey of 24 states and localities conducted by the Immigrant Policy Project finds that state and local general assistance (GA) programs are serving significant numbers of needy immigrants and refugees. The survey also indicates that legal immigrants and refugees who are cut from federal cash assistance programs as a means of funding federal welfare reform would be eligible for state and local GA programs in the vast majority of states.

General Assistance programs are state and local government welfare programs which provide assistance to needy persons not served by federal welfare programs. GA programs are created, administered, and funded solely by state and local governments. In 1992, 42 states had at least one GA program operating within their jurisdictions, serving either the entire state or the most populous county.

The survey indicates that GA programs generally serve three different low-income populations: 1) disabled, elderly, or unemployable people not eligible for SSI; 2) families with children not eligible for AFDC; and, 3) able-bodied adults without children. Of the 24 states and localities surveyed, all 24 have programs which would serve immigrants dropped from SSI, and 14 have programs which would serve immigrant families made ineligible for AFDC. All 58 California counties, New York, and Illinois have programs which would serve both groups. This finding is significant because it establishes that cuts in federal welfare eligibility for legal immigrants are easily translated into cost shifts for state and local welfare programs.

Although most states and localities surveyed did not keep information on non-citizen GA participation, a few programs did provide information indicating that non-citizens are a significant portion of some GA caseloads. **Los Angeles County, Calif.** reported that in April 1994, 19 percent of its program participants were either legal immigrants or refugees. **Orange County, Calif.** reported that its GA program served 567 non-citizens in 1994. **San Francisco County, Calif.** reported that in August 1994, 20 percent of its GA caseload were non-citizens. **Santa Clara County, Calif.** reported that in FY 1993, 18 percent of its GA recipients were sponsored aliens and 16 percent were time-expired refugees. **Dade County, Fla.** stated that approximately 32 percent of its GA caseload consisted of non-citizens in FY 1993. **Illinois** estimated that 24 percent of its GA recipients were foreign-born in FY 1993. **Kansas** estimated that its GA program served 408 foreign-born recipients in FY 1993.

The survey results also indicated that GA program benefits were often comparable to the federal welfare benefits provided under the AFDC program. Of the 14 GA programs serving families with children, 6 provided a maximum monthly benefit for a family of 3 that was larger than the state's AFDC maximum monthly benefit for a family of the same size. Four GA programs provided benefits equal to the state's AFDC program, and 4 GA programs provided a maximum monthly benefit less than the state's AFDC program. State GA benefits ranged from a high of \$768 per month in New York to a low of \$193 per month in Harris County, Tex. AFDC benefits ranged from a high of \$703 per month in New

York to a low of \$184 per month in Texas.

On the other hand, GA program benefits were well below those provided by the federal SSI program. Of the 24 GA programs which serve the elderly and disabled, 21 GA programs provided a maximum monthly benefit for a one person case that was lower than the state's maximum monthly SSI benefit for a one person case. Only two GA programs provided a greater benefit than the SSI benefit (data was not available for one state). GA program benefits for individuals ranged from a high of \$517 per month in New York to a low of \$80 per month in Missouri. SSI benefits ranged from a high of \$603 in California to a low of \$446 in many states.

The survey also found that programs usually provided ongoing, unlimited GA benefits. Of the 14 GA programs serving families with children, all 14 provided their benefits without time limits. Of the 24 GA programs serving the elderly and disabled, 20 GA programs provided benefits without time limits, while four programs placed time limits on their recipients.

The 24 states and localities included in the survey were: Arizona; Los Angeles, Orange, San Diego, San Francisco, and Santa Clara counties in California; Dade County, Florida; Fulton County, Georgia; Illinois; Kansas; Maine; Maryland; Massachusetts; Michigan; Minnesota; Missouri; New Jersey; New York; Oregon; Pennsylvania; Dallas and Harris counties in Texas; Fairfax County, Virginia; and Washington state. (These sites were chosen to reflect a cross-section of states with large and small immigrant populations.)

Total Immigrants by State, FY 1992

State	Legal Immigrants	Refugees	Undoc. Immigrants*	Total
Alabama	2,109	114	250	2,473
Alaska	1,165	51	100	1,316
Arizona	15,792	1,056	5,300	22,148
Arkansas	1,039	69	200	1,308
California	336,663	30,533	125,175	492,371
Colorado	6,553	958	2,000	9,511
Connecticut	10,345	1,047	1,200	12,592
Delaware	1,034	70	175	1,279
Dist. of Columbia	4,275	698	1,150	6,123
Florida	61,127	5,200	33,725	100,052
Georgia	11,243	2,248	2,550	16,041
Hawaii	8,199	151	1,175	9,525
Idaho	1,186	285	600	2,071
Illinois	43,532	4,831	11,600	59,963
Indiana	3,115	334	325	3,774
Iowa	2,228	421	175	2,824
Kansas	2,924	519	525	3,968
Kentucky	2,119	435	100	2,654
Louisiana	4,230	558	500	5,288
Maine	847	104	25	976
Maryland	15,408	2,926	2,225	20,559
Massachusetts	22,231	3,968	4,225	30,424
Michigan	14,268	2,479	725	17,472
Minnesota	6,851	2,626	275	9,752
Mississippi	842	32	100	974
Missouri	4,250	1,501	225	5,976
Montana	493	78	50	621
Nebraska	1,486	502	450	2,438
Nevada	5,086	315	1,550	6,951
New Hampshire	1,250	200	100	1,550
New Jersey	48,314	2,740	9,425	60,479
New Mexico	3,907	281	1,800	5,988
New York	149,399	28,469	40,625	218,493
North Carolina	6,425	511	1,600	8,536
North Dakota	513	359	0	872
Ohio	10,194	2,221	525	12,940
Oklahoma	3,147	219	925	4,291
Oregon	6,275	2,075	1,900	10,250
Pennsylvania	16,213	3,716	1,700	21,629
Rhode Island	2,920	443	775	4,138
South Carolina	2,118	129	350	2,597
South Dakota	522	213	0	735
Tennessee	2,995	1,053	225	4,273
Texas	75,533	4,557	31,750	111,840
Utah	2,744	341	575	3,660
Vermont	668	101	25	794
Virginia	17,739	1,792	3,050	22,581
Washington	15,861	4,536	2,750	23,147
West Virginia	723	3	50	776
Wisconsin	4,261	2,050	400	6,711
Wyoming	281	8	75	364
United States	973,977	123,010	299,450	1,396,437

Source: U.S. Immigration and Naturalization Service  
Immigrant Policy Project, 1/95

\* FY 1992 arrivals estimated using average annual increase between 1988 and 1992.

## New Publications

*Illegal Aliens: Assessing Estimates of Financial Burden on California* by the U.S. General Accounting Office (November 1994). This issue brief reviews fiscal estimates presented by the California Governor in January 1994, the state's revised estimates in September 1994, and estimates by Urban Institute researchers in September 1994. The report confirms the difficulty of developing credible estimates of costs and revenues for illegal aliens because limited data are available on the size of the population, use of public services

and tax payments. Available from the General Accounting Office, 202-512-6000.

*Hopes and Dreams: A Statistical Profile of the Non-Citizen Population of Metropolitan Chicago.* This publication provides a detailed socioeconomic profile of the Chicago area's noncitizens. The survey found that of 878,000 immigrants in the Chicago area, approximately 56% have not become citizens. Naturalization increases over time: only 20% of pre-1965 immigrants have not naturalized. The study is available from Rob Paral at The La-

tino Institute 312-663-3603 for \$5.00.

*Strangers at Our Gate: Immigration in the 1990s*, published by the Manhattan Institute and the Pacific Research Institute (1994). This small volume includes a thoughtful collection of essays from a range of view on immigration, such as Oscar Handlin, Nathan Glazer, Lawrence Fuchs, Ron Unz, and George Borjas; also included is "The Index of Leading Immigration Indicators". Available from the Center for Equal Opportunity, 202-842-3733.

*Immigrant Policy News is published by the Immigrant Policy Project of the State and Local Coalition on Immigration. Coalition members are: the National Governors' Association, the National Conference of State Legislatures, the United States Conference of Mayors, the National Association of Counties, and the American Public Welfare Association. The Project is located in the Washington, D.C. office of the National Conference of State Legislatures.*

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## IMMIGRANT POLICY NEWS

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# Whose Language Is It?

## English-only case could be decided on jurisdictional grounds

BY RICHARD C. REUBEN

Stepping into an election season political minefield, the U.S. Supreme Court this fall will hear arguments on the constitutionality of laws requiring that English be the only language used when conducting government business.

The Court's ruling in *Arizonans for Official English v. Yniguez*, No. 95-974, could decide the future of "English-only" laws on the books in nearly half the states, as well as the prospects for a similar measure, already passed by the U.S. House of Representatives, that would apply to federal employees.

