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ICN: 25258-12-872
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Document Date: 9/5/95

To: CHATER, SHIRLEY
COMMISSIONER OF SOCIAL SECURITY

From: BUNNING, JIM

Subject: HIRING OF BI-LINGUAL EMPLOYEES

Assigned To: DCHR Date Due: 9/20/95 Time Due: Action Required: PREPARE RESPONSE FOR COSS SIGNATURE

Notes:
CC: DCO, OLCA, SC, LT, BC, DE, AS AW/LLW 9/18
BE SURE RESPONSE TO BUNNING IS CONSISTENT WITH ANY EARLIER RESPONSE TO EMPLOYEE.

Contact: AWASHKO

Clearances	Signature	Date
CONCUR:	_____	__/__/
NONCONCUR:	_____	__/__/

COMMENTS:

OPTIONAL FORM 98 (7-90)

FAX TRANSMITTAL

of pages **4**

To: <i>Jack Camilleri</i>	From: <i>Andrew Washko</i>
Dist/Agency:	Phone #: <i>965-3431</i>
Fax #:	Fax #:

JIM BUNNING, KENTUCKY, CHAIRMAN
SUBCOMMITTEE ON SOCIAL SECURITY

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SANDRA CASHER WISE, SUBCOMMITTEE MINORITY

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

SUBCOMMITTEE ON SOCIAL SECURITY

25258-12-872

September 5, 1995

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RECEIVED

The Honorable Shirley Chater
Commissioner of Social Security
Baltimore, MD 21235

Dear Commissioner Chater:

Enclosed is a letter from an employee who chooses to remain anonymous regarding the hiring of bi-lingual employees.

I would appreciate your response to the important points that are raised in this letter. I look forward to hearing from you soon.

Best personal regards,

JIM BUNNING
Chairman

Enclosure

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MAY 11 1995

May 9, 1995

The Honorable Jim Bunning
Chairman, Subcommittee on Social Security
House Committee on Ways and Means
United States House of Representatives
Washington, D.C. 20515

GENOUFS
435

Dear Congressman Bunning:

While like most government employees, I do not agree with every policy decision my agency makes, I have seldom felt so strongly about an issue that I have written to the Congress to voice my concerns. It is much easier and safer to remain silent. However, the agency decisions I address have negative implications not only for the Social Security Administration, but for the nation as a whole. We are obviously a visible and large organization. SSA is an agency that impacts on virtually all Americans, either through collection of taxes or payment of benefits. I choose to address my concerns to you, because of the leadership role you have in the Social Security area. You may wish to use the information in this letter in your oversight of issues involving our agency.

Underscoring what I wish to bring to your attention are the following principles that most Americans share as reflected in voting and polling. We firmly believe that certain trends in the country, which often fall under the labels of multi-culturalism, cultural diversity, or bi-lingualism are very destructive. Many of us believe social cohesion and progress come from assimilation of certain shared values and behaviors. We must not be afraid to state that those values and behaviors are positive.

Those immigrating to this country should be expected to accept these values and behaviors. This should be implicit in their choosing to come here. Many thoughtful historians, journalists, and others have agreed on this, including people generally on the political left such as Arthur Schlesinger, Jr. We only need to look at the political turmoil in Canada and the war in the former Yugoslavia to see the ultimate results of multi-culturalism and multi-lingualism.

This brings me to the matter I want to bring to your attention. The Social Security Administration has recently pursued an aggressive program, which its top managers openly boast about, of recruiting/hiring bi-lingual employees to serve clients who are unwilling or unable to conduct their business in English. There is even an official bi-lingual Position Description, and a proposal in the active discussion stage to pay bi-lingual employees more than English-only speaking employees. This hiring preference actually serves to discriminate unfairly against those who speak English only. The proposed pay differential for bi-lingual employees would create serious morale problems among English-only speaking employees.

Many people tend not to view affirmative action programs favorably, but while certain affirmative action programs have withstood Court challenge, I do not believe there is any Constitutional justification to discriminate against the English-only speaking employee or would-be employee. This does not even pretend to try to correct past wrongs done to American citizens as affirmative action supposedly seeks to do.

There is no legal right, that I am aware of, to have government service provided in one's native language, other than English, in this country. While people have no control over their race or gender and are entitled to protection if discriminated against, people can control whether they learn the language of the country they live in.

In part, this push to hire bi-lingual employees has come about from concern about foreign-speaking clients and their translators fabricating information in their claims. While this undoubtedly occurs, it is not clear how a bi-lingual employee can assist in detecting this. There are other ways to deal with the problem, including the strict enforcement of fraud penalties, and identifying and working with outside immigrant-assistant organizations which can provide free translator services to help those they serve. (Many Americans also believe we should review some of our entitlement and immigration policies which cause us to have a high number of foreign speaking clients. But that is another matter for Congress to deal with as it considers welfare and immigration reform.)

Another, perhaps more important, reason for the emphasis on bi-lingual hiring is because of misguided cultural or political perceptions on the part of those who do not understand that the strength of this country comes from, in part, shared values and a common language. It does no good for us to send a client a message that he or she need not learn English. The reality is that the person will never achieve economic advances without learning English. Offering services in a foreign language only guarantees that those services will be demanded by even more clients.

Also, self-serving so-called spokespersons for immigrants thrive on keeping their constituents separate, unassimilated, and dependent on them. This way they assert power and retain influence as spokespersons. They exploit feelings of guilt we may have about America's role in the world and some of our past shortcomings in dealing with different groups. Incidentally, most studies suggest that immigrants want to learn English and assimilate, despite what those, in and out of government, with vested interests in fragmentation may say. Employment entitlements, based on group identification, run counter to the spirit of individual achievement, which is one of the great values of the United States.

Another problem with hiring preferences for bi-linguals is that there can be instances where it will be considered so imperative to hire someone with a specific language ability, that SSA will hire someone with less than acceptable English skills. These employees will have difficulty learning our program policies and interacting with fellow employees. This prevents them from communicating well with English speaking clients, and even prevents them from rendering quality, accurate service to their foreign speaking clients.

SSA also pursues other wasteful efforts to accommodate the non-English speaking, such as writing publications in foreign languages. I deeply resent tax dollars going to support such socially unproductive practices. The non-English speaking should seek out translators themselves. This differs from SSA printing notices in Braille, for instance, because handicap is not something someone can control, unlike learning a language in a host country.

I strongly believe in equal and courteous treatment for all our clients, but this can be achieved in a non-bi-lingual framework. I do not even object to an employee who is bi-lingual discussing matters in a language other than English. What I do object to is the special classification and discrimination inherent in recruiting/hiring bi-linguals to conduct government business, and in pay differentials to promote cultural disunity. Our existing bi-lingual staff can and should be absorbed into the regular Position Description.

3

I am sure that the expected reaction from the "politically correct" is that this letter comes from someone unsympathetic to those seeking the American Dream. This letter actually comes from someone whose parents immigrated to the United States because they had something to contribute and the country needed their labor. They did not expect our country to adjust to their values, rather they became Americanized.

While proud of their background, they did not seek to exploit that background to win special favors. They would never have expected governmental agencies to deal with them in their native language. Whatever success that their child has achieved came, in part, because of learning a common language and assimilating into a common culture. Also, as George Will has pointed out, that generation of immigrants did not come here seeking either financial entitlements, or job entitlements based on ethnicity.

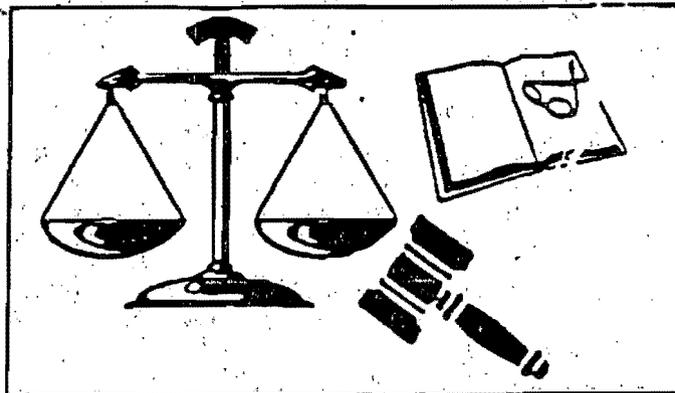
I am confident that many others working for SSA share the view that we have approached this subject in a very inappropriate way. Our employee focus groups are not nearly as enthusiastic about bi-lingualism as our agency heads. Voters have sent a message to our elected policy makers about some of the issues addressed here. As usual, certain vocal, self-serving interest groups are fighting to prevent the views of the majority from prevailing.

It is time for change in service delivery in this sensitive area. Congress recently made SSA an independent agency apart from HHS. Our Commissioner-designee, Shirley Chater has a chance to move away from the ideas fostered by Donna Shalala, her former boss. I am hoping that your focus on this subject may prompt her to act. Your upcoming hearings on disability may be an opportune time to address the bi-lingual issue with Ms. Chater. It is disability applicants who often request that assistance be provided in other languages. I am sure most of these people have English-speaking relatives or friends available who could help them.

U.S. DEPARTMENT OF JUSTICE

OFFICE OF LEGISLATIVE AFFAIRS

FACSIMILE COVER SHEET



TO: Steve Warnath

DPC

FAX NO.: 456-7028

FROM: JOHN TRASVIÑA

PHONE: 202 514-2111 Fax 202 514-5499

DATE: 1/26

NO. OF PAGES: 3 (EXCLUDING COVER)

COMMENTS: Bilingual Ballots



U. S. Department of Justice

Office of Legislative Affairs

Deputy Assistant Attorney General

Washington, D.C. 20530

M E M O R A N D U M

To: Steve Warnath
From: John Trasviña
Re: Anti Bilingual Ballot Cong. Record statement
Date: January 26, 1996

See attached in yesterday's Congressional Record by Rep. Toby Roth (R-WI).

I have asked the Civil Rights Division to draft talking points to be turned into a floor statement in rebuttal. Rep. Dellums would likely do this since Alameda County is his district.

This would not be DOJ's rebuttal but we would provide relevant information to Rep. Dellums.

When I review a draft, I will give you a copy. I don't expect to get it to the Hill until Tuesday or Wednesday.

January 25, 1996

CONGRESSIONAL RECORD—HOUSE

H 867

which is the national version of your local credit bureau, considering downgrading the United States debt to the tune of about \$387 billion to in fact create much higher costs for all of us in this country in paying that debt, rolling it over on a periodic basis. It also includes an article about the Mexican economy and the fact that in their credit crunch, loans are today almost impossible to get; and, if you can get them, they are ranging at the 50-percent level.

The reason I bring that up is this is a country that is in deep trouble today just for contemplating default. This country stepped in and helped prevent that and still, just because they flirted with default, today it is almost impossible to get a loan in that country.

We would be, by this action here that is being brought about by the freshman Republicans and others who are irresponsible, in my view, about how they want to conduct our public policy debate, are courting this kind of disaster.

We are about to move to a point where our U.S. bonds, which are the best bonds you can get anywhere in the world, which pay the lowest interest rates because of their security and lack of risk, will fall into the category of almost junk bonds. Here we are, a country that theoretically has learned about the perils of junk bonds, having come through our S&L crisis, we understand that these kinds of high yield bonds we call junk bonds, pay a premium, because of the risk involved, because of the potential for default.

It is a lesson we have got to remember as we continue to do our business in this Congress. Hopefully, the effort that Mr. KENNEDY is leading and Mr. BENTSEN and others to get this Congress to adopt a clean debt limit extension, what we mean by that is to deal with the credit rating of this country without encumbering it with any other extraneous activities, any other legislation that ought to be dealt with in separate vehicles.

We think, and I think Members of the Republican Party honestly agree with us, that if we know what is good for our country, we will act precipitously today, tomorrow, next week, whenever we can possibly get the attention of the leadership of this institution to guarantee that we do not allow ourselves to slip into default and to provide long-term detriment, additional cost to us as individuals and as taxpayers and as a Nation.

We need to sign this discharge petition. We need to bring our Republican colleagues of good will, who are willing to be independent and stand up for what is right for this country, to join us so that we can have sanity reign here and so that we are not going to find extortion and blackmail on something as fundamental to this country as the extension of that debt limit occurring.

Remember, we have written the checks. It is a question of whether we are going to cover those drafts when

they come to the bank. I want to thank the gentlewoman from Connecticut for taking the time to give the American people and our colleagues a better understanding of something that I think we never really entertained, never thought was possible, until just recently when we began to see just how far irresponsibility was leading the minority, the majority party in the direction of bringing about a real financial disaster for this country.

Ms. DELAURO. I want to thank my colleague from California for just outlining what it is all about. I want to thank my other colleagues who joined with us this afternoon, and I just want to say that the issue is credit rating, the credit rating of the United States.

□ 1400

When you hear the words "debt limit, debt extension," put that aside. Credit rating, that is what this is about, and whether or not we are going to say that the United States will continue to have the best credit rating in the world, which it currently has.

I would just say to you that we do have people, we have a group of people in this House that are willing to do harm to the credit rating of the United States by defaulting on our debt. This would be for the first time in this Nation's history. They are prepared to do this, and even have talked about this in terms of a strategy for holding the President hostage, for blackmailing the President to try to get something from him on the issue of the budget.

We have put to rest the issue of the balanced budget. The President has laid one on the table. It is now my Republican colleagues who are walking away from the balanced budget that the President has put down, which they asked for.

What I am begging the leadership, the Republican Gingrich leadership of this House to do, listen to Wall Street when they say what difficulty we will be in in the world if this happens to the United States; listen to Main Street; listen to the working men and women of this country, who will see their adjustable rate mortgages on their homes go up \$1,200 as my colleague, the gentleman from Massachusetts, has said. Credit card payments, because the interest rates will go up, will be higher. Towns and cities and States will find, and school districts and water districts, that their bonds will be in difficulty. That is all the result of tampering with the credit rating of the United States. It will have a disastrous effect on the United States and on the people of this country.

We cannot let this happen. What we need to do is to send the President of the United States a clean debt limit credit rating bill, so that in fact we can continue on as the great Nation that we have been, and that our Founding Fathers sought for us.

Ms. BROWN of Florida. Mr. Speaker, if we don't pass a debt limit extension and the country defaults on the national debt, the result will be devastating.

The Republicans don't believe Treasury Secretary Rubin when he warned of default. Instead, they have resorted to a dangerous game of chicken with our Nation's economy.

If we do default on the national debt, it will have an adverse effect on so many people. Social Security and veteran benefit recipients may not receive checks. Interest rates would rise dramatically, affecting home, car, and student loans. Bond prices would fall dramatically, causing people to sell in fear of this.

First, the Republicans held Government employees hostage in their attempt to get the President to cave in to their extreme balanced budget plan. And now, they are fooling around with the possibility of defaulting on the debt.

They just never learn that their extreme bullying tactics just aren't going to work.

We can't afford to default on the national debt. We need a clean debt limit extension.

VOTING BALLOTS PRINTED IN FOREIGN LANGUAGES, ANOTHER EXAMPLE OF GOVERNMENT EXCESS

The Speaker pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, I rise today to call attention to another example of Government excess. In the spirit of so-called multiculturalism, the Federal Government has mandated since 1965 that voting ballots and materials be printed in dozens of languages other than English. Today there are some 375 voting districts across this country that are required to print ballots in foreign languages.

In a classic example of an unfunded mandate gone amok, politicians in Washington are forcing States and localities to provide multilingual ballots without providing the funds to implement the ballots. This Don Quixote mandate, the legislation that has caused this mandate is the Voting Rights Act of 1965. Under the law, countries must provide multilingual voting information and ballots in the language of any minority groups with more than 10,000 eligible voters in that county.

In the real world, these services should not be needed at all. Voting rights are extended to citizens of this country, and one needs to demonstrate some fluency in English to become a U.S. citizen, so why all of these ballots. In other languages other than English? In practice, this requirement for citizenship has been unenforced, but that does not change the facts. By law, English is the requirement for citizenship in this country. We should not be providing Government services, in direct contradiction with the spirit, if not the letter, of the law's requirement.

Moreover, these services are expensive, as well as unnecessary. It might surprise supporters of multilingual ballots to know that very few people actually request such special treatment. By and large multilingual ballots are rarely requested, and even less often used, even when they are provided. That is

H 868

CONGRESSIONAL RECORD—HOUSE

January 25, 1996

what makes these costs and their cost to the local taxpayers all the more shocking.

Election officials in Alameda County, CA, told me recently that they spent almost \$100,000 to produce ballots in Spanish and Chinese for the entire country, yet only 900 were ultimately requested. You can do the math. The taxpayers of Alameda County spent over \$100 for every multilingual ballot that was actually used in that June 1994 election. This appears to be a trend.

The last election in Los Angeles saw ballots printed in six languages other than English. Among them were Spanish, Chinese, Japanese, Vietnamese, Tagalog, and Korean. It cost the city government over \$125,000 to prepare the materials. Yet, and listen to this, only 927 ballots were used. Los Angeles spent over \$135 for each voter the city helped.

Even small communities are not immune. Long Beach spent a relatively modest \$1,026 preparing multilingual materials for its eligible voters when only 22 requests came in. The township spent over \$280 per multilingual voter. As a frustrated election official told me recently, "This is a lot of money to help a few people." That official could not be more right.

These ballots have other, more serious costs associated with them, too. Providing these special services creates the fiction that newcomers to this country can enjoy the full benefits of citizenship without the language of the land, which is English. How can a citizen cast an informed ballot in a foreign language when most candidates' platforms, stump speeches, and media coverage are in English? Exercising one's rights of citizenship involves more than just casting a vote. It means making a thoughtful decision regarding an issue or a candidate.

Multilingual voting ballots give individuals the right to vote without granting the power to cast an informed vote. The logical extent of the argument behind the multilingual ballots is to provide these services in all the languages spoken in the country. After all, why should we privilege one linguistic minority over another? Should we not provide news reports and election coverage in all these languages, so these citizens have access to all the information they need to cast an informed vote? The simple and obvious answer is that we cannot. There are 327 languages spoken in the United States today. We cannot provide these services in all of these languages. What is more, we should not.

CALLING FOR A MUTUAL UNDERSTANDING BETWEEN TAIWAN AND THE PEOPLES REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. TORRICELLI] is recognized for 5 minutes.

Mr. TORRICELLI. Mr. Speaker, it is said that in history, great conflicts begin more often from miscalculation than by purposeful design. Even in our own time, it is said that the Korean war may have begun by the unfortunate statement of Mr. Avenuees that the defense perimeter of the United States began in the Sea of Japan, and not the 38th parallel.

A few years ago the United States Ambassador to Iraq suggested to Saddam Hussein that in a dispute between Kuwait and Iraq, the United States would regard the matter as an internal problem in the Arab world. Today in the straits of Taiwan a foundation may be being laid for a similar misunderstanding.

I take the floor today, Mr. Speaker, as one Member of this institution, in the hope that the leaders of our country, our great allies in the People's Republic of China, come to some mutual understanding of events that are taking shape even as we speak between Taiwan and the People's Republic of China.

Only weeks ago the Peoples Republic fired missiles into the airspace and the shipping lanes around Taiwan. It is now openly being discussed what further actions, including military measures, might be taken. The leaders in Beijing are displeased with comments or activities of President Li after the Taiwanese elections.

It is the policy of the United States Government to have formal diplomatic relations with the People's Republic and to recognize it as the sole legitimate Government of China, but the Taiwan Relations Act is infinitely more complex. It also permits, and indeed, in my judgment, provides a responsibility for the United States Government to continually reassess our role and obligations if the security situation of Taiwan were to deteriorate.

I recognize that the relationship between Beijing and Washington is one of the cornerstones of world peace. It is one of this Nation's most important economic, cultural, and security relationships. I want it to be strong and I want it to be sound. But I also recognize, and history bears witness, the United States keeps its obligations, recognizes its relationships, and meets the needs of its friends.

I trust and I hope that Beijing in the coming months will act responsibly, retain the commitment that any dispute it might have with the people on Taiwan and the question of the larger China is resolved peacefully, responsibly, and diplomatically. But simply because Members of this institution and the larger U.S. Government are committed to good relations with Beijing, simply because we want good political relationships, increased investment and trade, simply because of the progress of all these years, they should not put aside that this is still a nation that keeps its obligations, defends the weak against the strong, and holds democratic governments with

pluralistic governments in a singular and special category.

This is, after all, not the Taiwan of 20 years ago. There is a free press, a pluralist democracy, and now, a popularly elected President. That does not negate aspects of, or in its totality, the Taiwan Relations Act. It is simply an attempt to make an effort on my own part to communicate with the leaders in Beijing to let them know that the firing of the missiles was not only wrong, but threatening military action is irresponsible.

However they may calculate it, whatever their advisers may say, at the end of the day, in spite of all the investment and all the hopes for good relations with China, the world will not watch a military incursion, a renewal of hostilities, or even irresponsible acts that threaten the peace.

So I hope each in our private ways, parties to this potential dispute, will again renew their commitment to peace and ensure that our actions remain responsible, but that all parties at the end of the day recognize that the United States will not witness the forceful end of the Government of Taiwan.

TRAVEL HABITS OF THE SECRETARY OF THE DEPARTMENT OF COMMERCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. CHRYSLER] is recognized for 40 minutes as the designee of the majority leader.

Mr. CHRYSLER. Mr. Speaker, once again, the Commerce Department has made news. But it's not news about any new trade deals it won for American business. It's for the travel habits of the Secretary of Commerce. It seems that the Secretary has a penchant for travel, one that has cost the taxpayers of this country millions of dollars.

In fact, the current Secretary's travel costs have increased by over 145 percent from that of his predecessor. One can only assume he is using the same travel agency as the Secretary of Energy.

This weekend, the Los Angeles Times reported that the Department of Commerce's own inspector general was sharply critical of Secretary Ron Brown's travel expenses, noting that "His spending levels are particularly striking since he took over the job from a Republican administration that was often under fire for incurring excessive travel costs."

The Los Angeles Times goes on to add, "Brown, a former chairman of the Democratic Party, was accused by his critics of using his travel budget to gain favor with political allies and party contributors, many of whom have been invited to accompany the secretary on his extensive foreign trips."

Mr. Speaker, I include for the RECORD the Los Angeles Times article.

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History. Acts 1987, No. 850, § 1; House Concurrent Resolution No. 1003, Acts 1987; House Concurrent Resolution No. 1007, Acts 1987.

A.C.R.C. Notes. As enacted, subdivision (a)(1) of the section provided that in order for the songs "Arkansas (You Run

Deep in Me)" and "Oh, Arkansas" to be designated as the official state song, the lyricists of the songs must file with the Secretary of State, by May 12, 1987, written consent for the use of each song as the state's official state song. Such consents were timely filed.

1-4-117. Official language.

(a) The English language shall be the official language of the State of Arkansas.

(b) This section shall not prohibit the public schools from performing their duty to provide equal educational opportunities to all children.

History. Acts 1987, No. 40, § 1; 1987, No. 77, § 1.

1-4-118. State bird.

The mockingbird is declared and everywhere recognized as the state bird of the State of Arkansas.

History. House Concurrent Resolution No. 22, Acts 1929.

1-4-119. State tree.

The pine tree is declared and everywhere recognized as the state tree of the State of Arkansas.

History. House Concurrent Resolution No. 2, Acts 1939.

1-4-120. State folk dance.

The dance known as the square dance is hereby designated and adopted as the American Folk Dance of the State of Arkansas.

History. Acts 1991, No. 93, § 1.

1-4-121. Purple martin capitals.

(a) Since the purple martin, a bird known for its appetite for flying insects, is deemed by most as an attractive asset for its appearance, song, cleanliness, and diet — America's Most Wanted Bird, and since the City of Lake Village in Chicot County of southeastern Arkansas is located along the North-South Flyway, the major migration route for millions of birds, the City of Lake Village in Chicot County, Arkansas, shall be designated by the Arkansas General Assembly to be known as the "Southeast Purple Martin Capital of the State of Arkansas."

Language Bills before the 104th Congress --Quick Summary

I. Directly Repealing Section 203 of VRA

(Porter-R-IL)

H.R. 351

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

Alaska

Arizona (except for Apache, Cochise, Coconino, Mohave, Navajo, Pima, Pinal, Santa Cruz, and Yuma Counties)

California: Kings and Merced Counties

Michigan: Clyde Township (Allegan County) and Buena Vista Township (Saginaw County)

North Carolina: Jackson County

South Dakota: Shannon and Todd Counties

Texas

(Roth R-WI)

H.R. 739

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

(King R-NY)

H.R. 1005

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

II. Other English Only Bills

(Emerson R-MO)

H.R. 123

Declares English as the Official Language of the government of the U.S. No preemption of state laws. Sets up cause of action for "any person alleging injury arising from a violation"

(Pickett R-VA)

H.R. 345

Declares English as the official language of the U.S. govt and amends the INA to provide that public ceremonies for the admission of new citizens shall be conducted solely in English.

(Shelby R-AL)

S. 175

S. 356

Declares English as the official language of the U.S. govt. Sets up cause of action for "any person alleging injury from a violation " of this law.

(Serrano D-NY)

H.Con. Res. 83

English Plus Resolution which recognized English as the primary language and encourages proficiency of English but at the same time recognizes the importance of multilingualism and individual rights and opposes English Only measures.

(Doolittle R-CA)

H.J.Res. 109

A joint resolution proposing an amendment to the U.S. Constitution establishing English as the official language of the U.S.

Citation
CQ US HR 351 SUMMARY

Rank(R)
R 1 OF 4

Database
CQ-BILLTRK

Mode
Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

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

LEGISLATIVE ACTION:

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

CQ US HR 351 SUMMARY
END OF DOCUMENT

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Citation	Rank(R)	Database	Mode
CQ US HR 739 SUMMARY	R 1 OF 2	CQ-BILLTRK	Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

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

LEGISLATIVE ACTION:

01/04/95 *** Related measure (HR123) introduced in House. ***
 01/09/95 *** Related measure (S175) introduced in Senate. ***
 01/30/95 Referred to Committee on Economic and Educational Opportunities (CR p. H889)
 01/30/95 Original Cosponsor(s): 25
 Archer (R-TX) Hancock (R-MO) Parker (D-MS)
 Bartlett, R. (R-MD) Hutchinson, T. (R-AR) Rogers (R-KY)
 Bunning, J. (R-KY) Inglis, B. (R-SC) Rohrabacher (R-CA)
 Burton, D. (R-IN) King, P. (R-NY) Royce (R-CA)
 Callahan (R-AL) Kingston, J. (R-GA) Sensenbrenner (R-WI)
 Coble (R-NC) Lipinski (D-IL) Solomon (R-NY)
 Doolittle (R-CA) Ney (R-OH) Stump (R-AZ)
 Forbes (R-NY) Oxley (R-OH)
 Goodlatte, R. (R-VA) Packard (R-CA)
 01/31/95 Cosponsor(s) added: 7
 Funderburk (R-NC) Knollenberg (R-MI) Taylor, C. (R-NC)
 Hall, R. (D-TX) Petri (R-WI)
 Hunter (R-CA) Shays (R-CT)
 02/03/95 *** Related measure (S356) introduced in Senate. ***
 02/07/95 Cosponsor(s) added: 3
 Chrysler (R-MI) Duncan (R-TN) Stearns (R-FL)
 02/08/95 Cosponsor(s) added: 1
 Johnson, Sam (R-TX)
 02/16/95 Cosponsor(s) added: 2
 Cooley (R-OR) Crane (R-IL)
 02/21/95 *** Related measure (HR1005) introduced in House. ***
 02/23/95 Cosponsor(s) added: 2
 Gilchrest (R-MD) Saxton (R-NJ)
 02/28/95 Cosponsor(s) added: 5
 Cox (R-CA) Shuster (R-PA) Weldon, D. (R-FL)
 Herger (R-CA) Stockman (R-TX)
 03/08/95 Cosponsor(s) added: 4
 Baker, B. (R-CA) LaHood (R-IL)
 Chenoweth (R-ID) Livingston (R-LA)

03/09/95 Cosponsor(s) added: 1
 Baker, R. (R-LA)

03/16/95 Cosponsor(s) added: 1
 Ehrlich (R-MD)

04/06/95 Cosponsor(s) added: 2
 Calvert (R-CA) Meyers (R-KS)

05/10/95 Cosponsor(s) added: 2
 Burr (R-NC) Ewing (R-IL)

05/16/95 Cosponsor(s) added: 4
 Christensen (R-NE) Manzullo (R-IL)
 Kelly (R-NY) Norwood (R-GA)

05/18/95 Cosponsor(s) added: 1
 Weller (R-IL)

06/07/95 Cosponsor(s) added: 3
 Bachus, S. (R-AL) Linder (R-GA) Souder (R-IN)

06/29/95 Cosponsor(s) added: 4
 Bryant, E. (R-TN) Tate (R-WA)
 Scarborough (R-FL) Wicker (R-MS)

07/10/95 ROTH, R-Wis., House speech: On the need to make English
 the official American language. (Colloquy with WELDON,
 R-Fla., and KINGSTON, R-Ga.) (CR p. H6726-H6727)

07/10/95 Cosponsor(s) added: 3
 Bono (R-CA) Chambliss (R-GA) Seastrand (R-CA)

07/11/95 Cosponsor(s) added: 1
 Emerson (R-MO)

07/13/95 Cosponsor(s) added: 1
 Hostettler (R-IN)

07/19/95 Cosponsor(s) added: 1
 Young, D. (R-AK)

07/20/95 Cosponsor(s) added: 1
 Barton, J. (R-TX)

08/02/95 ROTH, R-Wis., House speech: Urges colleagues to support
 the Declaration of Official Language Act. (Reader's
 Digest) (CR p. E1598-E1599)

08/02/95 Cosponsor(s) added: 2
 Kim (R-CA) Pickett (D-VA)

08/04/95 Cosponsor(s) added: 2
 Hilleary (R-TN) Wamp (R-TN)

09/06/95 Cosponsor(s) added: 3
 Istook (R-OK) Kasich (R-OH) Pombo (R-CA)

09/12/95 Cosponsor(s) added: 3
 Bliley (R-VA) Blute (R-MA) Dornan, R. (R-CA)

10/12/95 Cosponsor(s) added: 1
 Roukema (R-NJ)

10/19/95 ROTH, R-Wis., House speech: Inserts an article on
 problems with bilingual education. (Wall Street
 Journal) (CR p. E1988-E1989)

CQ US HR 739 SUMMARY

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Citation
CQ US HR 1005 SUMMARY

Rank(R)
R 1 OF 2

Database
CQ-BILLTRK

Mode
Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

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

LEGISLATIVE ACTION:

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

06/06/95 Cosponsor(s) added: 1

Petri (R-WI)

06/22/95 Cosponsor(s) added: 1

Barrett, B. (R-NE)

07/12/95 Cosponsor(s) added: 1

Bachus, S. (R-AL)

08/02/95 Cosponsor(s) added: 1

Taylor, C. (R-NC)

08/04/95 Cosponsor(s) added: 1

Wamp (R-TN)

09/06/95 RADANOVICH, R-Calif., House speech: Inserts a speech by Sen. Bob Dole recognizing English as America's official language. (CR p. E1703)

09/06/95 Cosponsor(s) added: 2

Roth (R-WI) Shays (R-CT)

09/12/95 Cosponsor(s) added: 1

Meyers (R-KS)

09/27/95 Cosponsor(s) added: 1

Linder (R-GA)

CQ US HR 1005 SUMMARY

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Citation	Rank (R)	Database	Mode
CQ US HR 123 SUMMARY	R 1 OF 7	CQ-BILLTRK	Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

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

LEGISLATIVE ACTION:

01/04/95 Referred to Committee on Economic and Educational Opportunities (CR p. H167)

01/04/95 EMERSON, R-Mo., House speech: Introduces the Language of Government Act. (CR p. E13)

01/04/95 EMERSON, R-Mo., House speech: Introduces the Language of Government Act. (CR p. E35)

01/04/95 Original Cosponsor(s): 37

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

01/09/95 *** Related measure (S175) introduced in Senate. ***

01/20/95 Cosponsor(s) added: 42

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

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

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

CQ US HR 123 SUMMARY

END OF DOCUMENT

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Citation	Rank(R)	Database	Mode
CQ US HR 345 SUMMARY	R 1 OF 4	CQ-BILLTRK	Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

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

LEGISLATIVE ACTION:

01/04/95 Referred to Committee on Economic and Educational Opportunities, Committee on the Judiciary (for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned) (CR p. H173)

03/06/95 Cosponsor(s) added: 2
 Brewster (D-OK) Stockman (R-TX)

04/05/95 Cosponsor(s) added: 1
 Bereuter (R-NE)

04/06/95 Cosponsor(s) withdrawn: 1
 Brewster (D-OK)

CQ US HR 345 SUMMARY
 END OF DOCUMENT

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Citation
CQ US S 175 SUMMARY

Rank(R)
R 3 OF 7

Database
CQ-BILLTRK

Mode
Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

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

LEGISLATIVE ACTION:

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

CQ US S 175 SUMMARY
END OF DOCUMENT

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Citation
CQ US S 356 SUMMARY

Rank(R)
R 2 OF 4

Database
CQ-BILLTRK

Mode
Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

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

LEGISLATIVE ACTION:

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

Citation	Rank (R)	Database	Mode
CQ US HConRes 83 SUMMARY	R 2 OF 7	CQ-BILLTRK	Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

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

LEGISLATIVE ACTION:

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

07/13/95 Original Cosponsor(s): 32

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

CQ US HConRes 83 SUMMARY
 END OF DOCUMENT

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Citation	Rank(R)	Database	Mode
CQ US HJRES 109 SUMMARY	R 2 OF 7	CQ-BILLTRK	Page

Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

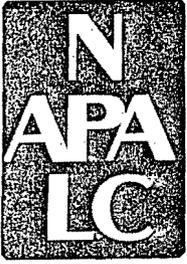
MEASURE: HJRES 109
 SPONSOR: Doolittle (R-CA)
 OFFICIAL TITLE: A joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States.
 INTRODUCED: 09/28/95
 COSPONSORS: 10 (Dems: 1 Reps: 9 Ind: 0)
 COMMITTEES: Committee on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

LEGISLATIVE ACTION:

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

CQ US HJRES 109 SUMMARY
 END OF DOCUMENT

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San Francisco

Asian Pacific
American
Legal Center
of Southern
California
Los Angeles

WRITTEN TESTIMONY OF

**KAREN K. NARASAKI
EXECUTIVE DIRECTOR
NATIONAL ASIAN PACIFIC AMERICAN
LEGAL CONSORTIUM**

**ON
ENGLISH AS THE OFFICIAL LANGUAGE/ENGLISH-ONLY PROPOSALS**

**BEFORE THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
U.S. SENATE**

December 6, 1995

**PHOTOCOPY
PRESERVATION**

Mr. Chairman and Members of the Committee, the National Asian Pacific American Legal Consortium (the "Consortium") is a nonprofit organization whose mission is to advance and protect the legal and civil rights of Asian Pacific Americans across the country. English-only policies are of particular concern to the Consortium because of the large percentage of recent limited English proficient (LEP) immigrants in the Asian Pacific American community and the long history of racially discriminatory treatment of Asian and Pacific Islander immigrants by our country's laws.