*Yniguez* has been framed in free speech terms, with the justices reviewing a decision by a sharply divided panel of the 9th U.S. Circuit Court of Appeals at San Francisco that Article 28 of the Arizona Constitution is overbroad because it bars constitutionally protected speech by government employees. The amendment, adopted by Arizona voters in 1988, was challenged by a state employee who often communicated in Spanish with some of the people she assisted.

Aside from issues of constitutional doctrine, the practical dimensions of English-only laws are considerable. According to the 1990 U.S. Census, fully 3 percent of the national population—nearly 8 million people—barely speak English (some studies suggest the figure could be much higher). Arguably, those people could be boxed out of participating in public and political life, not to mention seeking government services, if the Court upholds such laws.

The sweep of the Arizona law would bar universities from conferring academic diplomas punctuated with Latin, and judges who marry Jewish couples could not offer a cel-

*Richard C. Reuben, a lawyer, is a reporter for the ABA Journal.*

ebratory "Mazel Tov!" pointed out 9th Circuit Judge Stephen Reinhardt in his majority opinion for that court. Even communicating with the deaf in sign language would be barred because it is not English, claimed a brief filed by several professional organizations of linguists.

But the politics surrounding the English-only issue have brought

to the struggle over bilingualism in Canada as an example.

It is the fear of exclusion that has prompted scores of human rights organizations to file a flood of amicus briefs with the Supreme Court arguing against Article 28.

The law is "designed to achieve a false sense of unity through an apparently homogenous polity by rendering invisible those who do not look and talk like 'Americans,'" alleged John H. Ishihara, a lawyer in Honolulu who filed an amicus brief on behalf of several organizations representing native Hawaiians.

But representing Arizonans for Official English, Barnaby Zall of Williams & Jensen in Washington, D.C., rejects such concerns in arguing that the law passes First Amendment muster under prior decisions permitting government to regulate the work-related speech

of its public officials.

The clash between majoritarian democracy and multiculturalism raises extraordinarily difficult questions. Then there are major jurisdictional issues.

When the state declined to defend the English-only provision on appeal, the 9th Circuit permitted Arizonans for Official English, which had sponsored the amendment, to appeal on the theory that it spoke for "the people" in the initiative process just as the legislature does when enacting statutes.

The state's lawyers contend the Supreme Court already has rejected the 9th Circuit's legislative-standing theory. Meanwhile, Maria-Kelly Yniguez no longer works for the state, which could render her claim moot—although her lawyers maintain she retains standing because she was a state employee when the District Court first struck down the English-only amendment.

All this means the Court could rule that there is no live case or controversy for it to decide. ■



Arizona's Article 28 would bar bilingual notices in public places.

it even greater attention. Republicans have taken on immigration as a wedge issue on a number of fronts, ranging from the controversial immigration reform measures included in the federal anti-terrorism bill adopted by Congress earlier this year to calls to bar noncitizen children from attending public schools.

The English-only measure that passed in the House was decided largely along party lines, underscoring the issue's political resonance. One reason is the powerful rhetorical appeal by English-only proponents to national unity, patriotism and fiscal responsibility.

### Beyond the Soundbites

But Laura Nader, an anthropologist at the University of California at Berkeley, who studies the legal profession, says the issues are more complex than soundbites might suggest.

"Language is an important cultural-organizing principle," Nader says, that has the potential for divisiveness and exclusion. She points

# to hear Arizona's English-only case

appeals court heard the case anyway, and the badly divided judges voted 6-5 to strike down the amendment as a violation of free-speech guarantees.

At the Supreme Court, dozens of individuals and organizations have leaped into the fray.

Park and his supporters urge the court to see Article 28 as a reasonable restriction of the speech of government officials and employees only.

Government employees, they insist, have no right to say whatever they please on the job, because "the speech they utter during the performance of their duties is not their own — it is the government's speech." And governments, they say, may fire

## OFFICIAL-ENGLISH STATES

■ In addition to Arizona, states that have adopted some form of official-English provision are: Florida, Alabama, Arkansas, California, Colorado, Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Virginia and Wyoming.

employees for failing to carry out official policies.

But to the American Civil Liberties Union, the Navajo Nation, Hispanic groups and other foes of Article 28, the case is not about the government's right to speak, but about the rights of all who are not fluent in English.

The Navajos, who live on

25,000 acres in Arizona, New Mexico and Utah, say the English-only amendment would discourage use of their language, which was described by an elder as "given to us by our Great Spirit."

### Learning continues

Peter Tiersma of Loyola Law

School, representing two national linguistic organizations, said their data show that immigrants are learning English as fast as they ever did.

U.S. English, which financed the Article 28 campaign but backed away after a dispute with Park, urged the justices to interpret the amendment narrowly — as the Arizona attorney general did — so government workers could converse in languages other than English.

Article 28 "is worded in a harsh way," admitted Mauro Mujica, chairman of U.S. English, the nation's largest English-only group.

He said Article 28 would require all government docu-

ments and ballots to be written in English only. What if a deed or contract written in English cannot be understood by the people involved?

"They should pay for a translator," Mujica replied. If they can't afford one, he said, that would be "too bad, unfortunately."

But there is a strong possibility that the justices will dodge the constitutional issue by deciding that the case is fatally flawed.

Yniguez and Gutierrez no longer work for the state government, so the justices could find the case to be moot. Or they could decide that once the state refused to appeal, Park and Arizonans for Official English could not do so.

**DOD NEWS**



FEDERAL TIMES/Mark Faram

Employees are calling the Army hot line at Aberdeen Proving Ground, Md., to complain about sexual harassment.

# Sexual Harassment Complaints Pour In

By John Pulley  
Federal Times Staff Writer

Some calls pouring into a sexual harassment hot line at Aberdeen Proving Ground, Md., are coming from Defense Department civilian employees.

Callers have overwhelmed operators at the hot line, established after allegations surfaced of male military instructors raping and intimidating women recruits.

Investigators had logged 4,490 calls by Nov. 18, as the investigation widened to include the entire Defense Department. In some cases, callers have reported allegations of sexual abuse dating to World War II.

"Apparently, we touched a nerve," said George Mercer, Aberdeen spokesman. "There's an awful lot of women out there who called in and said, 'Something bad happened to me.'"

Though some callers to the hot line have no affiliation with DoD and others called only to register public opinion, investigators have determined that 578 reports of sexual abuse warrant further investigation: 106 at Aberdeen and 472 at other sites.

Though the overall number of calls to the hot line is slowing, the percentage of complaints that require further investigation is on the rise, said Ed Starnes, spokesman for Aberdeen's Ordnance Center and School.

Harried investigators swamped by the overwhelming response don't how many calls have come from civilian employees.

"We don't have a [numbers] breakdown," Starnes said.

Charges of sexual abuse by drill instructors at Aberdeen have surprised the facility's Army civilians, who attend annual training designed to prevent sexual harassment.

"It's definitely a big shock," said WG-11 Thomas Buettner, president of the International Association of Machinists and Aerospace Workers local. "I didn't even know that kind of environment existed. They've been telling us zero tolerance and they're not going to put up with it. I was totally surprised."

Although the public scrutiny is focused on sexual harassment within the active duty ranks, the civilian side of the house is not without scandal. More than 30 women at Fort Bliss, Texas, have filed a class complaint charging sexual harassment.

A recent survey of 522 civilians at the Bureau of Naval Personnel in Washington, D.C., gauged employee opinion on sexual harassment. Twenty-five percent indicated that sexual harassment is happening. But more than 60 percent said actions are taken to prevent sexual harassment and that the leadership enforces the Navy's policy against sexual harassment.

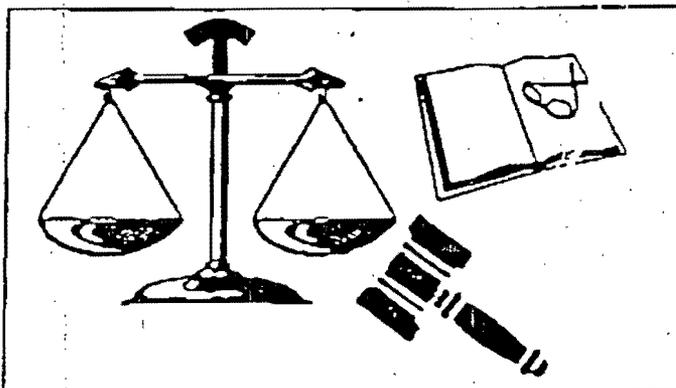
Victims of sexual harassment may lodge complaints at:

- Navy/Marines — To report rape, (800) 264-6485; for advice, (800) 253-0931.
- Air Force — (800) 558-1404.
- Air and Army National Guard — (800) 371-0617.
- Coast Guard — (800) 242-9513.
- Veterans Affairs rape assistance — (800) 827-1000.
- Army — (800) 903-4241 or (703) 695-5022.

# U.S. DEPARTMENT OF JUSTICE

## OFFICE OF LEGISLATIVE AFFAIRS

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THE NEW YORK TIMES METRO WEDNESDAY, AUGUST 14, 1996

# Suffolk Vote Backs Making English Official Language

By The New York Times

HAUPPAUGE, L.I., Aug. 13 — Over the strong objections of Hispanic groups, the Suffolk County Legislature approved a resolution today that would make English the county's official language.