The Consortium and its affiliates, the Asian American Legal Defense and Education Fund in New York, the Asian Law Caucus in San Francisco and the Asian Pacific American Legal Center of Southern California, collectively have over a half a century of experience in providing direct legal services, community education and advocacy on immigrant issues, voting rights and other issues involving language barriers.

The Consortium has several concerns regarding the "Language of Government Act of 1995," S.356, and other proposed English-only laws. First, the Consortium believes that if the current English-only proposals become law, they will join a long list of examples of institutionalized discrimination against immigrants from Asia. Second, these proposals are being offered to address a nonexistent problem. Third, these are not benign proposals, but violate several cornerstones of our democracy, the First Amendment right to free speech, the Fifth and Fourteenth Amendments' right to equal protection and due process under our laws, and the right to vote. Fourth, they raise public health and public safety issues, as well as threaten the education of our children and the economic growth of our nation. Finally, while it is true that many proponents of English-only type laws are well-meaning, it is also true that it is a cause that is extremely divisive in its pandering to bigots and xenophobes.

I. HISTORY OF ANTI-ASIAN IMMIGRANT LAWS

It is no secret that the history of this country's immigration laws has been fraught with racial bias. The Chinese Exclusion Act of 1882 which prohibited the immigration of Chinese laborers, epitomizes this country's particularly infamous record on immigration from Asia.¹ Over the next 50 years, anti-Asian sentiment resulted in several other laws which all but end immigration from Asian and Pacific Island countries. These laws include the Gentleman's Agreement with Japan limiting Japanese immigration;² the Immigration Act of 1917 which banned immigration from almost all countries in the Asia-Pacific region;³ the Quota Law of 1921 which limited the annual immigration of a given nationality to three percent of the number of such persons residing in the U.S. as of 1910;⁴ the National Origins Act of 1924 which banned immigration of persons who were ineligible for citizenship;⁵ and, a decade later, the Tydings-McDuffie Act of 1934 which placed a quota of 50 Filipino immigrants per year.

It has been just one generation since the Chinese Exclusion Act and its progeny were repealed in 1943.⁶ The intensity of the discrimination against immigrants from Asia is reflected in the fact that they were not allowed to become naturalized citizens for over 160 years. A 1790

law allowed only "free white persons" to become citizens. Even after the law was changed to include African Americans, similar legislation to include Asian Americans was rejected.⁷ The Supreme Court upheld the laws making Asian immigrants ineligible for citizenship.⁸ The last of these laws were not repealed until 1952.⁹

Asian immigrants who managed to enter the U.S. became the victims of other forms of discrimination. As early as the 1850's, states enacted various laws which targeted Asians by taking advantage of the discriminatory nature of naturalization laws. California imposed a "foreign miner's tax" which imposed a tax on any non-citizen miner.¹⁰ As intended, virtually all of the \$1.5 million collected under the "foreign miner's tax" came from Chinese miners.

The California Alien Land Law Act of 1913 is another striking example. This law was primarily directed at Japanese immigrant farmers and prohibited persons ineligible for citizenship to purchase land and obtain long term leases or crop contracts. Twelve other states adopted similar laws, the last being Utah, Arkansas and Wyoming in the 1940s. The last law was not repealed until 1962.¹¹

Similarly, in 1922, the Supreme Court upheld a law that aliens ineligible for citizenship cannot form corporations,¹² and in 1945 California enacted legislation denying commercial fishing licenses to persons ineligible for citizenship.¹³ At the time, Asians were the only racial group ineligible for citizenship.

Education is also an area in which Asian Pacific Americans have been historically discriminated against. In 1860, California barred Asian Pacific Americans from attending its public schools entirely. After the California Supreme Court ruled that this was unconstitutional, the State set up a system of "oriental" schools and the California Supreme Court upheld the constitutionality of "separate but equal" schools for Asian Pacific American students in 1906. In 1927, the U.S. Supreme Court upheld the exclusion by Mississippi of Asian American students from white schools.¹⁴

In the early 1970's frustrated Chinese American parents brought a class action suit against San Francisco Unified School District, alleging that unequal educational opportunities resulted from the District's failure to establish a program to address the limited English proficiency of students of Asian ancestry. In *Lau v. Nichols*, the Supreme Court ruled that the District's failure to provide English language instruction was a violation of the Civil Rights Act of 1964.

Many proponents are fond of citing polls noting the popularity of some of these English-only proposals and note with pride the fact that 22 states have adopted some version of English as an Official Language laws. This was also true of the many discriminatory laws that our country has since condemned and repealed as immoral and antithetical to the highest values we hold. Would we today applaud the reintroduction of the Alien Land Laws? Or the internment of Japanese Americans during World War II which was popular in its day? A California newspaper

during that time asked its readers how many would support the deportation of American born citizens of Japanese ancestry. An overwhelming majority supported that proposal, yet this Congress has since apologized for the actions taken against Japanese Americans and noted it happened because of a failure of leadership. Congress should not permit another such failure of leadership.

II. ENGLISH-ONLY ADDRESSES A NONEXISTENT PROBLEM

Many supporters of English-only laws or Official-English laws appear to believe that there is a threat to the English language and that immigrants would not otherwise learn English. There is absolutely no basis for their beliefs. According to the 1990 U.S. Census, 97% of Americans speak English "well" or "very well." A recent study by a University of Southern California demographer, Dowell Myers, found that "immigrants do not remain unassimilated and unchanged. The speed of immigrants' upward mobility is striking -- reflecting their rapid incorporation into the American economy and society." The study tracked immigrants who arrived during the seventies and found that the proportion of English speakers among Asian immigrants rose from 39% to 53% in 10 years from 1980 to 1990.¹⁵

In addition, according to the National Immigration Forum, "immigrants are losing their native language at a faster pace than immigrants early in this century. Previously, it had taken three generations for an immigrant family to completely lose its native tongue In recent decades, there appears to be a trend towards monolingual English speaking in the children of immigrants."

Clearly there is no need for any additional punitive "incentive" to encourage immigrants to learn English. The data shows that immigrants are becoming not only fluent in English, but monolingual English-speaking within a generation. Consequently, English-only is inappropriate as it is a response to a misidentified problem. The problem is not that immigrants are refusing to learn English, but rather that there is a lack of resources to meet the need for English as a Second Language classes. Even such groups as U.S. English agree that "immigrants want and need to learn English."¹⁶ Indeed, statistics show that there are long waiting lists of people who want to study English. In Washington, D.C., an estimated 5,000 immigrants were turned away from English as a Second Language classes in the 1994 school year. In New York, the schools have had to resort to a lottery system to decide enrollment in English classes. In Los Angeles, there are waiting list as long as 40 to 50 thousand waiting to enroll in English classes.

S.356 states that its purpose is "to help immigrants better assimilate...." If this is the intent of its sponsor, Congress should focus on increasing resources for English classes rather than on punishing those who already want to learn English, through English-only laws, like S.356.

III. ENGLISH-ONLY LAWS VIOLATE CONSTITUTIONAL RIGHTS

The Supreme Court in *Meyer v. Nebraska*¹⁷ stated that:

The protection of the Constitution extends to all, to those who speak other languages as well as those born with English on the tongue. 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.

A. Prohibiting Translation Compromises Due Process

The civil and criminal judicial process would be seriously compromised by official English legislation. The exception in Section 3(a) of S.356 does not protect participants in our legal system. It does not protect litigants in civil actions.

Moreover, there have been instances where Asian Pacific American crime victims have been mistakenly jailed by police officers while the real criminals walk away because they were able to speak English. Asian and Pacific Islander women have suffered "revictimization" by the very sources from whom they have sought help because of language and cultural barriers. In one case, a woman who had been repeatedly abused by her husband was preparing dinner when he tried to attack her. When she tried to ward him off, he lunged and fell onto the knife she had been waving in front of her. Terrified, she ran to call the police but when the police came, her husband, who spoke better English, accused her of attacking him. She was arrested and put in jail with bail set at \$500. The case is still pending.¹⁸ This kind of situation is not atypical. If interpreters or language assistance is not allowed, how do the police and investigators communicate with crime witnesses or victims who might have pertinent information?

The Massachusetts Commission to Study Racial and Ethnic Bias in the Courts found that non-English speaking participants in the legal system obtain fewer restraining orders in domestic violence cases. Moreover, because restraining order forms are only in English, victims of domestic violence often were unable to obtain them unless they could find a volunteer interpreter.¹⁹ They also are more likely to lose the custody of their children when interpreter services are unavailable in the early stages of a care and protection proceeding. At public hearings, people told the Commission that judges had actually asked defendant husbands to act as interpreters for their battered wives.

Government must be permitted or even required to provide certified translators for criminal and family court cases. Reliance on volunteer translators can result in judicial procedures that fail to provide due process or equal protection. A 1994 Virginia State Supreme Court study cited several incidents when an improper translation seriously affected a trial's outcome. It concluded that there is a "widespread breakdown in due process and equal protection for non-English

speaking litigants who appear before the courts.”²⁰ A court administrator for a Maryland court said that poor translation during a trial can mean excessive jail time or fines for non-English speaking defendants.²¹

B. English-only Laws Violate the First Amendment

English-only laws violate the First Amendment right to free speech for government employees and for elected officials. The exemptions in S.356 clearly do not eliminate these problems. Just this year, the Ninth Circuit, *en banc*, held that an Arizona English-only law with similar features as to the various proposed legislation in Congress, “was not a valid regulation of the speech of public employees and is unconstitutionally over broad. By prohibiting public employees from using non-English languages in performing their duties, the article unduly burdens their speech rights as well as the speech interests of a portion of the populace it serves. The article similarly burdens the First Amendment rights of state and local officials and officers in the executive, legislative and judicial branches.”²² As Judge Brunetti noted in his concurrence in *Yniquez v. Arizonans for Official English*, “By restricting the free communication of ideas between elected officials and the people they serve, [Arizona’s English-only law] threatens the very survival of our democracy.” He added, “The First Amendment precludes a successful electoral majority from restricting political communications with a certain segment of the electorate.”²³

C. English-only Laws Disenfranchise Voters

S.356 appears to repeal Section 203 of the Voting Rights Act which requires jurisdictions with Hispanic, Asian or Native American populations meeting a threshold requirement to provide language assistance in voting, from registration through voter education and the voting booth. In reauthorizing and broadening Section 203 in 1992 with bipartisan support and the support of President Bush, Congress acknowledged the need to ensure the importance of language assistance to providing Hispanic, Asian and Native American citizens with an effective vote.

The affiliates of the Consortium have monitored voting practices in New York, San Francisco and Los Angeles. Bilingual assistance is extremely important to ensuring the full participation of Asian Pacific American voters. Many elections cover complex subjects that even native born English speakers find difficult to understand. Negotiating one’s way through a polling place and through ballot instructions involves vocabulary not used in everyday communications. In the November 1994 elections, 31% of the Chinese American voters polled in New York City and 14% of the Chinese American voters polled in San Francisco indicated they used election materials translated into Chinese. These are individuals who want to participate in the democratic process, but who might not be able to do so if English-only becomes the law of the land.

IV. ENGLISH-ONLY LAWS CREATE UNJUST PUBLIC POLICY

The issue is whether government should try to prohibit the use of other languages to the

detriment of other American values such as due process, equal treatment, effective and efficient delivery of services, health care, education and public safety.

Every official English bill before Congress would amend Title 4 of the United States Code making English the nation's official language of Government. It is important to point out that "official English" is English-only because it would become illegal for federal employees or documents to communicate in a language other than English.

S.356's main section states that the U.S. Government shall conduct its official business in English. In S.356, the term, "official business," is defined as "those governmental actions, documents, or policies which are enforceable with the full weight and authority of the Government."²⁴ However, there is no clear distinction between official and unofficial business. Furthermore, do English-only laws simply refer to the form of speech or linguistic medium or does it extend to the content or substance of the message?¹ More importantly, is this a really a debate about the importance of speaking English or is it about the government regulating what language may be used?

The public is hardly well-versed in the details and legalities of what "official" uses of language could entail. In some states with English-only statutes, people are led to believe that because an English-only law exists, they are permitted and even required to impose English-only rules at work, including restricting conversations at work and lunchtime, in administrative settings, and other settings.²⁵ Some people may also use the statute, however well-intentioned, for further discrimination.

A. English-Only is Unenforceable

Another potential problem is policing the use of English. What is an English word? In a recently published commentary in the U.S. News & World Report, the author described the English language as a 'glorious mongrel.' The English language is an immense amalgamation of words adopted from over fifty languages. Three out of the four words in the dictionary are foreign born. The English language is ever developing, taking foreign words and making them our own. Who will be the official government arbiter of what is an English term? An enormous government apparatus would be needed to enforce these laws.

Several proposed English-only bills would allow citizens to sue one another if the new federal "preference" for English is violated. One can only imagine the divisiveness and invasion of privacy that this "bounty hunter" provision would engender. Our courts would be clogged with cases where parties would be arguing over the use of a word or phrase that may or may not be English and that may or may not have been used in an "official" communication.

For example, would schools be sued for having "tacos" or "salsa" on their menus? Would the President be sued for using a foreign phrase in an official greeting? This law would have prohibited President Kennedy from making his famous "Ich bin ein Berliner" speech. The U.S. Mint would be required to remove the Latin motto of the United States of America, *E Pluribus Unum*, and *Novus Ordo Seclorum* from the one dollar bill.

B. English-Only Laws Impair the Government's Ability to Provide Important Services to Taxpaying Americans

S.356 states that the bill "will promote efficiency and fairness to all people," but prohibiting language assistance by government employees would actually further limit the delivery of government services to many Americans not proficient in English who, because of language barriers, may not be aware of either social services or their right to seek such services.

1. Health Care

One in five Asian Pacific Americans are limited-English proficient (LEP). For these persons, language becomes a formidable barrier to accessing and receiving health and safety information and health care services.²⁶ It is unclear how far the exemption for public health in Section 3(a) goes in covering the health of individual Americans as opposed to the general public health. Prohibiting public health entities and workers from providing information and forms in other languages would have terrible consequences for the health and safety of Asian Pacific Americans and the general public.

Asian Pacific Americans who have limited English skills will not have access to preventative services and will be turned away from public hospitals. Even worse, the lack of accurate communication between physician and patient may result in misdiagnoses, unnecessary and expensive tests, and delayed second class care. One study found that language differences caused treatment to take 25-50 percent longer than treatment for English-speaking patients.²⁷ Such delays may have serious, even fatal consequences. According to the statement by Dennis P. Andrulis, Ph.D., one physician bluntly stated, "I've seen patients die because of the inability to communicate their problem to their provider."

A study on interpretation and translation services released in March 1995, revealed that over one in ten U.S. teaching hospital patients face significant challenges in communicating care needs to their provider as a result of language barriers or hearing impairment. However, while the use of professional interpreters is common in international business and diplomacy, professional interpreters are rarely available in health care.²⁸ What the system requires is more, not less, assistance.

Lack of trained translator services has resulted in malpractice. When LEP persons are forced to rely upon untrained interpreters and family members, they often avoid seeking care when

it might involve embarrassing disclosures. For example, a mother may not want to talk about female problems in front of a male neighbor or a young son. Inaccurate translations result in inappropriate care and failure to understand the health care options that are available to them.²⁹

There was a case in Chicago when a woman complained of severe abdominal pains after prematurely delivering her son. The doctor understood a little Spanish and told her that the pains were normal and ordered aspirin and orange juice for her. The next morning, she died of a brain hemorrhage.³⁰ In another case, a patient had undergone kidney surgery but did not know whether the entire kidney or part of it had been removed. She continued to go back for follow-up visits and took eleven medications she did not know what they were for. Only when a community health center worker called the hospital to investigate, did she learn that her entire right kidney had been removed due to complications of TB and the follow-up visits/medications were unnecessary.³¹

Existing bilingual services are effective in providing Asian Pacific Americans with adequate health care. In Miami, Jackson Memorial Hospital provides comprehensive and sensitive interpretation services to meet the needs of the multi-ethnic population of Miami. Since its existence, several hundred thousand non-English-speaking patients have been served. Bilingual health classes are very important in educating people about prevention of transmittable diseases such as AIDS. Without bilingual education health programs, there would be more disease spread and the overall health and safety of Americans would be affected.

2. Public Safety

There are many 911 emergency assistance programs that provide translation services through AT&T Language Line. Without translators, many Asian Pacific Americans and other minorities would not be able to get 911 emergency assistance; a service their taxes support and a service vital to public safety.

Moreover, access to law enforcement and protection would be effectively eliminated if government employees and agencies are prohibited from communicating to the Asian Pacific American community in their native languages. Language barriers are one of the greater barriers to effective law enforcement in immigrant communities. LEP persons cannot report crimes or assist the police or prosecutors if there are no translators to aid them. In an area such as Los Angeles where there are an overwhelming number of Asian Pacific Americans, if officers cannot use their language skills or use qualified interpreters, Asian gangs and organized crime cannot be infiltrated and eliminated. Murders, robberies, rapes and domestic violence will go unreported or unprosecuted. If these crimes are not reported and prosecuted, then the public safety of the entire community will be endangered.

3. Education

S.356 appears to implicitly either abolish or amend the Bilingual Education Act. The BEA provides Congressional funds for a variety of state and local bilingual educational programs. The BEA came about as a result of the 1974 Supreme Court decision of *Lau v. Nichols* in which the Court declared that all students have the right to an equal educational opportunity. In other words, non-English speaking immigrant students have the same right to a meaningful education as English-speaking students. Furthermore, failing to provide language assistance constitutes a violation of Title VI of the Civil Rights Act.

Bilingual education is not about instilling ethnic pride or creating ethnic separatism. Bilingual education is a method of teaching English to language minority children while they continue to learn other subjects in their native tongue. There are studies that show students who become proficient in their native language actually do better in a variety of other subjects and even make the transition to English more easily.

Enactment of any of the proposed measures would jeopardize the education of Asian Pacific Americans. Although a survey in 1980 identified over 450 Asian bilingual education programs throughout the nation, they appear to be underfinanced and are often fragmented and uncoordinated.³² If bilingual education were to be eliminated or to become illegal, teachers would be unable to teach or communicate with many of their students. Furthermore, English-only laws would prohibit teachers and school administrators from speaking with the students' parents to discuss problems or to encourage parents' school involvement. A Montgomery County Maryland school official has stated, "If parents are involved and they know what's going on, their kids do much better."³³ In a time where there are studies to show how important parent involvement is for the future well-being of our children, English-only laws would promote just the opposite.

A middle school in Fairfax County Virginia initiated a special outreach effort for immigrant families. A Southeast Asian father appreciated the effort and said, "Without a translator, I couldn't come. It's too uncomfortable." A Pakistani father said that the multilingual information program gave him and his wife the feeling that "We belong."³⁴

V. OTHER CONCERNS

The Consortium believes that the proposed legislation is racially divisive. For example, during the debate over an English-only sign ordinance in Monterey Park, the public meetings generated discussion rife with racism and bigotry. The debate split the community even though only 13 of 1,000 businesses in Monterey had no English on their signs.

Public officials who encourage the politics of division legitimize acts of hate violence. The debate over Proposition 187 led to increased incidents. In the Consortium's anti-Asian violence audit report for last year, we found an all too common theme running through the incidents. For

example:

- An Asian American man was stabbed by a white man in Sacramento, California. The attacker explained that he was acting "to defend our country."
- A White man attacked an Asian American man with a bat while yelling, "You're in my country--Get out!" "Go back to your country, this is America."
- An Indian American student in Pennsylvania was assaulted by a group of white youths who were yelling "Go home, f---ing Iranian, you f---ing Asian sh-t, go home foreigner."

As this debate moves forward, it is important that the Subcommittee exercises its leadership in ensuring that the discussion remains on the principles involved and that their statements do not, however inadvertently, add to the xenophobia and bigotry that has already begun to take their toll.

CONCLUSION

English-only and English as the "official" language laws are divisive and are an unnecessary solution to a nonexistent problem. Moreover, they violate First Amendment rights, as well as rights to due process and equal protection under the Fifth and Fourteenth Amendments. Finally, they are antithetical to the public welfare of our country. They seek to punish Americans not fluent in English by effectively withholding vital public services such as education, health care, law enforcement protection and public safety warnings. These laws will have a disproportionate impact on Asian and Latinos who have made up 80% of the immigration stream over the past two decades.

Proponents of these laws who sincerely want to ensure the increase in the ability of our newest Americans to speak English would do better to invest in providing funding for English classes.

END NOTES

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3. Act of Feb. 5, 1917, 39 Stat. 874.
4. This quota limited nonEuropean immigration. For example, Great Britain with two percent of the world's population had 43% of the quota. National Lawyers Guild, *Immigration Law and Defense*, pp. 2-4.
5. At the time, only immigrants from Asia were ineligible for citizenship solely on the basis of race. See *Ozawa v. U.S.*, 260 U.S. 178 (1922).
6. Ch. 344, 57 Stat. 600 (1943).
7. P. Chew, William and Mary Law Review, *Asian Americans: The "Reticent" Minority and Their Paradoxes*, p. 13 (1995).
8. See *Ozawa v. U.S.*, 260 U.S. 178 (1922); *U.S. v. Bhagat Singh Thind*, 261 U.S. 197 (1923); and *In re Ah Yup*, 1 F. Cas. 223 (Cir. Ct. D. Cal. 1878).
9. H. Kim, Ed., Dictionary of Asian American History, *Asian Americans and American Immigration Law* by T. Knoll, pp. 52-3 (1986)
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12. *Yamashita v. Hinkle*, 260 U.S. 199 (1922).
13. See *Takahashi v. Fish & Game Comm'n*, 334 U.S. 410 (1948).
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15. P. McDonnell, "Study Disputes Immigrant Stereotypes, Cites Gains," Los Angeles Times (Nov. 3, 1995).

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18. Reverend Chang Imm Tan, *Domestic Violence Among Asian and Pacific Islander Americans*, PARTNERS IN HUMAN SERVICE, September 1992, p. 63.
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20. M. Shear, "Tongues Trip Up Judicial Process," Washington Post (Sept. 26, 1995).
21. *Id.*
22. *See Yniquez v. Arizonans for Official English*, Slip op. at 12754 (9th Cir. 1995) (en banc).
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26. Steven Woloshin, MD, et. al., *Language Barriers in Medicine in the United States*, JAMA, March 1, 1995, 273:9:724.
27. Yolanda Vera and Jane Perkins, *No Hablo Ingles : Ensuring Linguistically Appropriate Health Care*, National Health Law Program, January 23, 1995, p. 27.
28. Steven Woloshin, MD, et. al., 273:9:724.
29. Yolanda Vera and Jane Perkins, p. 27.
30. Ruth Richman, *Failure to Communicate*, THE CHICAGO REPORTER, March 1993, p.6.

31. Talking Points on Health Care and Language Access, Asian Pacific American Legal Center of Southern California.
32. H. Kim, Ed., Dictionary of Asian American History, *Asian Americans and American Education* by B. Suzuki, p. 81 (1986).
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HEARING
before the
SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

on
S. 366, Language of Government Act of 1995
Wednesday, December 6, 1995
9:30 a.m.
SD-342 Dirksen Senate Office Building

WITNESS LIST

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Panel 1:

The Honorable Richard C. Shelby
United States Senator (R-AL)

The Honorable Bill Emerson
United States Representative (R-MO)

• • • •

Panel 2:

Mauro Mujica
President of the United States English

Lowell Gallaway
Economist
Ohio University

Sayyid Syeed, Ph.D.
Secretary General
Islamic Society of North America

Shahab Qarni
Executive Director
Asian American Union

Miroslava Vukelich
Private Citizen

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BILL TEXT Report for H.C.R.83
As introduced in the House, July 13, 1995

IV
104th CONGRESS
1st Session

H. CON. RES. 83
Entitled, the "English Plus Resolution".

IN THE HOUSE OF REPRESENTATIVES
July 13, 1995

Mr. Serrano (for himself, Mr. Pastor, Ms. Ros-Lehtinen, Ms. Velazquez, Mr. Underwood, Mr. Romero-Barcelo, Mr. Gutierrez, Mr. Richardson, Mr. Torres, Mr. Becerra, Ms. Roybal-Allard, Mr. Gonzalez, Mr. Ortiz, Mr. Tejeda, Mr. Menendez, Mr. Towns, Mr. Owens, Mr. Farr, Mr. McDermott, Mr. Moran, Mrs. Meek of Florida, Ms. Jackson-Lee, Mr. Fattah, Mr. Scott, Mr. Dellums, Ms. Pelosi, Mr. Miller of California, Mr. Lewis of Georgia, Mr. Nadler, Mr. Rangel, Mr. Mineta, Mrs. Mink of Hawaii, and Mr. Abercrombie) submitted the following concurrent resolution; which was referred to the Committee on Economic and Educational Opportunities

CONCURRENT RESOLUTION
Entitled, the "English Plus Resolution".

=====

Whereas English is the primary language of the United States, and all members of the society recognize the importance of English to national life and individual accomplishment;

Whereas many residents of the United States speak native languages other than English, including many languages indigenous to this country, and these linguistic resources should be conserved and developed;

Whereas this Nation was founded on a commitment to democratic principles, and not on racial, ethnic, or religious homogeneity, and has drawn strength from a diversity of languages and cultures and from a respect for individual liberties;

Whereas multilingualism, or the ability to speak languages in addition to English, is a tremendous resource to the United States because such ability enhances American competitiveness in global markets by permitting improved communication and cross-cultural understanding between producers and suppliers, vendors and clients, and retailers and consumers;

Whereas multilingualism improves United States diplomatic efforts by fostering enhanced communication and greater understanding between nations;

Whereas multilingualism has historically been an essential element of national security, including the use of Native American languages in the development of coded communications during World War II, the Korean War, and the Vietnam War;

Whereas multilingualism promotes greater cross-cultural understanding between different racial and ethnic groups in the United States;

Whereas there is no threat to the status of English in the United States, a language that is spoken by 94 percent of United States residents, according to the 1990 United States Census, and there is no need to designate any official United States language or to adopt similar restrictionist legislation;

Whereas "English-only" measures, or proposals to designate English as the sole official language of the United States, would violate traditions of cultural pluralism, divide communities along ethnic lines, jeopardize the provision of law enforcement, public health, education, and other vital services to those whose English is limited, impair government efficiency, and undercut the national interest by hindering the development of language skills needed to enhance international competitiveness and conduct diplomacy; and

Whereas such "English-only" measures would represent an unwarranted Federal regulation of self-expression, abrogate constitutional rights to freedom of expression and equal protection of the laws, violate international human rights treaties to which the United States is a signatory, and contradict the spirit of the 1923 Supreme Court case Meyer v. Nebraska, wherein the Court declared that "The protection of the Constitution extends to all; to those who speak other languages as well as to those born with English on the tongue": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States Government should pursue policies that--

(1) encourage all residents of this country to become fully proficient in English by expanding educational opportunities;

(2) conserve and develop the Nation's linguistic resources by encouraging all residents of this country to learn or maintain skills in a language other than English;

(3) assist Native Americans, Native Alaskans, Native Hawaiians, and other peoples indigenous to the United States, in their efforts to prevent the extinction of their languages and cultures;

(4) continue to provide services in languages other than English as needed to facilitate access to essential functions of government, promote public health and safety, ensure due process, promote equal educational opportunity, and protect fundamental rights; and

(5) recognize the importance of multilingualism to vital American interests and individual rights, and oppose "English-only" measures and similar language restrictionist measures.

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October 20, 1995

Note: Steve Warnath

Attached is a summary from our Legislative Office of the hearings on English as the Official Language. It might be helpful for the Administration to have a view overall of agency bilingual programs and what they do. I am going to ask for a catalog of programs/information brochures with HHS as a starting point in this regard.

Dennis Hayashi

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES
Subcommittee on Early Childhood, Youth and Families
Hearing on English as the Common Language

Panel I

Representative Bill Emerson (R-MO)
Representative Toby Roth (R-WI)
Representative Peter T. King (R-NY)

Representative Jose E. Serrano (D-NY)
Senator Richard C. Shelby (R-AL)

Panel II

Representative Sonny Bono (R-CA)
Representative Xavier Becerra (D-CA)
Representative Ed Pastor (D-AZ)
Representative Robert Underwood (D-GU)
Representative John T. Doolittle (R-CA)
GU)

Representative Gene Green (D-TX)
Representative Sam Farr (D-CA)
Representative Nancy Pelosi (D-CA)
Representative Sheila Jackson-Lee (D-TX)
Representative Robert A. Underwood (D-GU)

Opening Remarks

Chairman Cunningham noted that 21 states have declared English as the common language. He recognized that the U.S. is the only country that uses one language and supported that policy. He credited Dole for bringing the issue to the forefront back in September and stated, "If you want to achieve the American Dream, you must understand and use the English language." He urged no discussion of the bi-lingual education program.

Rep. Kildee stated our forefathers saw no need for establishing English as the official language of the U.S. and there is no need for a law now. He mentioned that 95% of the population speaks English, and the U.S. is already the most mono-lingual country in the world. There are enough forces to encourage people to learn and speak English.

Panel I: Testimony

Rep. Emerson supports establishing English as the official language. It is our language by custom and force. Citing a GAO report, the government and taxpayer resources have been wasted to produce government documents in several languages. He sponsors HR 123 which supports a common language suggest it would promote empowerment and inclusion.

Rep. Shelby argued that promoting English would not limit anyone from speaking his or her native language. It is an unifying force and the greatest divider. He noted that 88 countries in the U.N. have constitutional policies. Eighty-one percent of 1st immigrants support English as the official language. It is a bonding force. English is the language of

opportunity and assimilation in this country.

Rep. Roth, an advocate of English as the common language, stated that twelve different languages are spoken in NY. He argued that the lack of a common language denies students an adequate education, relegates children as 2nd class citizens and promotes segregation.

Rep. King stated that without legislation to establish a common language the U.S remains a nation divided against itself. He also argued that bi-lingual education takes away the incentive to learn English.

Rep. Serrano testified in opposition to establishing English as the official language. He argued that there is no problem -- ninety-seven percent of Americans speak English. Non-English speaking citizens have economic and social incentives to learn to speak English. He advised against passing a law which would make use of another language against the law.

Panel I: Discussion

Rep. Kildee commented that only 265 documents out of 400,000 governments produced by the U.S. Government were in other languages.

Rep. King - Noted his legislation makes allowances for senior citizens but benefits kids better when just English is learned.

Rep. Roth - Argued that the US has a unique challenge among countries: 190 ethnicities. English as a common language would serve as a bonding factor.

Rep. King - The citizenship ceremony in another language sends the wrong message.

Rep. Mink - If local education is the culprit, then you need to address the education system. Just because I speak English, it doesn't mean I feel like I have a bond with anyone around here. Values, not language, create the bond.

Rep. Engel accused supporters of the legislation of "shameful immigrant bashing" He stated this legislation promotes divisiveness, and questioned why regulate the language we choose to speak to each other should be regulated.

Rep. Barcelo - He exemplified the common pressures on immigrants to learn English without a law when they came to this country: When his family came over to the U.S., sons and daughters were ashamed of their parents because they didn't speak English. He added that his daughter just got a job because she speaks two languages.

Rep. Roth stated the U.S. is a "melting pot" and not a "salad bowl."

Panel II: Testimony

Rep. Bono - It's common sense: We're Americans, we speak English.

Rep. Doolittle - He introduced Hse. Rcs. 109 constitutional amendment declaring English the official language of the United States. It is a mistaken notion that multi-lingualism is a hinderance. If you don't speak English, you can't succeed.

Rep. Green testified that making English the official language is a phony solution, and it limits our nation. English is and always has been the first language. It is clear that English is spoken by a vast majority of Americans - 94 percent. Only .06% of government documents are printed in other languages.

Rep. Jackson-Lee argued that Democratic values, freedom and tolerance unifies us, not language. Language is a personal form of expression.

Rep. Farr - Thirty-two million speak Spanish to each other. You can't enforce the law.