To become law, the measure, which was passed by a vote of 10 to 5, with 3 abstentions, would have to be approved by voters in a November referendum. It would amend the County Charter to require that all county government business be conducted exclusively in English.

Only "911" calls and certain other types of oral communication would be exempt. Proficiency in a second language would be stricken as a requirement for nearly all county jobs.

The law would be the first of its kind in a New York county. Twenty-three states, 41 counties and 15 cities have passed similar measures, and a bill recognizing English as the official national language has been passed by the House of Representatives. A similar measure was defeated in Suffolk in 1989.

In New York City, Mayor Rudolph W. Giuliani has consistently opposed such measures. Earlier this month, he remarked, "There's no reason to pass a bill like this except, maybe, to exclude people, insult people or offend people."

Backers said the law would promote the learning of English among immigrants and improve their job prospects. But public support also

appeared to reflect uneasiness among non-Spanish-speaking residents in the county about the proliferation of Spanish-language advertising and media, and of stores catering to Hispanic customers.

"The face of Long Island," said Sonia Palacio-Grottola, a social worker who is Puerto Rican, "is changing, and some of the traditional Anglo neighborhoods are feeling it. There are more signs in Spanish and more bodegas, and now the bigots are coming out of the woodwork."

The measure's sponsor, Michael D'Andre, a Republican from Smithtown, said it was not intended to target any group. "We are English-speaking here," he said. "That's all it says or does."

"If people want to partake of the American dream, they have to know the language," he added. "We're not trying to hurt or penalize anyone. There's no plot, no hate, just love of country here."

But opponents called the resolution an affront to the county's Hispanic population. "It's a mean-spirited bill based on the premise that multilingualism is a detriment, and that just isn't true," said James Rivera, the county's Human Rights Commissioner.

The 1990 census found that 87,850 of Suffolk's 1.3 million residents were of Hispanic origin, including 15,700 who spoke limited or no English. But unofficial estimates by Hispanic groups place the current number

above 100,000. Among 22,185 Asians and Pacific Islanders living in Suffolk, 3,911 spoke little or no English, according to census figures.

Rick Belyea, a spokesman for County Executive Robert J. Gaffney, said Mr. Gaffney would study the final bill and ask the County Attorney director of La Union Hispanica in Central Islip, a nonprofit group serving Hispanic areas of Suffolk.

Pauline Velazquez, a retired county employee from Brentwood, said: "Without a doubt, in our hearts we know who this bill is talking about. It is really aimed at the Spanish language."

Mr. D'Andre, whose parents emigrated from Italy, said he had received many letters and telephone calls supporting the bill.

Ernest Norris of Sea Cliff wrote of visiting a neighborhood grocery store and having to say the Spanish word "leche" to make a Spanish-speaking clerk understand that he was looking for milk. "Why, when America is giving him a job, should I know more Spanish than he knows English?" Mr. Norris said.

Susan Chapman of Dix Hills wrote: "The language of Thomas Paine's 'Common Sense,' Paul Revere, Patrick Henry, Nathan Hale, the Minutemen, the Declaration of Independence and the Gettysburg Address is English, period. Much of that English was written in blood."

Mr. D'Andre, who is 73, said his own experience attending school in Glen Cove during the 1920's convinced him that immersion in Eng-

to review it before deciding whether to sign it. He has not spoken publicly about his position.

Opponents said the law, while limited in scope, would be widely misinterpreted and arbitrarily applied. "It will be used as a tool of intimidation," said Larry Meneses, executive

lish was the quickest way for immigrants to learn the language. "We had immigrant kids straight from Italy and they were put right in the class not knowing the language," he said. "They sat there day after day until they learned, and a lot of them became honor students."

Mr. Meneses responded: "Mike happens to be a very nice man, but he is not appreciating the difference between the 1920's and the competitive nature of being in school today."

Mr. Meneses said studies showed that students exposed to bilingual education scored better later on in standardized tests in English, reading and other subjects.

He said a recent incident in a supermarket confirmed his fears about the bill. "I was overhearing a Spanish-speaking couple remarking how different the mangoes in the store were from the ones in their backyard at home," he said. "It was a very gentle, very tender moment, a young couple having a moment of solitude and remembering. I was enjoying it."

"Just as the warmth was overwhelming me, someone came by and said: 'This is America. Why don't you speak English?' Why this person felt the need to impose on this moment is beyond me."

## County Legislature's Intent in Backing 'Primacy of English'

Following is the text of the legislative intent section of the proposed law making English the official language of Suffolk County:

The Legislature hereby finds that immigrants flocking to America's shores, in search of political and religious freedom, have formed the backbone of America's growth, development and progress.

This Legislature hereby determines that the assimilation of diverse immigrant cultures and traditions has contributed to freedom without fear, to diversity without intolerance, to multiculturalism without violence, and to economic, social, scientific, literary, medical, techno-

logical, spiritual, religious and individual freedom and unlimited opportunity for the "tired . . . poor . . . huddled masses yearning to breathe free."

The Legislature also finds and determines that the official sanctioning of multilingualism has a deleterious impact on the citizens of Suffolk County by discouraging the assimilation of immigrants into the society around them, by slowing down English-language proficiency in our schools, by retarding the progress of students in our educational institutions, by reducing the efficiency and mobility of our labor force, and by creating dangerous barriers between communities of Suffolk County.

This Legislature further finds that establishing the primacy of English as the official language of Suffolk County will not diminish the ethnic and cultural diversity that flourishes through the preservation of the right of all citizens to learn or continue to use secondary or tertiary languages in their own private settings. This Legislature hereby encourages the learning and/or continued use of other languages in private settings which reflect and strengthen the ethnic identities of various groups within the County of Suffolk.

Therefore, the purpose of this law is to reaffirm and reinstitute the traditional time-tested use of a com-

mon means of communication as a means of educating the citizens of this county; as a unifying force between various communities and cultures, and as an instrument of social progress and economic advancement. By compelling the County of Suffolk to conduct all of its official business in English, the objective of this law is to encourage all citizens within this county to adopt the one language standard, which, over the years, has constituted the single greatest vehicle for economic and social progress in the county, while, at the same time, reducing the cost of county government by eliminating expenditures for duplicative services.

**NEWS**

FOR IMMEDIATE RELEASE

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**AMERICAN RED CROSS AGREES TO  
ABANDON ENGLISH ONLY RULE  
AND SETTLES LAWSUIT WITH EEOC**

Baltimore, Maryland - The Equal Employment Opportunity Commission ("EEOC") and the American Red Cross enter a Settlement Agreement resolving an English Only lawsuit brought by the EEOC.

The Commission's lawsuit arose after an American Red Cross manager issued a memorandum to employees at the National Reference Laboratory for Infectious Diseases and Holland Laboratory in Rockville, Maryland requiring them speak English at all times while in the laboratory and office areas. The memorandum also stated that violators would be subject to disciplinary action. The Commission alleged that the memorandum had a chilling effect upon bi-lingual employees and could not be justified.

Under the Settlement Agreement American Red Cross' at its National Reference Laboratory for Infectious Diseases and Holland Laboratory will refrain from instituting an unlawful Speak English Only policy and/or practice. American Red Cross also will be providing training explaining EEOC's Policy Statement on Speak English Only rules

prohibitions against discrimination affecting individuals with disabilities in the federal sector; sections of the Civil Rights Act of 1991, and Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments.

(30)

to supervisory employees at the NRLID and Holland Labs regarding the discriminatory effect of having policies or practices which require employees to Speak English Only at all times. American Red Cross will post the EEOC Policy Statement on Speak English Only rules and a Notice explaining EEOC law to its National Reference Laboratory for Infectious Diseases and Holland Laboratory employees. The Settlement Agreement was approved and entered by Judge Deborah K. Chasanow of the United States District Court for the District of Maryland on September 6, 1995. Issie L. Jenkins, Director of the EEOC's Baltimore District Office said, "The Commission vigorously enforces its policy prohibiting unjustified speak English Only Policies. An integral part of an individual's national origin is quite often that individual's native language, and it is not uncommon for that individual to speak in that language in ordinary conversation. Employees must be free to express themselves without threat of discipline."

The Equal Employment Opportunity Commission enforces Title VII of the 1964 Civil Rights Act, as amended, which prohibits employment discrimination based on race, color, religion, sex or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; prohibitions against discrimination affecting individuals with disabilities in the federal sector; sections of the Civil Rights Act of 1991, and Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments.

# CPA firms learning it pays to woo women

**H**ere's a shocker: Last year, 53 percent of the Big Six accounting firms' hires were women.

That leads KPMG Peat Marwick to predict that public accounting will be one of the top 10 career paths for women at the turn of the century.

"If you went back 25 years, there were no females majoring in accounting because there was no perceived opportunity," said Bernard Milano, K P M G 's partner in charge of recruiting.