Rep. Pastor - Arizona passed a law requiring all business to be conducted in English. The 9th Circuit Court of Appeals moved the law unconstitutional; it violated the first amendment.

Rep. Pelosi testified that only 1 in 5 have limited English skills. Children adapt differently to new languages. A law requiring non-English speaking citizen's to receive a proper education with a right to vote and education.

Rep. Underwood - We acknowledge that English is already the official language. This bill would be based on fear of diversity. English only is like driving a car with one gear.

**Congress of the United States
House of Representatives
Washington, DC 20515**

FACSIMILE

CONGRESSIONAL HISPANIC CAUCUS

223 CANNON HOB
(202) 225-4065 FAX (202) 225-1655

DATE: 3/27

TO: Steve Warrath
White House

Number: 456-7025

FROM: _____ CONGRESSMAN ED PASTOR, CHAIRMAN
X _____ ESTHER AGUILERA, EXECUTIVE DIRECTOR

PAGE(S) 14 (including fax cover sheet)

NOTE: FYI
Thanks!!

*** CONGRESSIONAL HISPANIC CAUCUS ***

LEGISLATIVE UPDATE ENGLISH-ONLY AND BILINGUAL EDUCATION March 1996

Contact: Esther Aguilera
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TABLE OF CONTENTS

- I. CHC Position Statement on "English-Only" Measures
- II. CHC Legislative Proposals
- III. Committee Action and Legislation Pending in Congress
- IV. Attachments
 - A. The "English Plus" Resolution
 - B. Side-By-Side Comparison of "English-Only" Bills

I. CONGRESSIONAL HISPANIC CAUCUS STATEMENT ON "ENGLISH-ONLY" MEASURES

The Congressional Hispanic Caucus (CHC) advocates the promotion of greater cross-cultural understanding between different racial and ethnic groups in the United States. Our cultural and linguistic richness should be conserved and developed. Multilingualism is vital to American interests and individual rights.

The CHC strongly opposes "English-only" and similar language restrictionist measures. Numerous bills have been introduced in the 104th Congress that propose to make English "the official language of the government of the United States." These proposals are dangerous, unnecessary and short-sighted.

- English-only is unnecessary: No one is contending that English cease to be our primary language. According to the Census, over 97 percent of Americans speak English. Furthermore, only 0.06 percent of federal documents are in languages other than English, according to the General Accounting Office (GAO). Newcomers to our country are learning English faster than ever before.
- English-only undermines America's global competitiveness: In an era in which four of five jobs are created through exports, the suppression of other languages makes it more difficult to do business with other nations.
- English-only measures are unconstitutional: The Arizona "English-only" initiative has been found to be unconstitutional by the Ninth Circuit Court in *Yniguez v. Arizonans for Official English*. According to the Courts, it violates the First Amendment right to free speech.
- English-only makes government inefficient and ineffective: In Arizona, the court found that employees' knowledge of diverse languages made government more efficient and less costly. The Arizona law and legislation pending in Congress would outlaw communication between elected officials and their constituents in any language but English.
- English-only restricts access to services and government: Millions of tax-paying citizens and residents would be unable to access and communicate with their government. That would include residents of Puerto Rico, Native American reservations and U.S. territories in the Pacific, whose right to communicate in a native language is protected by treaty or custom.
- English-only measures undermine our diplomatic ties with other countries: English-only provisions would ban the use of other languages in developing relations with other countries. In addition, multilingualism assists in national security efforts through the development of coded communications and the collection of sensitive intelligence information.
- English-only threatens public health and safety: Health and immunization policies will be harder to implement if the government cannot successfully communicate with non-English-speakers. In addition, police will be hindered when gathering information and interviewing non-English-speaking witnesses.

- English-only does not equal better education: English-only has nothing to do with improving education or educational opportunities. Instead of facilitating learning and communication, proponents of English-only focus on prohibiting the use of other languages. Bilingual education, on the other hand, teaches children English and facilitates their learning of math, science and other areas of challenging content at the same time.
- English-only measures are intrusive and divisive: English-only measures would tell Americans how to talk for the first time in 219 years of our history. English-only measures are divisive and encourage discrimination against Americans whose first language is not English.

The CHC-sponsored legislation, The English Plus Resolution (H. Con. Res. 83) introduced on July 13, 1995, would have the United States Government pursue policies that encourage all Americans to learn or maintain skills in a language other than English and become fully proficient in English by expanding educational opportunities. The Resolution also supports policies that provide services in languages other than English as needed to facilitate access to essential functions of government and protect fundamental rights.

Issued February 2, 1996

II. CHC LEGISLATIVE PROPOSALS AND INITIATIVES

- A. - **The English Plus Resolution:** On July 13, 1995, the Congressional Hispanic Caucus introduced the English Plus Resolution to counteract English-Only legislation.

Title: H Con Res 83. The English Plus Resolution of 1995
Author: Jose Serrano (D-NY) (CHC-sponsored effort)
Status: 33 cosponsors, referred to the House Committee on Economic and Educational Opportunities (Subcommittee on Early Childhood, Youth and Families)

Description: This House Concurrent Resolution reinforces the notion that bilingualism is good and should be promoted. The resolution notes:

- the importance of English to national life and individual accomplishment, the language spoken by 94% of the population;
- linguistic resources, such as native languages other than English, should be conserved and developed;
- this nation was founded on democratic principles, not homogeneity;
- multilingualism improves diplomatic efforts and is a benefit to the development of international economic markets.

The resolution favors U.S. policies that:

- encourage all residents to learn or maintain skills in a language other than English; and
- continue to provide services in languages other than English as needed to facilitate access to essential government functions, promote health and safety, and protect fundamental rights.

- B. **Countering English-Only Initiatives:** The CHC strongly opposes English-Only legislation because it is unnecessary, dangerous, and divisive. The CHC has historically opposed measures that would make English the official language of the U.S. and other initiatives that would limit the participation of language minorities in government.

- English-Only laws would disconnect millions of Americans from their government and discourage Americans from learning more than one language - an economic necessity in today's global markets.
- The reality is that English is the primary language of the U.S., a status not threatened by any other language. According to the Census, over 97 percent of Americans speak English. English-only measures are unnecessary: newcomers and limited-English-speakers want to learn

English. In fact, new immigrants seem to follow similar language acquisition patterns of past immigrants from non-English-speaking European countries.

C. Bilingual Education: Many of the English-Only bills pending in Congress propose to eliminate the Bilingual Education program. The Hispanic Caucus opposes its elimination.

- The Bilingual Education Act was enacted in 1968 (PL # 90-247), and is now Title VII of the Elementary and Secondary Education Act. On August 3, 1995, the House passed HR 2127, the Labor, HHS, Education Appropriations Bill for Fiscal Year 1996. HR 2127 proposes 75 percent in cuts to the bilingual Education program, from \$192.2 million in FY95 to \$53 million in FY96. HR 2127 is stalled in the Senate over disagreement in other areas.
- Bilingual instruction has been proven to help English-learning students maintain a proficiency in critical subject areas, such as math and science, while they are taught English. Bilingual education is a means by which linguistically diverse students achieve the same high standards required of all children in the United States. The Federal bilingual program is essential to ensuring that the nation's 3.5 million LEP students have a chance to stay in school and succeed.
- Without bilingual education, limited-English-proficient (LEP) students must first master a second language before receiving instruction in other academic areas. The National Academy of Sciences has proven that learning a proficient level of English in academic areas among grade students takes 3 or more years.

III. COMMITTEE ACTION AND PENDING LEGISLATION

A. Committee Hearings: The House Economic and Education Opportunities Subcommittee on Early Childhood, Youth and Families, chaired by Rep. Cunningham, held hearings on October 18 and November 1, 1995. The October 18 hearing included the testimonies of Representatives Pastor (D-AZ), Becerra (D-CA), Serrano (D-NY), Underwood (D-Guam), Farr (D-CA), Jackson-Lee (D-TX), and Pelosi (D-CA) in opposition of English-Only measures in the spring. Testifying in favor of English-Only legislation were Senator Shelby (R-AL) and Representatives Emerson (R-MO), King (R-NY) and Bono (R-CA). The Senate Governmental Affairs Committee, chaired by Senator Ted Stevens, has scheduled a hearing for March 7, 1996.

B. Description of pending English-Only Bills

Title: HR 123 and S 356 - The Language of Government Act of 1995
Author: Bill Emerson (R-MO); Sen. Shelby (R-AL)
Status: HR 123 has 193 cosponsors; S 356 has 22 cosponsors. HR 123 has been referred to the House Committee on Economic and Educational Opportunities (Subcommittee on Early Childhood, Youth and Families)

Description: HR 123 has the highest probability of being the vehicle for Committee markup since it has the largest number of cosponsors. It states:

- the only common thread binding the diverse population of the United States is a common language;
- by learning the English language, immigrants will have the skills and literacy necessary to become citizens;
- the use of a single common language in the conduct of the Government's official business will promote efficiency and fairness to all people;
- English should be recognized in law as the only language of official business of the Government;
- no person should suffer discrimination solely for speaking English.

Exclusions:

- use of languages other than English in any nonofficial capacity;
- actions or documents that protect the public health
- actions that protect the rights of victims of crimes or criminal defendants;
- actions, documents or policies that are not enforceable in the United States.

Title: HR 1005 - The National Language Act of 1995
Author: Peter King (R-NY)
Status: 36 cosponsors, referred to the House Committee on the Judiciary (Subcommittee on the Constitution) and the House Committee on Economic and Educational Opportunities (Subcommittee on Early Childhood, Youth and Families)

Description: HR 1005 is the broadest reaching of the English-only bills, since it targets bilingual education and other programs. It is also perhaps the most publicized. It would do the following:

- make English the official language of the government;
- require the government to conduct all official business in English;
- repeal the Bilingual Education Act, Title VII;
- abolish the Office of Bilingual Education and Minority Languages Affairs (OBEMLA);
- devote funds previously provided to OBEMLA for deficit reduction;
- permit funds to be used for the year after enactment to support a transition to programs of English as a second language;
- repeal the bilingual assistance requirements of the Voting Rights Act; and
 - require all citizenship ceremonies to be administered in English.

Other English-Only Bills: Three other bills have been introduced that include various components of the King bill. Some target bilingual programs and other would amend the U.S. Constitution to make English the official national language. They include:

- HR 739, Toby Roth (R-WI), 94 cosponsors;
- S 175, Sen Richard Shelby (D-AL), 0 cosponsors

IV. ATTACHMENTS

A. The English Plus Resolution

B. Side-By-Side Comparison of "English-Only" Bills

104TH CONGRESS
1ST SESSION

H. CON. RES. 83

Entitled, the "English Plus Resolution".

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1995

Mr. SERRANO (for himself, Mr. PASTOR, Ms. ROG-LEHTINEN, Ms. VELÁZQUEZ, Mr. UNDERWOOD, Mr. ROMERO-BARCELÓ, Mr. GUTIERREZ, Mr. RICHARDSON, Mr. TORRES, Mr. BOCERRA, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. ORTIZ, Mr. TEJEDA, Mr. MENENDEZ, Mr. TOWNS, Mr. OWENS, Mr. FARR, Mr. McDERMOTT, Mr. MORAN, Mrs. BEEK of Florida, Mr. JACKSON-LEE, Mr. FATTAH, Mr. SCOTT, Mr. DELLUMS, Ms. PELOSI, Mr. MILLER of California, Mr. LEWIS of Georgia, Mr. NADLES, Mr. RANGEL, Mr. MINETA, Mrs. MINK of Hawaii, and Mr. ABERCROMBIE) submitted the following concurrent resolution; which was referred to the Committee on Economic and Educational Opportunities

CONCURRENT RESOLUTION

Entitled, the "English Plus Resolution".

Whereas English is the primary language of the United States, and all members of the society recognize the importance of English to national life and individual accomplishment;

Whereas many residents of the United States speak native languages other than English, including many languages indigenous to this country, and these linguistic resources should be conserved and developed;

Whereas this Nation was founded on a commitment to democratic principles, and not on racial, ethnic, or religious homogeneity, and has drawn strength from a diversity of languages and cultures and from a respect for individual liberties;

Whereas multilingualism, or the ability to speak languages in addition to English, is a tremendous resource to the United States because such ability enhances American competitiveness in global markets by permitting improved communication and cross-cultural understanding between producers and suppliers, vendors and clients, and retailers and consumers;

Whereas multilingualism improves United States diplomatic efforts by fostering enhanced communication and greater understanding between nations;

Whereas multilingualism has historically been an essential element of national security, including the use of Native American languages in the development of coded communications during World War II, the Korean War, and the Vietnam War;

Whereas multilingualism promotes greater cross-cultural understanding between different racial and ethnic groups in the United States;

Whereas there is no threat to the status of English in the United States, a language that is spoken by 94 percent of United States residents, according to the 1990 United States Census, and there is no need to designate any official United States language or to adopt similar restrictionist legislation;

Whereas "English-only" measures, or proposals to designate English as the sole official language of the United States,

would violate traditions of cultural pluralism, divide communities along ethnic lines, jeopardize the provision of law enforcement, public health, education, and other vital services to those whose English is limited, impair government efficiency, and undercut the national interest by hindering the development of language skills needed to enhance international competitiveness and conduct diplomacy; and

Whereas such "English-only" measures would represent an unwarranted Federal regulation of self-expression, abrogate constitutional rights to freedom of expression and equal protection of the laws, violate international human rights treaties to which the United States is a signatory, and contradict the spirit of the 1923 Supreme Court case *Meyer v. Nebraska*, wherein the Court declared that "The protection of the Constitution extends to all; to those who speak other languages as well as to those born with English on the tongue": Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That the United States Government should*
3 *pursue policies that—*

4 (1) encourage all residents of this country to
5 become fully proficient in English by expanding edu-
6 cational opportunities;

7 (2) conserve and develop the Nation's linguistic
8 resources by encouraging all residents of this coun-
9 try to learn or maintain skills in a language other
10 than English;

1 (3) assist Native Americans, Native Alaskans,
2 Native Hawaiians, and other peoples indigenous to
3 the United States, in their efforts to prevent the ex-
4 tinction of their languages and cultures;

5 (4) continue to provide services in languages
6 other than English as needed to facilitate access to
7 essential functions of government, promote public
8 health and safety, ensure due process, promote equal
9 educational opportunity, and protect fundamental
10 rights; and

11 (5) recognize the importance of multilingualism
12 to vital American interests and individual rights, and
13 oppose "English-only" measures and similar lan-
14 guage restrictionist measures.

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CONG. PASTOR DC

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03/27/96

SIDE-BY-SIDE COMPARISON OF OFFICIAL ENGLISH LANGUAGE BILLS

	LANGUAGE OF GOVERNMENT ACT OF 1995 (H.R. 123, 345; S.358, 175)	DECLARATION OF OFFICIAL LANGUAGE ACT OF 1995 (H.R. 739)	NATIONAL LANGUAGE ACT OF 1995 (H.R. 1005)
DECLARATION	"The official language of the government of the United States is English."	English is "the official language of the Government of the United States" and the "preferred language of communication among citizens of the United States."	"English shall be the official language of the Government of the United States."
REQUIREMENTS	<p>1) Places "affirmative obligation" on the Federal Government "to preserve and enhance the role of English" as the official language and to encourage "greater opportunities for individuals to learn the English language."</p> <p>2) Requires the Federal Government to "conduct its official business in English."</p> <p>3) Prohibits the denial to any person of "services, assistance, or facilities, directly or indirectly provided by the Government solely because the person communicates in English."</p> <p>4) Provides that all persons in the United States are entitled to "communicate with" or "receive information" from the Federal Government in English and "be informed of or be subject to official orders in English"</p>	<p>1) All "communications" by Federal officers and employees with U.S. citizens "shall be in English" and the government "shall promote and support the use of English for communications among United States citizens."</p> <p>2) "All United States citizens should be encouraged to read, write, and speak English to the extent of their physical and mental abilities."</p> <p>3) The Immigration and Naturalization Service shall "enforce the established English language proficiency standard for all applicants for United States citizenship" and must "conduct all naturalization ceremonies entirely in English."</p>	<p>1) "The Government of the United States shall conduct its official business in English, including publications, income tax forms, and informational materials."</p> <p>2) The Immigration and Nationality Act is amended to require that "[a]ll public ceremonies in which the oath of allegiance is administered pursuant to this section shall be conducted solely in the English language."</p>

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CONG. PASTOR DC

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03/27/96

SIDE-BY-SIDE COMPARISON OF OFFICIAL ENGLISH LANGUAGE BILLS

	LANGUAGE OF GOVERNMENT ACT OF 1995 (H.R. 123, 345; S. 356, 175)	DECLARATION OF OFFICIAL LANGUAGE ACT OF 1995 (H.R. 739)	NATIONAL LANGUAGE ACT OF 1995 (H.R. 1005)
EXCEPTIONS	<p>All versions exempt governmental "actions, documents, or policies" which are "not enforceable in the United States;" are necessary for "international relations, trade, or commerce;" which "protect the public health;" or "protect the rights of victims of crimes or criminal defendants;" or which use "terms of art" from other languages. In addition, only H.R. 345 and S. 175 make exceptions for "actions or document that are primarily informational or educational," while H.R. 123 and S. 356 also exempt "teaching of foreign languages."</p>	<p>Does not apply to use of other languages for 1) "religious purposes;" 2) "training for foreign languages for international communication;" 3) "use of non-English terms of art in government documents;" or "programs in schools designed to encourage students to learn foreign languages."</p>	<p>Does not apply to use of other languages for 1) "religious purposes;" 2) "training in foreign languages for international communication;" 3) "programs in schools designed to encourage students to learn foreign languages;" or 4) "by persons over 62 years of age." In addition, the bill would not prevent the U.S. Government "from providing interpreters for persons over 62 years of age."</p>
ENFORCEMENT	<p>Confers standing on private parties to sue in federal court for a declaratory judgment and "such other relief as may be considered appropriate by the courts."</p>	<p>Private persons alleging a violation may bring a federal civil action for "appropriate relief," including "a reasonable attorney's fee as part of costs" if they prevail on their claims.</p>	<p>No specific enforcement provisions.</p>

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 03/27/96 15:09

SIDE-BY-SIDE COMPARISON OF OFFICIAL ENGLISH LANGUAGE BILLS

	LANGUAGE OF GOVERNMENT ACT OF 1995 (H.R. 123, 345; S. 356, 175)	DECLARATION OF OFFICIAL LANGUAGE ACT OF 1995 (H.R. 739)	NATIONAL LANGUAGE ACT OF 1985 (H.R. 1005)
REPEALS	None	The Bilingual Education provisions of "Title VII of the Elementary and Secondary Education Act of 1965 (other than section 7201 through 7309)" and Bilingual Ballot requirements of "Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a)."	The Bilingual Education Act and bilingual election and voting requirements in the 1965 Voting Rights Act, as amended, are repealed.