Now, however, U.S. colleges are producing more female than male accounting grads. In addition, about 6 percent of partners and 21 percent of senior managers at firms with more than 200 employees are women.

But women are leaving CPA firms faster than males — and sooner — especially at the supervisor and senior-management levels in large firms, according to a survey by the American Institute of Certified Public Accountants.

"It's a recognized problem," said Vicki Walsh, president of the American Society of Women Accountants' Miami chapter. "Women reach a certain level, and they break away to work elsewhere or be head of their own firms."

Karen Hooks of Fort Lauderdale heads the women and family



**CINDY  
KRISCHER  
GOODMAN**

issues committee of the American Institute. She says the reason accounting is now considered a career path is that firms have acknowledged they need to keep women and are making changes.

Many male partners, though, still believe that turnover is beyond their control because it results from women's personal career and family choices, according to a survey by the institute.

But for the first time, Big Six managing partners agree that upward mobility for women is a critical factor if firms are to stay competitive.

CPAs are specializing, which means they're becoming less interchangeable. As staffers leave, those who remain may not have the same expertise. So firms find it's in their interest to retain as many talented people as possible.

"Firms are realizing it costs them money to lose high-performing women," Hooks said.

Hooks says all large firms are trying to create alternatives to

the traditional up-or-out path. Some firms, especially large ones, are initiating upward-mobility task forces, flexible schedules, gender and sexual harassment training, and mentoring.

In mid-size accounting firms (21 to 200 employees), the institute's survey found more parity in the middle ranks — but less in ownership positions. Only 7 percent of the partners or shareholders were female. Firms with less than 21 employees had the highest percentage of women owners, 15 percent.

Lisa Layne, the first and only female partner at Rachlin Cohen & Holtz, which has 41 CPAs in South Florida, said it took determination for her to reach the top. She said other women left before becoming eligible for partner.

"It takes a long time for anyone to make partner," Layne said. "It helped that I have a specialty and a mentor."

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## Supreme Court Rejects Challenge to English-Only Rule

WASHINGTON (AP) Turning aside Clinton administration objections, the Supreme Court let a California company keep requiring most employees to speak English on the job.

The justices, by a 7-2 vote Monday, refused to hear arguments that the company discriminated illegally against Spanish-speaking employees by imposing the English-only rule. Both workers involved in the case are bilingual.

The court order was not a decision and set no legal precedent, but it did leave intact a federal appeals court ruling that remains binding law in nine Western states.

They are California, Alaska, Arizona, Hawaii, Idaho, Montana, Nevada, Oregon and Washington.

English-only rules are increasingly common nationwide, and it's likely the issue will return to the high court some day.

Asked for its views, the Clinton administration had urged the court to use the California case to make it harder for employers to impose such rules.

Only Justices Harry A. Blackmun and Sandra Day O'Connor voted to hear arguments in the California case. Four votes are needed to grant review.

Priscilla Garcia and Marciela Buitrago, together with their labor union, sued the Spun Steak Co. in South San Francisco in 1991, alleging that its English-only rule violated a federal law barring on-the-job bias based on national origin.

Spun Steak runs a meat-processing plant where the two women worked on a production line. The company employs just over 30 people. Most of them, like Garcia and Buitrago, are Hispanic and bilingual.

The company's English-only rule was not imposed until late 1990, after Garcia and Buitrago were accused of making derogatory, racist remarks in Spanish and English about two co-workers.

A federal judge ruled that Spun Steak's English-only rule violated the federal anti-bias law. Calling the rule too broad and unnecessary, the judge likened it to "hitting a flea with a sledgehammer."

The judge relied on guidelines established by the federal Equal Employment Opportunity Commission treating English-only rules in employment as presumptively illegal.

The guidelines state that barring employees from speaking their primary language may create "an atmosphere of inferiority, isolation and intimidation based on national origin which could result in a discriminatory working environment."

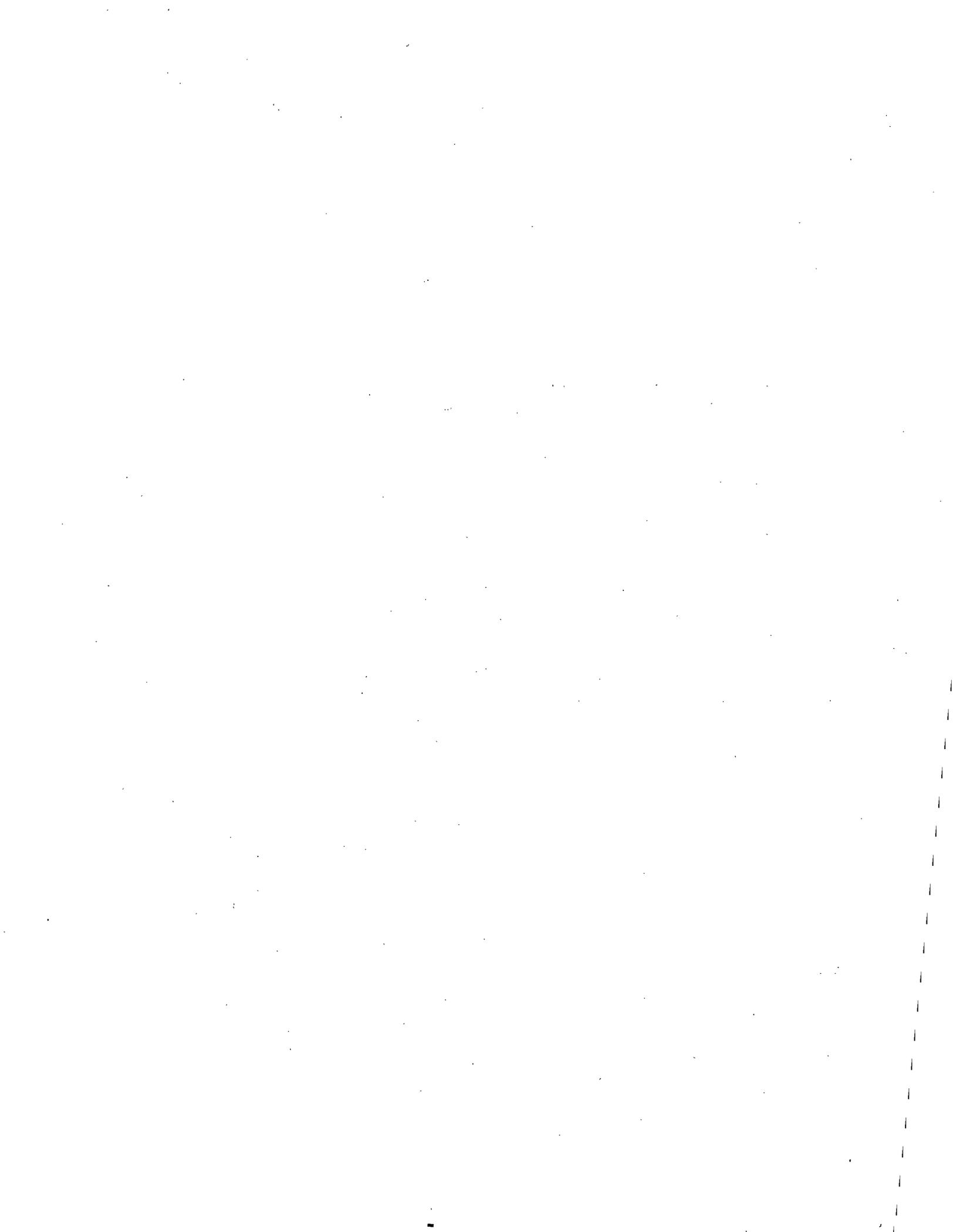
The 9th U.S. Circuit Court of Appeals rejected the EEOC guidelines in ruling for Spun Steak by a 2-1 vote.

"Because they are able to speak English, bilingual employees can engage in conversation on the job. (The anti-bias law) is not meant to protect against rules that merely inconvenience some employees," the appeals court said.

It added that the English-only rule might be illegal if imposed against employees who speak little or no English.

The women's appeal said disputes over English-only rules are bound to increase. It cited 1990 census figures showing that about 32 million U.S. residents over the age of 5 speak a foreign language at home.

Justice Department lawyers said the 9th Circuit court ruling "makes it too difficult for ethnic minorities to challenge English-only rules that aren't justified by any business



# Many Children of Immigrants Have Been Picking 'English Only'

2/2

"She fights it," Mrs. Alvarez says. Cristina, who insists she wants to be bilingual, says English just comes more easily to her. Despite taking Spanish as a subject in school, she cannot write it and barely reads it.

"Spanish is really hard," she says. University of Miami linguists and psychologists who study the development of languages in elementary-school children have found that students are more proficient in English than in Spanish as early as second grade, even at schools that emphasize both languages. But they say that can only be expected when English is society's primary language and that the children would still be considered bilingual if they can speak and write in both languages.

In Miami, where Spanish is ubiquitous, spoken on the streets and in corporate offices and heard on numerous radio and television channels, many children fail to learn the language well because parents assume it will happen automatically. But parents who have successfully promoted Spanish skills in their children say that to become literate in the language the child needs not only to hear it but to study it.

Many immigrant families see English as so fundamental to a better life that they allow their children to even shun their first language, researchers who have studied the subject say. Bilingual educators say English usually becomes the first and sometimes only language by the first American-born generation.

Census figures show that of the country's 230 million residents 5 years old and older in 1990, 198 mil-

lion spoke English only at home. Among the remaining 32 million, a majority, 17 million, said they spoke Spanish at home. Nearly 13 million of those said they also spoke English "well" or "very well."

"Many teen-agers say they never spoke Spanish and their parents can't speak English," said Professor Fradd, who conducted the study for the Greater Miami Chamber of Commerce. "Something happened there — trying to pass, to assimilate, not being seen as different."

English, indeed, is so powerful it has become in effect the international language in most fields. But the need to compete for jobs in an increasingly global economy is one of the reasons for a resurgence of language study at universities and two-year colleges nationwide in the 1990's, says the Modern Language Association, an organization of college language teachers.

In some schools, like Miami's Florida International University, the Spanish classes are filled with students who were native speakers before English took over. But even families, like that of Barry Brown, a credit union accounting clerk with no language other than English in his background, have chosen to make language skills a priority in their children's education. Mr. Brown's 8-year-old daughter, Megan, who attends a school here whose goal is to turn out bilingual graduates in English and Spanish, now can translate at the market and with neighbors for her mother, Mary, a presser at a dry cleaner who gets teased by her daughter for knowing only two Spanish words: "si" and "no."

"Any type of education is a real asset," Mr. Brown said. "You feel your kids will have a better shot at the jobs that are opening."

The Congressional bill to formally make English the official language of the United States, which awaits a vote in the Senate, is the latest effort by English-only proponents to curtail bilingual government documents, ballots and other programs. This fall the Supreme Court will weigh in by reviewing Arizona's law.

Supporters of the laws say they promote unity, cut government costs and encourage new immigrants to learn English. But often they portray other languages as a threat to nationalism and point north at the conflict between French-speaking Quebec and the rest of Canada, which is predominantly English-speaking.

Canada scholars question the Quebec analogy, noting there is no region in the United States where a language other than English predominates and where a local majority wants to preserve that. And detractors of the laws, including President Clinton, who has promised to veto the bill if it is passed, say the laws only harm the minority of elderly and newly arrived immigrants who cannot communicate in English.

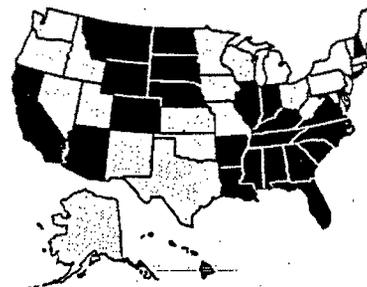
Florida is among the states where voters approved a constitutional amendment to declare English the official language. But legislation needed to enforce the eight-year-old law has never been passed.

Parents who want their children to speak other languages say the laws are unnecessary.

"There's no question that the nation's language is English, but we have to broaden ourselves," said Ligia Esteve, a Miami area resident who sends her 9-year-old son, Eric, to a school where instruction is given in Spanish and English. "You go to Israel and the cabdriver speaks seven languages. I'd like my son to take French."

## AT A GLANCE

### English Only, Please



■ States with official English laws and the years in which they were enacted.

Alabama, 1990	Montana, 1995
Arizona, 1988	Nebraska, 1920
Arkansas, 1987	New Hampshire, 1995
California, 1986	North Carolina, 1987
Colorado, 1988	North Dakota, 1987
Florida, 1988	South Carolina, 1987
Georgia, 1986 and 1996	South Dakota, 1995
Hawaii, 1978	Tennessee, 1984
Illinois, 1969	Virginia, 1981 & 1996
Indiana, 1984	Wyoming, 1996
Kentucky, 1984	
Louisiana, 1811	
Mississippi, 1987	

Source: U.S. English

# D.C. inmates' court victory limited by appellate panel

## 3 judges maintain trial court 'abused its discretion'

By Laura Meckler  
ASSOCIATED PRESS

Female prisoners in the District were dealt a blow yesterday as federal appellate judges overturned much of a sweeping lower-court decision in their favor on sexual harassment, medical care, prison conditions and education.

"Federal courts must move with caution when called upon to deal with even serious violations of law by local prison officials," Judge James L. Buckley wrote for the three-judge panel of the Court of Appeals for the District.

The trial court "abused its discretion" in ordering changes in nearly every aspect of prison life, the panel ruled.

Most orders were overturned, although the panel sent a few back to the trial court to consider in light of a 1995 federal prison act.

In December 1994, U.S. District Judge June L. Green ordered the city to create a sexual harassment policy, hire medical personnel to handle gynecological problems, offer educational programs for women equal to those in prisons for men and repair prison facilities.

The city agreed to make about one-third of the changes called for in the 106-page opinion, including writing an anti-sexual-harassment policy, making some improve-

*"These may all be highly desirable measures, but the Supreme Court has repeatedly warned against such detailed marching orders."*

— Three-judge panel of the Court of Appeals for the District

ments to fire safety and offering more educational programs, said Tracy A. Thomas, an attorney for the 13 women who filed the class-action suit.

She said an appeal to the full Court of Appeals is planned.

The plaintiffs said they had been fondled and raped by guards, and the trial judge concluded that high-ranking jail officials had accepted sexual harassment by failing to take the allegations seriously.

But the appeals panel found her ruling overly broad and struck down almost every point that was challenged.

"These may all be highly desirable measures, but the Supreme Court has repeatedly warned against such detailed marching orders," the court said.

Specifically, it:

- Invalidated orders concerning gynecological care, including establishing a prenatal clinic, maintaining statistics on pregnant women and conducting regular

gynecological exams.

- Rejected orders to improve work, recreational and religious programs. Inmates argued that these were not equal to programs offered at jails for men.

- Ruled that the city does not have to hire a special officer to monitor allegations of sexual harassment.

- Overturned a population cap, saying the trial court "failed to justify the necessity for this 'last resort' remedy."

- Overturned orders to improve fire safety, including a new alarm system, mandatory fire drills and safety training.

The court let stand an order to assure that inmates who complain about sexual harassment are not retaliated against and one that allowed for an inmate grievance procedure.

The case affects inmates at three facilities: the Lorton Minimum Security Annex in suburban Virginia, the Correctional Treatment Facility and the D.C. Jail.

# THE NEW JUNGLE

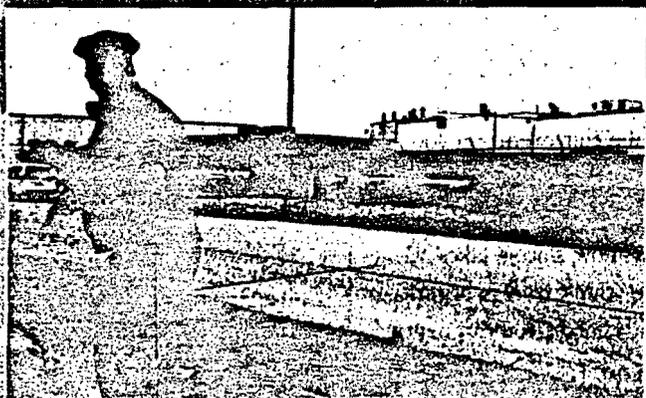
*Ninety years after Upton Sinclair published his groundbreaking expose of the nation's meatpacking industry, illegal immigrants are flocking to the United States to take the dangerous, low-paying jobs most Americans won't. The difference between now and then: Now there's a system that keeps the illegals coming and the industry humming, and the plants have come to rely on it.*

*The people had come in hordes. The meatpackers plant owner was getting them up and running. They had to pass through a line for new ones.*

**T**he band began without warning. At the edge of a tiny Iowa town called Storm Lake, police officers sealed the perimeter of a big, white-washed industrial building. Overhead, at six different plants, workers lazily watched for

anyone trying to escape. Inside, workers were hastily summoned to the building's cafeteria. Espino Laca fled quietly into the room just a few weeks earlier. Laca had planned to quit his job at the plant, where he spent six days a week gutting hog carcasses. A Mexican, he was in the United States illegally. But Laca was close to getting his green card and becoming a legal resident, and he didn't want to risk getting reported. After his mother called with news that his 8-year-old brother was sick, however, Laca postponed his decision to quit. The family needed money. Now, his decision was proving a farsighted one. At the end of the afternoon, Laca was escorted out of the company cafeteria in handcuffs, his new wife crying on his shoulder. He was one of 75 illegal immigrants who were about to begin the journey home to Mexico.

The people of Storm Lake had waited a long time for the raid by federal immigration agents, since the meatpacking giant IBP Inc. took over the hog processing plant in 1987. Storm Lake, population 3,700, has



been transformed by a steady influx of immigrants from Mexico, workers who do much of the killing, cutting and packaging of up to 13,000 hogs a day. With the new residents, crime is up, the number of arrests more than doubling over the past decade. In the past two years, there have been four murders—a crime almost unheard of in the town a few years ago.