21ST STORY of Level 1 printed in FULL format.

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September 07, 1995 08:12 Eastern Time

SECTION: Domestic, non-Washington, general news item

LENGTH: 814 words

HEADLINE: US debate over English heats up in election cycle

BYLINE: Brigitte Dusseau

DATELINE: WASHINGTON, Sept 7

BODY:

The debate over making English the official US language heated up this week with a call for legislation on the subject from the leading conservative presidential hopeful.

"Our diversity requires us to bind ourselves to the American idea in every way we can -- by speaking one language," said Republican Senate leader Bob Dole on Monday in Indiana, where he was addressing a veterans' group.

"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 the official language of the United States," added Dole.

The Kansas senator is the front-runner in the crowded field of Republicans seeking to oust President Bill Clinton in the November 1996 vote and immigration issues have become central in the campaigning from both sides.

"What the president is concerned about is people trying to use these issues to divide Americans," White House spokesman Michael McCurry said Wednesday, calling the English-only movement part of the "the agenda of the extreme right."

Clinton contends that while English is the best tool for getting ahead in the United States, bilingual education programs may be the way to get there.

There is no federal law designating an official language in the United States, but faced with the growing number of immigrants and the languages they bring with them, 22 states have passed their own bills making English official for any public forum.

In 1987 there were only nine states with official language laws.

English is a foreign language to more than 32 million people over the age of five living in the United States, including 17 million Hispanics whose numbers have been spiralling since the 1980s.

In the state of New Mexico, more than one out of two residents speak something other than English in the home and California comes a close second, according to the US Census Bureau.

Agence France Presse, September 07, 1995

In Hawaii, Texas and New York nearly one out of three people speak English as a second language, the agency's figures show.

More than 300 languages and dialects are used in the United States and its territories, though some such as Caucasian and Micronesian are spoken by just a handful of people.

"You can get your driver's license in 35 languages in some states," said Daphne Magnuson with the US English Association which is lobbying to get an official designation for English.

MORE

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AFP

Magnuson and other supporters of the movement stress the need for a "unifying" language and protest the administrative costs of multilingualism for things such as translating and printing.

They also denounce the bilingual education programs instituted during the 1970s which give children the choice of being taught in their native languages in the classroom before being transferred into the regular system.

Critics argue that the programs slow the students' integration, complicate recruitment and cost too much.

A measure proposed by Republican Representative Bill Emerson of Missouri would make English the official but "not the exclusive language" US language. Supporters say the bill has 180 supporters in the 435-member House of Representatives. A similar bill is being drafted in the Senate.

Dole is not the first Republican hopeful to make a case for English in the runup to the 1996 presidential election.

Arch-conservative commentator Pat Buchanan, Indiana Senator Richard Lugar, California Governor Pete Wilson have made similar calls, as has the architect of the Republicans' legislative victory last year, House Speaker Newt Gingrich.

bd/gc/rl

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LANGUAGE: ENGLISH

LOAD-DATE: September 07, 1995

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Congressional Press Releases

August 2, 1995, Wednesday

SECTION: PRESS RELEASE

LENGTH: 622 words

HEADLINE: PRESIDENT CLINTON MEETS WITH THE HISPANIC CAUCUS

BYLINE: ED PASTOR , CONGRESSMAN , HOUSE

BODY:

PRESIDENT CLINTON MEETS WITH HISPANIC CAUCUS

Discussion on immigration, naturalization, education, jobs is 'fruitful'

WASHINGTON - U.S. Rep. Ed Pastor, D-Ariz., Chairman of the Congressional Hispanic Caucus (CHC), announced that the group had a "very fruitful meeting" with President Clinton Tuesday. The four leading issues members of the Hispanic Caucus discussed with the president were naturalization, immigration, education and economic development and job creation. In addition, CHC members praised the president for his strong stand on affirmative action.

President Clinton concurred that the issues they discussed are important not only to the Hispanic community but also of national interest. The president made a commitment to join the Hispanic Caucus to counter efforts that divide our nation by creating fears and blaming others. The president praised the pro-work and pro-family values of Hispanics and vowed to continue to oppose the war on working families and promote programs that reward work and create opportunity, Pastor said.

CHC members also urged President Clinton to join them in citizenship promotion. They provided specific recommendations for streamlining the naturalization process by reducing the backlogs and length of time it takes to become a citizen. Rep. Luis V. Gutierrez (IL), who chairs the CHC Citizenship Task Force, state "there is a crisis at the INS (Immigration and Naturalization Service)" when - ins some cities - persons must wait 18 months to two years to go from the application process to the swearing-in ceremony.

On another matter, CHC members urged the president to take a strong stand on anti-immigrant legislation, since it is potentially a politically and socially divisive issue. CHC members expressed concern over the recommendation of the U.S. Commission on Immigration Reform, chaired by Commissioner Barbara Jordan, and other immigration reform legislation pending in Congress. These proposals, it was stated, cut the number of legal immigrants allowed into the United States and jeopardize family reunification policies. The CHC reiterated its strong opposition to an employer identification system, which would institute Big Brother and Big Government in every employment decision made. Even if such an identification scheme had only a one percent error rate (an optimistic assumption), 650,000 ordinary Americans may be wrongly denied or delayed work each year. Rep. Xavier Becerra (CA) who chairs the CHC Immigration Task Force, states "Hispanics and those who look and sound foreign would likely be most affected."

2ND STORY of Level 1 printed in FULL format.

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PR Newswire

October 18, 1995, Wednesday - 14:11 Eastern Time

SECTION: Washington Dateline

DISTRIBUTION: TO NATIONAL AND EDUCATION EDITORS

LENGTH: 273 words

HEADLINE: EDUCATION DEPARTMENT ISSUES STATEMENT BY U.S. SECRETARY OF EDUCATION RICHARD W. RILEY REGARDING OCT. 18 CONGRESSIONAL HEARING ON H.R. 739, THE 'DECLARATION OF OFFICIAL LANGUAGE ACT' AND H.R. 123/S. 356, THE 'LANGUAGE OF GOVERNMENT ACT'

BODY:

The U.S. Department of Education issued the following statement by Secretary of Education Richard W. Wiley regarding Oct. 18 congressional hearing on H.R. 739, the "Declaration of Official Language Act" and H.R. 123/S. 356, the "Language of Government Act"

"It would be sheer folly to deny millions of schoolchildren the opportunity to learn English -- at a time when the need is greatest. Unfortunately, these efforts to make English the 'official' language and to eliminate programs that teach English are more about politics than improving education. WASHINGTON, Oct. 18

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

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

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

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

"Passing these bills is failing the future and our students."

CONTACT: Ivette Rodriguez of the U.S. Department of Education, 202-401-0262

LANGUAGE: ENGLISH

LOAD-DATE: October 18, 1995

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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

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The Washington Times

September 7, 1995, Thursday, Final Edition

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

LENGTH: 1187 words

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

BYLINE: Joyce Price; THE WASHINGTON TIMES

BODY:

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

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

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

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

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

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

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

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

The Washington Times, September 7, 1995

- * 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

The Washington Times, September 7, 1995

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

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

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

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

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

* Paul Bedard contributed to this report.

****CHART

MAKING ENGLISH THE LAW

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

Alabama: 1990

Arizona*: 1988

Arkansas: 1987

California: 1986

Colorado: 1988

Florida: 1988

Georgia: 1986

Hawaii: 1978

Illinois: 1969

Indiana: 1984

Kentucky: 1984

Louisiana: 1812

Mississippi: 1987

The Washington Times, September 7, 1995

Montana: 1995

Nebraska: 1920

New Hampshire: 1995

North Carolina: 1987

North Dakota: 1987

South Carolina: 1987

South Dakota: 1995

Tennessee: 1984

Virginia: 1950

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

Source: U.S. English

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

LANGUAGE: ENGLISH

LOAD-DATE: September 7, 1995

Remarks of
Richard W. Riley
U.S. Secretary of Education

Hispanic Heritage Month
September 20, 1995

Thank you Norma for your introduction and leadership. I also want to acknowledge Susanna Valdez, the Asst. Director of the White House Office of Public Liaison who is with us today. I also want to acknowledge several other senior members of my staff.

Margarita Colmenares is my important connection to the business community. She has done so much to actively bring the business community into our Family Involvement Partnership.

Mario Moreno is our energetic Assistant Secretary for Interagency and Intergovernmental Affairs. During our recent "America Goes Back to School" week I went to five states to do events and visit schools including the my grandchild's school in South Carolina.

I thought I was doing pretty good getting the word out. Then I looked at Mario's schedule and realized that he was visiting just about every school in Texas. So I want to thank him for his contribution to this very successful initiative.

Alfred Ramirez is our very busy Director of the White House Initiative for Hispanic Education. Alfred was with me when I recently spoke at La Raza's annual Convention and we could report on the steady progress of this initiative.

Finally, I would be remiss if I did not acknowledge the recent departure and singular contribution of Gene Garcia. Gene was a wise and senior advisor to me -- a thoughtful and caring educator who contributed so much to the progress we have made these last two and half-years.

I will miss Gene here in Washington but he will be fulfilling an important role back in his home state of California as the Dean of Graduate Studies in Education at U.C. Berkeley. We all wish him well.

Now, this is an important time for us to acknowledge the progress we are starting to see in American in education. We are starting to turn the corner. We aren't there yet by a long shot. There are a lot of peaks and valley's that we are going to have to cross -- and too many young people are still struggling.

But we are making progress and that needs to be acknowledged. And, so many of you have contributed to that progress by your dedication, pride and hard work here at the Department.

Student achievement is up and the drop out rate is down nationally. More students are taking the tougher courses. And we have more young people in college -- up 13 percent since 1980 -- or thinking about college -- or getting ready for high skill jobs.

A few weeks ago, we released our annual Condition of Education report. This report tells us high school students are taking the tougher core courses like algebra, geometry, chemistry and physics and getting results. As a result, the national scores in math and science have gone up the equivalent of one full grade.

So this is good news. We need to keep at it -- because there can be no equality in this Nation without a commitment to excellence. Educating every child to use his or her God-given talent is the pre-condition for full equality. They go together.

But, we do have many challenges. The drop out rate for Hispanic students is much too high. We need to get it down and there are several good initiatives underway that can make a contribution to this important effort.

Unfortunately, when it comes to getting all of our children ready for the future, some members of the new Congress are not listening and that saddens me. Because we shouldn't be fighting about education. We should be moving forward together in a bipartisan way to find common ground for our children. But that's not happening.

So we have our hands full. This new crowd in Congress wants to balance the budget but they seem to have adopted a "green eye shade" mentality -- they just want to crunch the numbers without thinking about who or what they are crunching.

Earlier this year, the Congress wanted to end the school-lunch program. Then they decided that they wanted to eliminate this Department -- what I call trophy hunting. Then came the direct assault on the very important student loan program and direct lending.

And now we are fighting hard to stave off some very big cuts in our budget. And these are severe cuts for important programs like Title I and bi-lingual education.

Now, bi-lingual education is a good, solid program. I am doing all I can to make sure it gets the budget mark it deserves. I won't let it be sacrificed for politics.

Bi-lingual education has two key purposes. To make sure every child learns English. And to make sure that every child maintains their academic learning in other subjects as they learn English.

For those in Washington who are now calling for the end of bi-lingual education -- I say -- let local people decide what is best for their children. What works in Arlington, Virginia -- a community with children from dozens of nations -- may not work as well in Indiana or Iowa. But let the local people decide what's best for their children.

Now, we need to balance the budget and we need to be open to change. We've made a lot of changes in this department with your help and support. But you make changes by thinking it through and putting people first.

The children of America didn't create the deficit yet they are being asked to pay for it with their education. Here we are in the middle of the Education Era and we have a tidal wave of young people entering our nation's school system in the coming years -- 7 million additional children. Demographers call it the "baby-boom echo."

So this is absolutely the wrong time to go backwards and retreat from our national commitment to education. This is why President Clinton is so strong for education - - why he is putting his heart and soul into this fight.

Two weeks ago he spoke in California -- out in the Central Valley -- to an audience of 15,000 people. Last week, the President spoke to thousands of college students out in Illinois about the importance of direct lending and our other higher education programs. He has a vision of America that includes everybody and he knows that education is the fault line.

We are all Americans here in 1995 ... all of us ... and if we are not quite the melting pot that we want to be, we are ... at the very least ... a rich American stew full of many exciting flavors. Our task -- in this time of great change -- is not to retreat to our own separate racial, ethnic, cultural or political interest groups -- but rather to do just the opposite -- to find common ground.

E Pluribus Unum -- in many one -- doesn't come easy for America at times. But only America has done it well in the entire history of the world.

It shouldn't matter where you come from or when you got here --- whether your family came over on a boat from Ireland like my family --- or if your ancestors came over with Columbus on the Santa Maria -- all of us have made a contribution and continue to make a contribution to this great nation of our's.

I believe, more than ever, that finding common ground is the urgent work of America here in 1995 and there is no better place to start than to start with education.

We are all in this together -- going forward -- staying positive -- and having the high purpose of making sure that every young person gets an education of excellence that will allow them to be contributing and productive citizens.

In closing I want to tell you about a visit I had to San Antonio a few months ago and how impressed I was by the good thinking of the people of that fine community. For these educators and parents and teachers had come together to help their children and they had a slogan for their effort that caught my eye -- common vision, common ground, common action. What a great slogan for a community.

I think that slogan is a good one for this department and for America as well. And, I assure you -- you are doing your patriotic duty for all the children of America by your work here at this Department. Thank you.



UNITED STATES DEPARTMENT OF EDUCATION

PUBLIC AFFAIRS

Remarks for
Richard W. Riley
U.S. Secretary of Education

HISPANIC LEADERSHIP CONFERENCE
Chicago, Illinois
Friday, October 6, 1995

Rey Gonzalez, Chair of the Conference
Juan Andrade, the President of the Conference

Good evening. It is a great pleasure to be here with you in Chicago again, and to bring you greetings of support and encouragement from President Clinton and Vice-President Gore.

This has been a very active two weeks for the President and myself. Last week the President spoke at the Hispanic Caucus Dinner and presented the Medal of Freedom to the widow of Willie Velasquez -- who did so much during his short life for the Hispanic-American community.

On Wednesday, the President greeted the Pope on his arrival in America. Two weeks ago, I spent the day in Chicago and had the privilege of meeting with many of this city's Hispanic leaders. And yesterday I had the privilege of hosting Miguel Limon Rojas, the Secretary of Education for Mexico, for an important series of meetings.

As I thought about visiting with you tonight, I remembered what the President said last week at the Hispanic Caucus Dinner. "The central question of our time," he said, "is whether we are going to be a crowd or a community. The Hispanic community in America has always been a community, always tried to live by family values, (and) not just talk about them."

The President went on to talk about the difference between a crowd and a community. "A crowd," he said, "is a group of people that occupies the same piece of land, but really has no particular connection to one another. So they elbow and shove and go to and fro until the strongest win and the others are left behind."