There have been other woes as well. The town's public schools have had to

and workers themselves, meatpacking outfits search aggressively for employees in southern border states and hire recruiters who find workers in Mexico. The reason: Jobs in the plants are dangerous and the pay meager, about \$7 to \$10 an hour. That's low by U.S. standards, but it's big money for many in Mexico, where unskilled field hands earn as little as \$4 a day.

**Connections.** So entrenched has this human pipeline become that companies now rely on the populations of dozens of small towns in Mexico to supply

Dole have come out for tighter border controls. Dole wants to limit benefits for illegal aliens, and Clinton recently signed a welfare bill that restricts services for legal immigrants and makes it harder for illegal ones to get benefits. Not much attention, however, is paid to the big American industries—construction companies, nurseries and fruit growers—that rely on these workers. And perhaps no industry is so dependent on this low-wage labor as the nation's meat and poultry companies. Meatpacking is a tough, \$94 billion-a-

PHOTOS BY KEVIN MORAN FOR USNEWS



provide an expensive English as a Second Language course for more than a fifth of its 1,800 students, and that burden will increase. This fall's kindergarten class is 47 percent "non-Caucasian"—most of them children of Hispanic immigrants employed by IBP.

But more than anything else, there has been a change of mood in Storm Lake. "The newspapers print this stuff that we're all one big happy family," says one of four women—bowling partners—seated at a corner booth at the Pantry Cafe. "That's just bull----."

In Storm Lake and dozens of other communities that are home to large meatpacking plants, the influx of immigrants is no accident. According to federal investigators, company-paid agents

them with a steady stream of low-wage labor. The plants even pay workers bonuses of up to \$150—half a week's pay for some—to bring new employees north. The routes have become well traveled, the connections secure. Espirio Licea, for instance, came to Storm Lake from Santa Rita, a small town in central Mexico. At the time of the raid at the IBP plant, Licea was one of about 150 residents of Santa Rita living in Storm Lake. As the workers tell it, the connection is a kind of underground railroad, stretching from rural Mexico straight to America's heartland.

The immigration debate in America has focused almost exclusively on ways to halt the flow of legal and illegal foreigners. Both Bill Clinton and Bob

year business, where profit margins run at 2 or 3 percent. More than half of the beef and pork industry is dominated by just three companies: IBP, Cargill's Excel Corp. and Con-Agra's Monfort Inc. The Big Three control 80 percent of all beef production alone, and they are expanding so rapidly that ranchers, smaller slaughterhouses and feedlots have voiced concerns about a monopoly. The Department of Agriculture has filed an unfair-pricing complaint against IBP and is closely monitoring the others.

**The system.** The nation's largest meatpacker, IBP earned a \$257 million profit on sales of \$12 billion in 1995. Its chairman, Robert Peterson, was given a \$5.2 million bonus on top of his \$1 million salary while IBP workers were paid



**HOMeward BOUND.** Agents of the INS arrested 78 illegal immigrants at the IBP plant and transported them to the Mexican border. The bus took away Connie Morales Lopez's husband and his brother. An INS agent helped some of the deportees with bags packed for the long trip home.



relatively low wages. According to Mark Grey, an anthropologist at the University of Northern Iowa who has studied the industry, IBP and the other big meatpacking companies keep pay low by hiring illegal workers who have little legal recourse if they are hurt or fired. "Wages for everybody in the plant can be kept low," Grey says. "if a critical number of workers are immigrants and are willing to take these jobs at these prices." Dan Stein, executive director of the Federation For American Immigration Reform, agrees. "This is the resurgence of the politics of greed," he says. "something we haven't seen for 100 years, where big corporations think they have the natural right to import labor on demand. What people don't under-

stand is that there is a highly sophisticated underground recruitment process that operates here."

IBP executives refused to be interviewed for this account and declined a request by *U.S. News* for entry into its facility in Storm Lake. In a response to written questions, the company states that it is in a "very competitive business" and denies categorically that it knowingly hires illegal workers. "We do all that we can, without violating anyone's civil rights, to make sure the people we hire have authorization to be in this country." The company notes that it was the first to volunteer to take part in a new Immigration and Naturalization Service program to screen new hires. "We sometimes recruit in areas of the coun-

try where there is a higher availability of people for work." And IBP says that it has a big impact on Storm Lake's economy, paying \$36 million in wages and buying \$400 million worth of hogs each year. Storm Lake employees also realized \$900,000 in profit-sharing benefits last year, IBP says.

"Saying no." Even so, resentment is rising in communities that are home to big meat and poultry plants. In Dodge City, Kan., some residents are angry over the \$14.7 million the city has spent to build three new schools—a move necessary to accommodate a decade of swelling enrollments caused by the arrival of workers at the town's two meatpacking installations. In northeast Texas, the town of Sulphur Springs rejected

a proposed Pilgrim's Pride chicken plant last year over concerns about pollution, housing and the cost of social services for workers. In Spencer, Iowa, just 50 miles north of Storm Lake, 1,000 people showed up at a meeting last year and forced the city to reverse a decision to approve a Monfort meatpacking

ployment of undocumented workers," IBP says in its statement. Yet, immigration officials say the numbers of illegal immigrants employed in meatpacking plants are too big for the companies not to know. "There are 220 packing plants in Iowa and Nebraska," says Jerry Heinauer, district director of the INS in the two states. "Our estimate is that 25 percent of the workers in those plants

them to hire replacement workers before it steps in and removes illegal employees. But critics say this practice puts the blame on the workers—and does little to address the companies' role in recruiting and hiring them.

How IBP has changed Storm Lake speaks volumes about the nation's immigration policies and how they can affect a community a thousand miles

from a foreign border. In this small place, surrounded by verdant corn and soybean fields on three sides and a shimmering lake on the fourth, the nation's immigration drama is playing itself out in grocery store checkout lines, quiet taverns and living rooms. And in an election season in which immigration may seem like just one more abstract political issue, Storm Lake shows how such issues have consequence.

**City Beautiful.** Storm Lake has always been a prosperous place—"The City Beautiful," it likes to call itself. Settled by German and Scandinavian immigrants, it has long relied on its farm economy and the steady incomes provided by the local meatpacking plant. Situated on rich farmland in the northwest corner of Iowa, the town has had a meatpacking plant since 1935. Hygrade Food Corp., a nationwide meatpacker, bought the existing plant in 1953 and generously paid its unionized employees an average salary of \$30,000 as of 1981—the equivalent of \$51,800 today. Increased competition, however, forced

Hygrade to insist in 1981 that its workers take a \$3-an-hour pay cut. When they refused, Hygrade closed the plant. The shutdown was a blow to the town, but it quickly found a replacement: Iowa Beef Processors, later to become IBP. The company bought the site for \$2.5 million. In return, the town gave it more than \$1.9 million in tax incentives and a \$9.5 million revenue bond. It was IBP's first pork plant. The company moved into Storm Lake at a time when it was transforming the meat industry



PHILIPPE DIEDERICHS - CONTACT PRESS IMAGES FOR USA/ANA

plant. Their rallying cry: "Your Quality of Life Depends on Saying No!"

Like IBP, other meatpacking companies say they do not knowingly hire illegal workers. But all benefit from a legal loophole: Under federal law, employers are not required to verify that a worker's identification documents are authentic. Immigration law allows workers to present more than two dozen types of identification papers, and the companies note that they face job discrimination claims if they ask to see too many IDs. "There is a fine line employers must walk between federal laws that protect employee rights and those that prohibit the em-

**SANTA RITA.** Former IBP workers joked about the slow pace of hog butchering back home. In Storm Lake, they slaughtered 1,000 hogs an hour.

are illegal." Based on recent employment figures, Heinauer's estimate would mean that there are at least 12,000 illegal aliens at work in meatpacking plants in those two states. Since 1992, the INS has raided 15 meatpacking plants in Iowa and Nebraska, arresting more than 1,000 workers. An additional 500 workers who failed to show up after raids are presumed to be illegal. Lately, companies like IBP and Monfort have been cooperating with the INS. In exchange, the agency allows

by taking operations out of big cities with traditionally big stockyards—and a ready work force—and putting them in rural towns, closer to the cattle and hogs. It was also making “boxed” meats, which require plant workers to slaughter, cut up and trim the meat rather than ship whole carcasses to grocers.