"A community," he went on, "is a group of people who occupy the same piece of land and recognize their obligation to another; people who believe they're going up or down together;

*The Secretary may depart from prepared remarks.

people who believe they should help protect children and do honor to the elderly; people who believe in freedom and responsibility; people who believe that we have an obligation to find common ground..."

Now, that is your President talking and I believe that he has it about right. The Hispanic-American community is a community and not a crowd. You stand together, work together, and you have a sure sense of family. D

I was so impressed a few months ago when I had the opportunity to see the movie "Mi Familia" with Doctor Gene Garcia, his wife and one of my senior advisors, Norma Cantu, who spoke to you on Wednesday.

Norma is with me tonight. I want to recognize Norma and tell you about the many Hispanic-Americans in leadership positions in my Department. I want to recognize each of them to you for the good work they are doing for the people of this country. They are part of my family at the Department of Education.

Norma Cantu is my Assistant Secretary heading Civil Rights. Norma runs what amounts to a very large law firm that stakes out one issue -- the Department doing what is right for the children and young people of America.

Margarita Colmenares is my important connection to the business community in America.

Mario Moreno, another ~~Texan like Norma~~, who is also with me tonight, is my energetic Assistant Secretary for Interagency and Intergovernmental Affairs. I can tell you, he is making things happen in that office.

Alfred Ramirez has been the very busy Director of the White House Initiative for Hispanic Education.

I am proud to say that the Hispanic Agenda gave my Department an "A" for being a Cabinet official who had the good sense to go out and recruit talented Hispanic Americans. D

Tonight, I want to talk to you about the education of our children and tell you that we are in a real fight with the new Congress over the future of American education. Education -- which has always been a bipartisan commitment to America's future -- is suddenly on the chopping block.

Of all the issues where we should find common ground, none is more important, to my mind, than education. You see, we always need to remember that we are raising our children not as Republicans, Democrats or Independents, but as Americans ... the future of our country.

Unfortunately, however, when it comes to getting all of our children ready for the future, this new Congress is not listening, and frankly, they don't seem to be waiting to hear from anyone

either.

Earlier this year, the Congress wanted to end the school lunch program -- a good, solid and successful initiative that has helped feed millions of children for well over fifty years.

Then the Congress decided it wanted to eliminate the Education Department to show that they were doing something for some of the folks back home who believe that the U.N. runs America's schools ... and I'm not being wild when I make that statement.

Then came the assault on the very important student loan program and direct lending ... programs that are so important to young people in your community who want and need to go to college.

And now the House Republicans want education to take a \$3.8 billion budget cut next year.

This new Congress proposes to balance the budget in a very simple way -- by leaving your children and young people out. They are going to dramatically cut things like education and Medicare to give a tax break to the very well-off and hope you don't notice ... that's the plan.

You see, they have come to the conclusion that children don't organize PAC's ... children don't hire lobbyists ... children don't go to fundraising dinners ... and children don't vote.

So this new Congress, with its green-eye shade mentality, is into cutting education. Let me describe some of these cuts.

They propose cutting close to 50,000 children from being part of HeadStart, a program that already underserves the Hispanic-American community.

They then want to cut, by more than half, our efforts to keep our children safe and drug free, even though drug use has gone up three straight years in a row among young children.

They propose to cut bilingual education by more than half. This is not the right thing to do and it is a direct attack on your commitment to giving every Hispanic-American child a first-class education. I think this is a terribly wrong thing to do.

And there are some who now want to make English the official language of America. Now, English is America's language and new immigrants are just clamoring to learn it as fast as they can. You can go anywhere in this country and see people standing in line for hours waiting to sign up for English classes.

I am not impressed with this new "English only" push and I think it has a lot to do with politics. And I know -- as you know -- that bilingual education has a proven track record of giving young people a good solid academic foundation as they make the transition to English.

So I will tell you -- straight out -- that the President and I will do all we can to preserve and protect this vital program. It makes absolutely no sense to be cutting this program when the demand for it is increasing year after year after year. D

These budget cutters who are going after bilingual education are also proposing to cut off over one million disadvantaged children from extra help they need to learn the basics. Some of you know this as the Title I program -- the old Chapter I program.

Now, this is a very important program for children who have limited english proficiency -- what we call LEP students. Forty-three percent of all LEP students get extra help through Title I. And we have just made changes in the law to give LEP students more access and help through this program. But Title I is on the chopping block as well.

And so it goes. Education for the homeless children is cut. Support for summer jobs gets entirely eliminated. Americorps -- which has many Hispanic young people serving their country through ASPIRA, the National Council of La Raza, and other grassroots groups is to be entirely eliminated.

Even our grassroots effort to improve schools from the bottom up -- by getting parents and communities working with teachers and principals to change and improve our schools -- what we call Goals 2000 -- is to be eliminated.

I must tell you that all this cutting of education is just the wrong way to go about preparing for America's future. Here we are in an education era when we should be investing every extra nickel and dime we have in the education of all of our children. D

This new Congress is also starting to close the door on the 50-year national commitment to access to college. The American middle class is what it is today, in large part, because we have made access to higher education -- in whatever form -- part of our national purpose.

Student loans will be hard hit -- losing \$10 billion over the next seven years -- one third of what we now have -- just when a tidal wave of new students -- many of them Hispanic-American -- seek to get a leg up in life and get a college education.

This is why President Clinton is fighting the Congress tooth and nail. President Clinton believes in education. Where they want to cut education, he wants to add. Where they want to trim, the President wants to invest. Where they want to eliminate, the President seeks to improve and reform.

You see, Bill Clinton is a pro-education President. A President who is working to strengthen families, pro-children -- who is thinking about the long-term future of this great nation -- and that, in my book, is called leadership. D

The President and I are also concerned about the very high dropout rate among so many Hispanic youth. There have the brains and the talent to succeed if they will only try.

This is why I have asked Doctor Walter Secada of the University of Wisconsin to lead a special task force on the high dropout rate among Hispanic youth and report back to me with concrete steps we can take to help these young people stay in school.

For I believe that these three simple words hold the key to the future for the Hispanic-American community. **Saber es poder - Knowledge is power.** I urge you to make this powerful statement -- **saber es poder** -- the "watchword" for success for the Hispanic youth in the 1990's. □

And this is why President Clinton should not stand alone as he seeks to build a new common ground for America's future. As Willie Velasquez said so often, "**Su voto es su voz**" -- your vote is your voice.

Now, I come from a part of the country that had a long legacy of discrimination. And that legacy was overturned when decent, hard-working individuals became a community -- when maids and bus drivers, teachers and dishwashers, shop owners and nurses got the call to citizenship in their blood.

All of these good people worked hard to make a living. And most of them just wanted to go home at night and kick off their shoes. But they didn't go home. They kept their shoes on, they got up, got out and got in line to register and to vote.

The call to citizenship, you see, got in their blood and they became a community, standing in line together for hours in order to register to vote. It wasn't easy. But they didn't quit.

They did their patriotic duty for their country and their children. And because of that commitment to America -- their sense of community and their call to good citizenship -- we are a stronger and better country.

As I look out at this vibrant, community tonight I sense that same call to good citizenship. Citizenship -- as you know so well because you do it every day -- is not passive.

And I will tell what else it is not -- citizenship is not the color of your skin, the place of your birth, or the language you speak at home with your family. Citizenship is not small-minded, narrow-minded or veiled bigotry. Citizenship is none of the above.

As Pope John Paul II said on his arrival in America, "Of the United States, we can truly say, 'E Pluribus unum.'"

E Pluribus Unum -- in many, one -- doesn't come easy for America at times. But only America has done it well in the entire history of the world. If we are not quite the melting pot that we

want to be, we are -- at the very least -- a rich American stew full of many exciting flavors.

I sincerely believe that the Hispanic community that I see here tonight with its youth and vitality represents so much that is positive about America's future.

But we will only succeed if every child and every adult in this community recognizes that **saber es poder**, and if every part of this vibrant community focuses its attention and strength on the education of our young people. I believe that.

So let us move forward, together, as "one Nation, under God" -- as citizens and patriots -- to give all of our children an education of excellence which will create, in turn, a stronger, more equal and more inclusive America. An America that is a community and not a crowd. An America where we are all equal, free, self-reliant and responsible.

The power to create this better future is here in this audience, with all of you. For you define, in so many ways, what is best about America.

And I assure you that you are doing your patriotic duty for all the children of America -- when you come together as citizens and as a community and hold firm to the ideal that knowledge is power -- "**saber es poder.**"

Thank you.

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Congressional Press Releases

September 21, 1995, Thursday

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HEADLINE: REPORT AND FEDERAL DOCUMENTS

BYLINE: RICHARD SHELBY , SENATOR , SENATE , SEN. SHELBY'S ENGLISH LANGUAGE
EFFORTS REINFORCED BY OFFICIAL GAO

BODY:

FOR IMMEDIATE RELEASE

September 21, 1995

For More Information Contact:

Laura Cox (202) 224-6518

SEN. SHELBY'S ENGLISH LANGUAGE EFFORTS REINFORCED BY

OFFICIAL GAO REPORT AND FEDERAL DOCUMENTS

WASHINGTON, D. C, - At a news conference today in the U. S. Capitol, U. S. Sen. Richard C. Shelby (R.-Ala.) gave important General Accounting Office data to support his claims and legislation that English should be made the official language for all purposes and functions' of the Federal government.

On March 10, 1995, Sen. Shelby, together with Rep. William F. Clinger, Chairman of the House Government Reform and Oversight Committee (which has jurisdiction over this issue in the House.), ;and Rep. Bill Emerson, sponsor of companion legislation in the House, wrote to the GAO requesting an official determination "...of all services currently offered by government agencies in languages other than English (excluding those offered by the Departments of State and Defense,)" The three also requested a cost estimate which is still pending with GAO.

In GAO's response on September 20, 1995, two databases were identified which would provide a semi-complete accounting of the printing of federal government documents in languages other than English. According to GAO, 265 federal foreign language documents were identified in the databases. The federal agency that issued the greatest number of federal documents printed in a foreign language was the Social Security Administration with some 50 documents, or 19 percent, of the 265 foreign language documents found in the GAO study. Of the 265 foreign language documents found ' 83 percent or 221 documents were written in Spanish, with French occupying 5 percent or 12 documents. Unfortunately, the GAO was unable to account for the number of documents per agency currently printed in house or through private means. "The GAO findings. I released today provide important reinforcement for my legislative efforts aimed at making English the official language for the purposes and functions of the Federal government, According to a 1990 U. S, Census, there are more than 323

Congressional Press Releases, September 21, 1995

different languages spoken in the United States. While the costs associated with printing these documents in only one language, English, is astronomical, it is unthinkable to consider printing these same documents in the more than 323 languages represented, particularly when that number is steadily growing each year.,.,

While GAO's search found many documents which related to the mission and official functions of a particular agency, it also found many examples of documents Sen. Shelby considered questionable in terms of their official relevance to our Federal government. "My belief that all official Federal government documents should be printed in English, is only reinforced by the existence of many documents that have questionable purposes related to the agencies through which they are printed. I cannot justify our hard-earned tax dollars paying for Investigation About the Reproductive Behavior of Young People in the City of Sao Paulo -Portuguese, U. S. Mint - Chinese, JFK Center for the Performing Arts: Official Guide to the Park -Spanish, Investigation of the Ukrainian Famine 1932-33 - Ukrainian and many others.

We must encourage non-English speakers to learn English. By allowing our government to accommodate by printing government documents in other languages we are taking away an important incentive for non-English speakers to learn English. Designating English as the official language for purposes of government and encouraging everyone to learn and speak English, is not only inclusionary, but essential to maintain multicultural.

A very serious situation is developing in this country, one which I believe if not addressed, will become a full-blown problem in the foreseeable future. With no viable reason for waiting to address this situation, we can and should do so now, rather than continuing to encourage a government practice that breeds separatism.

While we continue to wait for GAO's full accounting of the cost estimates associated with the printing of documents in languages other than English, I would venture to guess that any money we are currently spending, or would likely spend in the future, could be better spend on teaching these same non-English speakers English."

Sen. Shelby has written Sen. Ted Stevens, incoming Chairman of the Senate Governmental Affairs Committee to request Congressional hearings on this legislation.

LANGUAGE: ENGLISH

LOAD-DATE: September 22, 1995

QUESTION PRESENTED

Whether, as the Equal Employment Opportunity Commission has concluded, an English-only work rule has a discriminatory impact on the terms and conditions of employment of national origin minorities and therefore violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2(a), unless justified by business necessity.

TABLE OF CONTENTS

	Page
Opinion below	1
Jurisdiction	1
Statement	2
Discussion	6
Conclusion	16

TABLE OF AUTHORITIES

Cases:

<i>EEOC v. Arabian Am. Oil Co.</i> , 499 U.S. 244 (1991)	10
<i>Garcia v. Gloor</i> , 618 F.2d 264 (5th Cir. 1980), cert. denied, 449 U.S. 1113 (1981)	15, 16
<i>Griggs v. Duke Power Co.</i> , 401 U.S. 424 (1971) ...	10, 12
<i>Hernandez v. New York</i> , 111 S. Ct. 1859 (1991) ...	14
<i>Hishon v. King & Spaulding</i> , 467 U.S. 69 (1984) ...	12
<i>Mississippi University for Women v. Hogan</i> , 458 U.S. 718 (1982)	13
<i>Papasan v. Allain</i> , 478 U.S. 265 (1986)	13
<i>United States v. Rutherford</i> , 442 U.S. 544 (1979)	10
<i>Watson v. Fort Worth Bank & Trust</i> , 487 U.S. 977 (1988)	14

Constitution, statutes and regulations:

U.S. Const. Amend. XIV	13
Civil Rights Act of 1964, Tit. VII, 42 U.S.C. 2000e <i>et seq.</i> :	
42 U.S.C. 2000e-2(a)(1)	10
42 U.S.C. 2000e-2(k)(1)(A)(i)	9
29 C.F.R.:	
Section 1606.7	5
Section 1606.7(a) (1993)	7
Section 1606.7(b)	7

IV

Miscellaneous:	Page
1990 Census of Population, Social and Economic Characteristics	15
137 Cong. Rec. 15,489 (daily ed. Oct. 30, 1981) ...	9
2 EEOC Compliance Manual (Aug. 6, 1984)	8
EEOC Dec. 71446, 2 Fair Empl. Prac. Cas. (BNA) 1127 (1970)	6-7
EEOC Dec. 72-0281, 1973 CCH EEOC Dec. (CCH) ¶ 6293 (1971)	7
EEOC Dec. 73-0479, 19 Fair Empl. Prac. Cas. (BNA) ¶ 788 (1973)	7
EEOC Dec. 81-25, 27 Fair Empl. Prac. Cas. (BNA) 1823 (1981)	9
EEOC Dec. 83-7, 31 Fair Empl. Prac. Cas. (BNA) 1861 (1963)	9
45 Fed. Reg. (1980):	
p. 51,229	8
p. 51,231	8
p. 62,728	7, 8, 15
p. 85,532	8
pp. 85,634-85,635	8

In the Supreme Court of the United States

OCTOBER TERM, 1993

No. 93-1222

PRISCILLA M. GARCIA, ET AL., PETITIONERS

v.

SPUN STEAK COMPANY

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE

This brief is submitted in response to the Court's order inviting the Solicitor General to express the views of the United States.

OPINION BELOW

The opinion of the court of appeals (Pet. App. 1a-19a) is reported at 998 F.2d 1480.

JURISDICTION

The judgment of the court of appeals was entered on July 16, 1993. An order denying a petition for rehearing and suggestion for rehearing en banc was entered on October 29, 1993. The petition for a writ of certiorari was filed on January 24, 1994. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

1. Respondent Spun Steak is a poultry and meat producer. Pet. App. 2a. It employs thirty-three workers, twenty-four of whom are Hispanic. *Ibid.* Spun Steak's Hispanic employees speak with varying degrees of English proficiency. *Ibid.* Petitioners Garcia and Buitrago are two of Spun Steak's employees. *Ibid.* Both are bilingual.

For many years, the Hispanic employees of Spun Steak conversed freely in Spanish. *Id.* at 3a. In September, 1990, petitioners Garcia and Buitrago allegedly taunted a non-Hispanic employee in both English and Spanish. *Ibid.* The next day, company president Ken Bertelsen issued a letter stating (*ibid.*):

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.

Spun Steak later modified its policy to permit its clean-up crew, its foreman, and those authorized by its foreman to speak Spanish. Pet. App. 4a. The rule was strictly enforced, however, against petitioners Garcia and Buitrago. *Ibid.* Both were reprimanded for violating the English-only policy and, for a period of two months, they were not permitted to work next to each other. *Ibid.*

Petitioner Garcia contacted Local 115, which requested that Spun Steak rescind its rule. Spun Steak refused to do so, and petitioners Garcia, Buitrago, and Local 115 filed a charge of discrimination with the EEOC. Pet. App. 4a. The EEOC found reasonable cause to believe that respondent had violated Title VII. *Ibid.*

Thereafter, petitioners filed suit against respondent alleging that its English-only rule violated Title VII. *Ibid.* Petitioners Garcia and Buitrago filed suit on behalf of

themselves; Local 115 represents all Spanish-speaking employees at Spun-Steak. Pet. App. 5a.