**Fast, faster.** IBP's high-volume formula meant that there would be some big changes at the Storm Lake plant. It required a larger work force, and because there was no union, IBP set starting pay at \$6 an hour, or about \$12,500 a year. (It is now \$7 an hour.) But while wages dropped, the work pace in Storm Lake increased. At IBP's beef plant in Dakota City, Neb., one of a handful of unionized IBP installations, the speed of the chain from which carcasses are hung and the meat trimmed accelerated 125 percent from 1969 to 1994. In the past two years, the speed has increased 17 percent, to 330 head per hour, according



to the United Federation of Commercial Workers. The number of line workers has increased only 6 percent. The union says chain speeds have increased about 20 percent over the past several years. Workers in Storm Lake say chain speed there has also accelerated. IBP won't discuss

**ROAD TRIP.** There are more than 2,000 miles of road between Santa Rita, Mexico, and Storm Lake, Iowa, but some make the trip in three days, usually crossing the border at night to a waiting car or van.

chain speeds but says that “any changes in production rates are accompanied by changes in staffing and/or changes in technology.” Critics say the faster chain speeds increase the risk of injury. “If they slowed down the lines and rotated workers, we'd have fewer problems around here,” says Bodo Treu, who spent seven years as a workers' compensation physician for IBP in Storm Lake. “Humans aren't machines.”

Nationally, 36 percent of workers in meatpacking plants sustain serious injuries each year. That is the highest rate for any U.S. industry, according to the Occupational Safety and Health Administration (box, Page 40). Injuries contribute to employee turnover. In a 1990 deposition, an IBP official in Storm Lake said the annual turnover of the 1,200 employees was 83 percent. An IBP spokesman says that figure is inflated but declined to provide an alternative figure. There is no dispute, however, that IBP needed more employees than northwest Iowa could provide.

So the company began to look elsewhere for workers. It first turned to Laotian refugees, since the town already had a small Laotian community. By 1992, 300 Asian immigrants were working at the plant. That wasn't enough—and Storm Lake residents soon began to notice more Spanish-speaking workers in town. IBP, like its competitors, was looking for workers along the Mexican border and even drawing them from Mexico itself, where unemployment is nearly 30 percent.

This kind of recruiting has become controversial, and IBP in particular has promised some communities that it isn't looking for workers outside its region. But today, IBP recruits in places like McAllen and Eagle Pass, Texas,

## JOB FAIR

# The border town middlemen

**T**he traffic never seems to stop. Loaded-down semis, crowded cars, people on foot—they all traverse the Rio Grande on the paint-flecked metal span between Piedras Negras, Mexico, and Eagle Pass, Texas. On both sides there are border checks. But to the east and west, there is nothing but the river and a winding dirt road, thoroughfares well known to those who smuggle people and drugs.

It is in Eagle Pass and other border towns like it that meatpacking companies come to recruit workers. Why? “Unemployment here is high, 30 percent,” says Gaspar Trevino, who until recently worked for the Texas Workforce Commission, which has helped meatpacker IBP find and place workers.

The companies need many. Annual turnover at some plants runs as high as 70 percent a year. And with the jobs paying about \$7 to \$10 an hour, residents of meatpacking towns can make more money cooking meat than trim-



**THE MAN TO SEE.** Richard Gaona fills as many as 1,000 jobs a year. He is unsure how many of his hires may be illegal workers.

ming it. So the jobs are attractive only to those who can't find work elsewhere.

Richard Gaona makes his living finding workers. Operating from a two-room office tucked behind Rosario's Hair Studio near downtown McAllen, Texas, 7 miles from the Mexican border, Gaona

also has an office in Mexico. He worked with IBP until April, when an Iowa newspaper wrote about him and the company severed relations. Until then, he had provided IBP with more than 160 workers in six months, most of them from Mexico. Each year, Gaona says, he places 600 to 1,000 workers in U.S. meat and poultry plants and on farms. Gaona gets about \$300 a head, paid by the company. Are all his recruits legal? “I screen my workers with INS,” Gaona says, but then adds, “Look, of course there will be some who do not tell the truth. What can anyone do about that?”

The meatpacking companies are trying to do something. The larger ones have joined with the INS in a program to check the validity of worker identification papers, and some, like IBP, have cooperated in INS raids. Most workers are unimpressed. The latest trend is for illegal workers to simply buy the ID of a legal U.S. resident. Anyway, they say, the problem will never go away because meatpacking companies cannot function with a completely legal work force.

BY STEPHEN J. HEDGES

Sunday  
domingo  
วันอาทิตย์

**CULTURE CLASH.** At Storm Lake High School, Laotian and Mexican students sit side by side in an English as a Second Language class. More than a fifth of the town's students now attend such classes.



PHOTOS BY KEVIN MORAN FOR USA TODAY

where it advertises on Spanish-language radio for prospective employees. Prospects are even more plentiful across the border, and nothing illustrates that more clearly than the human pipeline that stretches some 2,000 miles between Storm Lake and Santa Rita, Mexico. The connection began with Carlos Sanchez Martinez, now 55, who has worked illegally in the United

States since 1958. A colorful character who favors cowboy hats and boots and Western-style shirts, Sanchez learned of IBP while watching television after a day of work in California's fruit orchards seven years ago. On came a commercial featuring an animated, talking dollar bill. It promised good wages, paid vacations and health insurance for employees of a new plant in

Storm Lake, Iowa. Sanchez was there within a month, and the company and town treated him well. When he fell and broke his thumb at work, Sanchez recalls, a policeman offered him a ride home one winter evening. The officer even stopped so Sanchez could buy cigars. Sanchez spoke glowingly of his new life during calls home to Mexico, and his three nephews soon joined him.

**WORKPLACE**

**The most dangerous jobs**

Inside the ramshackle mobile home, two boys sit on a tattered couch, too young to understand how their father ruined his hands cutting open hogs. All they know is that he smiles when they rub his swollen fingers. Even after surgery his hands are useless, the man, who gives his name as Juan Garcia, says. No one will hire him; he has been without work for 22 months. "I feel desperate," he says.

Garcia's story is not unusual. Meatpacking has the highest injury rate of all U.S. industries: 36 percent of employees are seriously injured each year. Many workers suffer from repetitive-motion injuries. Cuts and back injuries are also frequent.

Critics say that as the number of immigrant employees in meatpacking climbs, workers — especially illegals — report fewer injuries. "This is sort of like slave labor," says Mark Grey, an anthropologist who has studied the industry. "They have a lot of leverage over the workers."

Industry leader IBP says such claims

are "blatantly false." In a statement, it says employees are instructed in several languages and told that the law requires them to report any work-related injuries. The company also says it has taken "dramatic steps to improve the health and safety" of its employees, spending millions of dollars on safety improvements.

Garcia says that IBP paid about \$9,000 for his medical treatment and that the company asked him to sign a paper saying he was taking unpaid "vacation." Not understanding, Garcia signed — and was out of a job. He then hired AJ Sturgeon,

an attorney in Sioux City, Iowa. "Two words that never get translated," Sturgeon says, "are 'workers' compensation.'"

"Scared." In fact, state workers' compensation records for the Storm Lake plant show that it filed 635 claims from 1987 to 1995. Fewer than 5 percent involved employees with Spanish surnames, though workers say a quarter of the employees are Hispanic. IBP says it does not keep injury data by race and can't verify the figures. But



**HOG HELL.** Increased competition in the meatpacking industry has resulted in more repetitive-motion injuries.

Bodo Treu, until recently IBP's workers' compensation doctor, says workers often put off treatment. "We'd get people who had trigger finger for three months," he says. "They were scared to come in because they might lose their job."

Injured workers also say the company "headhunts," or targets them for dismissal. Enrique Martinez, a bricklayer in Santa Rita, dislocated his back. Shortly afterward, he says, he was fired for not wearing a

A trip back to Santa Rita drew still more workers to Storm Lake.

Before long, a steady stream of workers was traveling between the two towns. Many of the Santa Ritans paid a "coyote," a professional smuggler, to lead them across the border at night to a waiting car or van for the long drive to Storm Lake. Once there, some workers say, they bought phony birth certificates from an IBP employee who runs an illegal-document racket in her home. The employee, the workers say, buys Social Security numbers of Chicanos in Texas and California and sells them for \$500 each. Sanchez says IBP paid him \$150 for each of 12 illegal immigrants he brought to Storm Lake. The company, Sanchez believes, knew the workers were illegal. "IBP likes it because when people are illegal," he says, "they work harder ... because they never know when [the INS] is coming."

Santa Rita is an unlikely source of labor. Situated in the rocky hill country of central Mexico, it is a long way from anywhere. There are only a few telephones in the town—one in the pharmacy and several others in the homes of

the town's more prosperous residents. Women still scrub their laundry on rocks at the warm springs nearby. A few shops, a small grocery, a meat market and a pharmacy edge a pleasant plaza, which is dominated by Santa Rita de Casia. The Catholic church has just received a fresh coat of paint.

Work is hard to come by in Santa Rita. Some men find jobs as low-paid bricklayers. But most have little choice

except to work sunup to sundown as laborers in the surrounding corn, wheat and sorghum fields, where they earn just enough to scrape by.

The differences between Santa Rita and Storm Lake could hardly be more stark. After the local Mexican butcher spends all morning slaughtering and trimming one hog, he strings the dressed carcass over a cart, shading it with a thin sheet. On a stone stoop across the narrow dirt street, a half-dozen men sit drinking Corona beer and joking about the differences between their *carniceria*, or butcher shop, and the giant slaughterhouse in Storm Lake where they once worked. There, 1,000 hogs are killed every hour. "What a contrast," says Marió Ochoa, 30, who worked at IBP for three years. "I was happy there because of the money. But

here there are no problems with police stopping you all the time."

Just as IBP has transformed Storm Lake, the company has had a profound effect on Santa Rita. Each time a worker returns home in a shiny new truck, more youngsters start plotting their trip north. IBP workers also regularly send chunks of their paychecks home so their families can eat and dress better and even go on short vacations. The money allows a few residents to attend the university in Guadalajara, 100 miles

to the northwest. But many Santa Ritans, including the town doctor, Miguel Hernandez, view this informal, sister-city connection as a mixed blessing. Workers come home with thicker wallets, they say, but also with some unsettling habits. Hernandez has treated more than 20 patients—all former meatpacking workers—for drug overdoses in the past two years. Some have a different attitude toward their town and families. "When they return, they contaminate our customs," says Hernandez. "Our young men used to be respectful and hard working. Now they come back aggressive and covered with tattoos." Sometimes the workers don't

return at all. About 30 families have been abandoned by fathers who went north to work.

In Storm Lake, by comparison, life moves in rhythm with the IBP plant. Trucks loaded with hogs rumble through town day and night. Inside the plant, the snuffing beasts are herded into the "nursery," where workers use a 300-volt prod to stun them, and then slit their throats. The carcasses are hung from their rear feet on a chain and bled. They stay on the chain for a good part of the trip through the plant, as workers cut away their parts with knives and electric saws. Nothing is wasted. Meat is scooped out of hog foreheads and cheeks. The lard is pumped into railroad tanker cars. The plant runs two shifts a day and a cleaning shift at night, six days a week. Sundays, it's closed.

**Moving in.** Outside work, the Storm Lake that immigrants live in is far different from the one most Iowans know. Lake Avenue, the town's main drag, bustles with shoppers, but Hispanic and Laotian residents prefer the Hy-Vee supermarket and the Wal-Mart at the edge of town.

The new arrivals face a number of difficulties. IBP workers are not eligible for the company health plan for their first six months on the job, the industry standard. Once a worker is eligible, he receives health care coverage for 80

percent of his bills. Many workers say they can't afford even their 20 percent share.

When uninsured workers become ill, the cost of treatment is often borne by the tax-supported Buena Vista County Hospital, which by law must treat everyone who comes through its doors. Over the past 10 years, the hospital has seen its annual unpaid medical claims skyrocket from about \$146,000 to \$2.4 million. "We're seeing things that we've never seen before," says James Nelson, the hospital administrator. "Parasites that people have only read about in books—we've never had them." And an all-too-familiar deadly disease is mak-

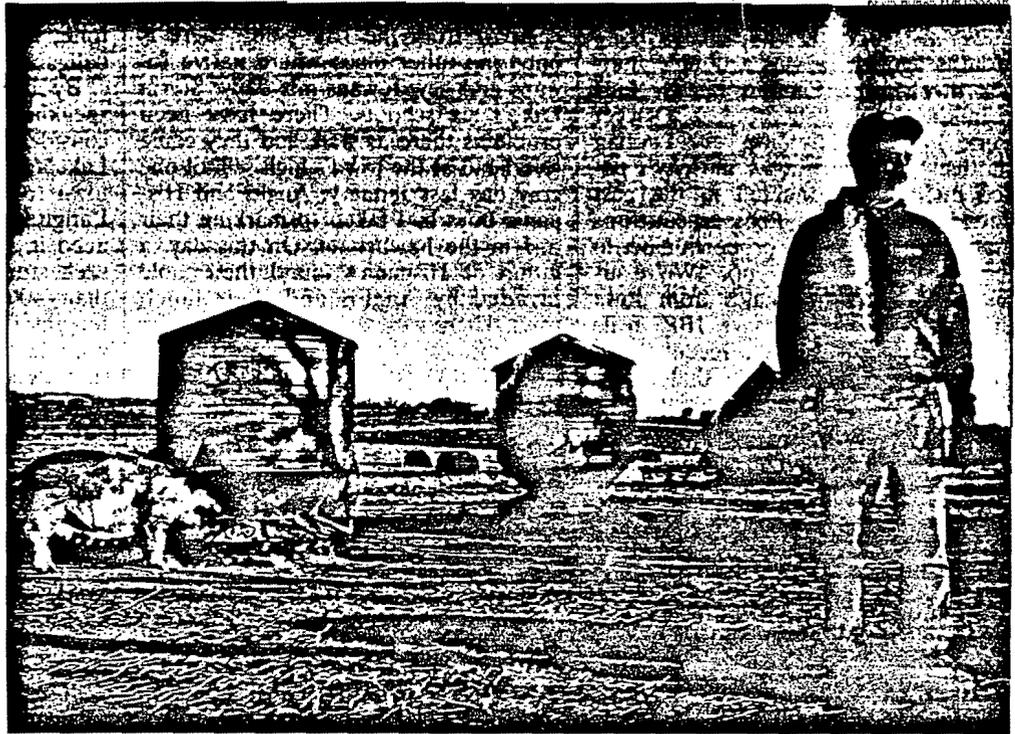
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ing a comeback: tuberculosis. Already this year, there are three active cases of the 19th century's "great white plague" in Buena Vista County. An additional 380 people are currently being treated for TB infection, up from about 160 last year. Local physicians met with IBP officials last year to ask the company to pay for mandatory testing of its work force. IBP declined. The company did, however, begin paying a nurse \$80 a week to administer TB medication at the plant. "It's a potential time bomb," says Dr. Treu. "But IBP doesn't feel that public health is their responsibility. Profits are."

**Two views.** Storm Lake is a place acutely uncomfortable with controversy, and people there don't like to dwell on the negative. The town's leaders admit there are troubles, but they are working to solve them. "I think instead of sitting back and complaining, 'Isn't it too bad that our town is going down the tubes?' people in this community are saying, 'Let's face the problem and try to do something about it.'" says Sandra Madsen, Storm Lake's mayor. "Unlike other small towns in Iowa, we don't have any empty storefronts downtown."

Not everyone in Storm Lake is convinced by that prosperity. On the town's shady streets, in its peaceful park that runs along the lake's north shore and up and down Lake Avenue, residents complain about the Spanish spoken in the checkout lines at Wal-Mart. They don't like the run-down look of the rental homes and apartments—most of them owned by longtime residents—that many IBP workers live in. And they're angered by the way workers crush inside the post office each Friday to buy money orders to send home to Mexico. Postal clerks say about \$5,000 in money orders is mailed south of the border each week.

As Storm Lake residents talk, it becomes clear that



**ON THE FARM.** IBP, says Jim Gustafson, a county supervisor and Storm Lake resident, "just chews these people up and spits them out." The company, he says, should pay higher wages.

they harbor a deeper resentment, not for the immigrant workers so much as for the plant and company that have brought them to the town. "I think they ought to pay these people enough to be able to stay and buy a house and live and be part of the community," says Jim Gustafson, a Storm Lake hog farmer and county supervisor. "IBP just chews these people up

and spits them out." Inside the Pantry Cafe, the four women agree over coffee that the town has troubles.

"A lot of families have already left who wanted to retire here—that's a shame," says one of the women, squashing her cigarette into an ashtray. "I won't retire in Storm Lake. We need to come to the point where we say: 'IBP, we don't want you.'"

The sense that a prosperous town has somehow lost control of its destiny is what worries people most. As Exhibit

A, everyone points to the rise in crime, and no recent case better explains the town's anxieties than that of Baby Doe. A Storm Lake police officer found the dead infant, just a few hours old, wrapped in a sweatshirt in a trailer park known as "Little Mexico." Police Chief Mark Prosser says the baby's death prompted unwarranted accusations. "The ethnicity of Baby Doe was never determined," he says. "People should be careful who they are pointing fingers at, because it might just be a north-west Iowa girl."

The crime remains unsolved, and Chief Prosser holds out little hope of closing the case. But the death of Baby Doe is only the most dramatic example of crime. There have been other incidents, including the stabbing death last July of an Ethiopian IBP worker. A few

### Where the beef—and the pork—is

*The Midwest is home to most of the big meatpacking plants, but they can be found from coast to coast.*

The biggest beef- and pork-packing states, by percent of the total

#### Top 10 beef-packing states

1. Kansas	20.1%
2. Nebraska	19.1
3. Texas	18.1
4. Colorado	7.1
5. Iowa	5.1
6. Wisconsin	4.0
7. Minnesota	3.1
8. Pennsylvania	2.9
9. California	2.6
10. Washington	2.5

#### Top 10 pork-packing states

1. Iowa	32.5%
2. Illinois	9.5
3. Minnesota	7.8
4. North Carolina	6.9
5. South Dakota	6.1
6. Nebraska	6.0
7. Virginia	4.7
8. Indiana	3.8
9. Kentucky	3.0
10. Pennsylvania	2.3

Note: Data from 1994. USN&WR—Basic data: U.S. Dept. of Agriculture