2. The district court granted summary judgment in favor of petitioners. Pet. App. 35a. As a remedy, the court enjoined respondent from enforcing its English-only rule. *Id.* at 38a.

In comments from the bench, the court explained the basis for its ruling. The court found that respondent's English-only rule had a discriminatory impact on Hispanics. C.A. Rec. 227. The court reasoned that "You are telling [Hispanics] that they cannot make little jokes in their own language when you don't tell English speaking people that they can't do it in their own language. So it is clearly directed at Hispanics in this case." *Id.* at 226-227. The court further found that respondent had failed to demonstrate a sufficient business justification for the rule. *Id.* at 227. The court explained that respondent had other "adequate remedies" to deal with the kind of conduct that had prompted the rule. *Ibid.* The English-only rule, the court concluded, was like "hitting a flea with a sledge hammer. You have gone on far beyond the force that is needed for these circumstances." *Id.* at 224.

3. A panel of the Ninth Circuit reversed. It held that petitioners had failed to establish a prima facie case of discriminatory impact. The court first rejected petitioner's claim that the English-only policy had an adverse impact on Hispanics because it prevented them from expressing their cultural heritage and identity. The court concluded that while "an individual's primary language can be an important link to his ethnic culture and identity[,] Title VII * * * does not protect the ability of workers to express their cultural heritage at the workplace." Pet. App. 11a.

The court next rejected petitioner's claim that the English-only policy adversely affected Hispanic workers because it deprives them of the privilege of conversing in

the language they speak most comfortably. Pet. App. 11a. The court concluded that an employer has the right to define the "contours" of a privilege, and in this case, the employer has defined the privilege narrowly as "merely the ability to speak on the job." *Id.* at 11a-12a. When the privilege is defined in this way, the court concluded, bilingual employees are not adversely affected since they can engage in conversation on the job. *Id.* at 12a. The court also concluded that there was no disparate impact because "the bilingual employee can readily comply with the English-only rule and still enjoy the privilege of speaking on the job." *Ibid.* Even if bilingual employees unconsciously switch from one language to another, the court added, requiring them "to catch [themselves] from occasionally slipping into Spanish does not impose a burden significant enough to amount to the denial of equal opportunity." *Id.* at 12a-13a.

The court held that employees who speak no English might state a prima facie case. Pet. App. 13a. The court noted that there is one such employee at Spun Steak, and the court remanded for a consideration of her claim. *Ibid.* The court held that a prima facie case might also exist for employees "who have such limited proficiency in English that they are effectively denied the privilege of speaking on the job." *Ibid.* The court concluded that it was unclear from the record whether there are such employees and that a remand was necessary to resolve that issue. *Ibid.*

Finally, the court rejected petitioners' claim that respondent's English-only rule created an atmosphere of "inferiority, isolation, and intimidation." Pet. App. 14a. The court held that "[w]hether a working environment is infused with discrimination is a factual question, one for which a per se rule is particularly inappropriate." *Id.* at 15a. In this case, the court found, petitioners had introduced "no evidence other than conclusory statements

that the policy had contributed to an atmosphere of 'isolation, inferiority, or intimidation.'" *Ibid.* For that reason, the court concluded, "the bilingual employees ha[d] not raised a genuine issue of material fact that the effect is so pronounced as to amount to a hostile environment." *Ibid.*

The court acknowledged that its decision was at odds with the EEOC's longstanding position currently set forth in an EEOC Guideline (29 C.F.R. 1606.7) that an employer must provide a business justification for an English-only policy. *Id.* at 16a. The court concluded, however, that there were "compelling indications" that the EEOC had improperly interpreted Title VII. *Id.* at 16a-17a. In particular, the court concluded that the EEOC's Guideline is inconsistent with the policy of Title VII because it "presum[es] that an English-only policy has a disparate impact in the absence of proof." *Id.* at 17a.

Judge Boochever dissented in part. He would have deferred to the EEOC Guideline and held that "an employee establishes a prima facie case * * * by proving the existence of an English-only policy, thereby shifting the burden to the employer to show a business necessity." *Id.* at 18a. Judge Boochever would have remanded this case for a trial on the issue of business necessity. *Id.* at 19a. With Judge Boochever dissenting, the panel denied a petition for rehearing. *Id.* at 21a.

4. The full court rejected petitioners' suggestion for rehearing en banc. Pet. App. 21a. Judge Reinhardt dissented. He specifically took issue with the majority's view that English-only rules do not have a discriminatory effect because bilingual employees can easily comply with them. That conclusion, Judge Reinhardt stated, "demonstrated a remarkable insensitivity to the facts and history of discrimination." *Id.* at 24a. He explained that "[s]ome of the most objectionable discriminatory rules are the least obtrusive in terms of one's ability to comply: being required

to sit in the back of a bus, for example." *Ibid.* Judge Reinhardt further concluded that the suppression of a person's primary language cannot be dismissed as a "mere inconvenience." *Ibid.* Judge Reinhardt explained that "English-only rules not only symbolize a rejection of the excluded language and the culture it embodies, but also a denial of that side of an individual's personality." *Id.* at 24a-25a. Thus, "being forbidden under penalty of discharge to speak one's native tongue generally has a pernicious effect on national origin minorities." *Id.* at 25a.

DISCUSSION

The court of appeals has rejected the EEOC's longstanding view that English-only work rules have a discriminatory impact on national origin minorities and therefore must be justified by business necessity. The court of appeals' decision 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 decision also resolves an issue of great importance to national origin minorities and prevents the EEOC from administering a single nationwide standard for judging the validity of English-only work rules. Review by this Court is therefore warranted.

1. In 1970, the EEOC issued its first published decision on English-only rules. In that decision, the EEOC communicated its position (first taken in an unpublished decision in 1967) that such rules have "the obvious and clear effect of denying [national origin minority] employees * * * a term, condition, or privilege of employment enjoyed by other employees: to converse in a familiar language with which they are most comfortable." EEOC

Dec. 71446, 2 Fair Empl. Prac. Cas. (BNA) 1127, 1128 (1970). Accordingly, the EEOC explained, such rules must be justified by business necessity. *Ibid.* Later EEOC decisions adhered to that view. *E.g.*, EEOC Dec. 72-0281, 1973 CCH EEOC Dec. (CCH) ¶ 6293 (1971); EEOC Dec. 73-0479, 19 Fair Empl. Prac. Cas. (BNA) 1788, 1804 (1973).

In 1980, the EEOC adopted a Guideline that "reaffirm[ed] the Commission's position" on English-only work rules. Proposed Revision to Guidelines on Discrimination Because of National Origin, 45 Fed. Reg. 62,728 (1980). The Guideline states that "[a] rule requiring employees to speak only English at all times in the workplace is a burdensome term and condition of employment." 29 C.F.R. 1606.7(a) (1993). Because "[t]he primary language of an individual is often an essential national origin characteristic," the Guideline explains, "[p]rohibiting employees at all times, in the workplace, from speaking their primary language or the language they speak most comfortably, disadvantages an individual's employment opportunities on the basis of national origin." *Ibid.* In addition, the Guideline explains that such rules "may also create an atmosphere of inferiority, isolation and intimidation based on national origin which could result in a discriminatory working environment." *Ibid.* Based on those considerations, the Guideline provides that if an English-only rule is applied at all times, "the Commission will presume that such a rule violates title VII and will closely scrutinize it." *Ibid.* In a separate subsection, the Guideline further provides that "[a]n employer may have a rule requiring that employees speak only in English at certain times where the employer can show that the rule is justified by business necessity." 29 C.F.R. 1606.7(b). Both subsections of the Guideline are premised on the conclu-

sion that English-only rules have a discriminatory impact on national origin minorities and therefore must be justified by a business necessity.

Before issuing its Guideline, the EEOC sought comments from federal agencies and the public. 45 Fed. Reg. 51,229, 51,231 (1980); *id.* at 62,728. The EEOC received over 250 comments, and the final Guideline sought to accommodate some of the concerns expressed in those comments. *Id.* at 85,632, 85,634-85,635.

Following the promulgation of its English-only Guideline, the EEOC adopted a Compliance Manual Section to assist in the investigation of claims that English-only work rules violate Title VII. 2 EEOC Compliance Manual (BNA) 623 (Aug. 6, 1984). That Section thoroughly discusses possible business justifications for an English-only rule. For instance, the Manual suggests that an English-only rule would be appropriate in jobs in which the failure to maintain close communication among employees could result in injury to persons or property. Manual § 623.0012. The Manual lists as examples the performance of surgery or the drilling of an oil well. *Ibid.* On the other hand, the Manual suggests that the principal justification offered by respondent ordinarily would not justify an English-only rule. Manual § 623.0015. Thus, the Manual notes that while co-workers commonly express fears that employees speaking in a language other than English are making fun of them, those beliefs are often unfounded. *Ibid.* And even when an employee has a legitimate basis for complaint, the Manual explains, the problem can almost always be worked out informally. *Ibid.* If informal resolution fails, the Manual concludes, the employer can discipline the offending party. *Ibid.*

Since its adoption, the EEOC has consistently applied its Guideline in determining whether English-only work

rules violate Title VII. The EEOC has published several decisions that implement the Guideline. See, e.g., EEOC Dec. 81-25, 27 Fair Empl. Prac. Cas. (BNA) 1820, 1822 (1981); EEOC Dec. 83-7, 31 Fair Empl. Prac. Cas. (BNA) 1861, 1862 (1983). It has also filed suit to enforce its interpretation. In the last eight years, the EEOC has filed suit to challenge English-only rules in nine cases. Eight of those cases have now been settled, with the employer in each agreeing to eliminate the English-only rule.¹

When Congress amended Title VII in 1991 and altered the standards for proving disparate impact discrimination (see 42 U.S.C. 2000e-2(k)(1)(A)(i)), the EEOC's Guideline on English-only work rules was discussed on the floor of the Senate. Senator DeConcini stated that many of his constituents had complained about the use of English-only work rules and he asked Senator Kennedy, a sponsor of the legislation amending Title VII, whether the EEOC's Guideline would continue to apply to such rules. Senator Kennedy responded that the EEOC's Guideline had worked well during the prior eleven years and that nothing in the new legislation would affect the validity of that Guideline. 137 Cong. Rec. 15,489 (daily ed. Oct. 30, 1991).

¹ See *EEOC v. Lewis & Son d/b/a/ Comet and Qwik Cleaners*, No. CIV-92-1072 JP/LFG (D.N.M. filed Sept. 28, 1992); *EEOC v. The Brown Derby Restaurant*, No. 90-5004-RJK (C.D. Cal. filed Sept. 19, 1990); *EEOC v. Mansfield Business Sch.*, No. EP90-CA-390H (W.D. Tex. filed Sept. 27, 1990); *EEOC v. Sears, Roebuck & Co.*, No. 90-3037-WPG (C.D. Cal. filed June 13, 1990); *Dimaranan & EEOC v. Pomona Valley Medical Ctr.*, No. 89-4299 ER (C.D. Cal. filed Apr. 2, 1990); *EEOC v. Volunteers of Am. Care Facilities*, No. 89-1586 (D. Ariz. filed Sept. 27, 1989); *EEOC v. Salvation Army*, No. 87-07846 (C.D. Cal. filed Nov. 20, 1987); *EEOC v. Motel 6—Yuma*, No. CIV86-1170-PHX-EHC (D. Ariz. filed July 17, 1986). In *EEOC v. Wynnell, Inc., d/b/a A & B Nursery Sch.*, No. H-92-3938 (S.D. Tex. filed Dec. 21, 1992), the district court recently upheld the employer's English-only rule.

2. In *EEOC v. Arabian Am. Oil Co.*, 499 U.S. 244, 257 (1991), this Court held that the level of deference afforded an EEOC interpretation of Title VII "will depend on the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control." *Id.* at 257. This Court has also indicated that an agency interpretation is entitled to greater deference when Congress is aware of the interpretation and does not change it, but amends the statute in other respects. *United States v. Rutherford*, 442 U.S. 544, 554 (1979).

Measured against those criteria, the EEOC's position on English-only rules is entitled to substantial deference. The EEOC adopted its position three years after Title VII was enacted and has followed it ever since. The EEOC's position has been subjected to full notice and comment review and thoroughly tested by experience. The EEOC's English-only Guideline and the Compliance Manual Section implementing it set forth a reasoned and careful analysis of the issue. And when Congress adopted recent amendments to Title VII on disparate impact discrimination, it left EEOC's approach intact.

Most important, the EEOC's interpretation reflects a sound application of established Title VII principles. Title VII flatly prohibits all discrimination in the "terms, conditions, or privileges of employment" because of national origin. 42 U.S.C. 2000e-2(a)(1). Discrimination within the meaning of Title VII includes practices that disproportionately impose adverse impact on members of a protected group and that cannot be justified by business necessity. *Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971). The EEOC's position on English-only rules follows directly from these principles. English-only rules plainly impose a

term or condition of employment. And while English-only rules may perhaps be seen as facially neutral, they disproportionately burden national origin minorities because they preclude many members of national origin minority groups from speaking the language in which they are best able to communicate, while rarely, if ever, having that effect on non-minority employees. Accordingly, under established Title VII jurisprudence, such rules must be justified by business necessity.

3. The Ninth Circuit held that the EEOC's interpretation is not entitled to deference. In the Ninth Circuit's view, the EEOC's Guideline is inconsistent with the policy of Title VII because it "presum[es] that an English-only policy has a disparate impact in the absence of proof." Pet. App. 17a. That criticism is incorrect. The EEOC has soundly concluded, based on logic and experience, that English-only rules invariably have a disparate impact on national origin minority groups. It is certainly true that many members of national origin minority groups feel completely comfortable speaking English in all circumstances; 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. But there can be no doubt that, in a workplace with a substantial number of national origin minority group employees, English-only work rules will necessarily preclude disproportionately more national origin minority employees than others from conversing in the language in which they are most comfortable and best able to communicate. The EEOC therefore properly adopted a categorical approach to the issue of the disparate impact of English-only rules, rather than requiring proof of the obvious on a case-by-case basis.

The court of appeals appeared to understand that English-only rules invariably preclude disproportionately

more national origin minority employees than others from conversing in their primary language. Pet. App. 10a. It held nevertheless that this effect was insufficient to support a Title VII disparate impact claim. Pet. App. 11a-13a. That conclusion is based on several serious misconceptions about what plaintiffs must prove to establish a disparate impact under Title VII.

First, the court held that since a privilege of employment "is by definition given at the employer's discretion," respondent was free to define the privilege "narrowly" as "merely the ability to speak on the job." Pet. App. 11a-12a. Because bilingual Hispanic employees enjoy that narrow privilege to the same extent as non-Hispanic employees, the court reasoned, bilingual employees could not state a disparate impact claim. *Id.* at 12a. As this Court has held, however, "[a] benefit that is part and parcel of the employment relationship may not be doled out in a discriminatory fashion, even if the employer would be free * * * not to provide the benefit at all." *Hishon v. King & Spaulding*, 467 U.S. 69, 75 (1984). Title VII, as we have noted, is not concerned solely with rules that have been defined in discriminatory terms. It also prohibits rules that are "discriminatory in operation." *Griggs*, 401 U.S. at 431. No matter how narrowly respondent has defined the privilege to speak on the job, the consequence of respondent's English-only rule is that its non-Hispanic employees are able to converse in the language in which they are best able to communicate, while many of its Hispanic employees are not. That discriminatory consequence violates Title VII unless it is justified by a business necessity.

Second, the court of appeals held that respondent's English-only rule did not have a disparate impact on bilingual Hispanic employees because they can comply with the rule. Pet. App. 12a. However, as Judge Reinhardt ex-

plained, history reveals that "[s]ome of the most objectionable discriminatory rules are the least obtrusive in terms of one's ability to comply: being required to sit in the back of a bus, for example." *Id.* at 24a. Under the court of appeals' analysis, a black employee could not challenge a rule requiring black employees to use separate bathrooms and drinking fountains; an Orthodox Jew could not challenge a rule forbidding the wearing of head coverings; and bilingual members of a national origin minority group could not challenge a rule requiring employees to speak only English at all times on the employer's premises, including at lunch and at breaks (even though respondent in this case thought it obvious that employees should be able to speak their language of choice on their own time). Those examples illustrate that the court of appeals seriously erred in focusing on the physical difficulty of complying with respondent's English-only rule, rather than on the discriminatory impact of that rule upon Hispanic employees.

Finally, the court of appeals held that plaintiffs in a Title VII case must demonstrate that they have suffered a "significant" adverse impact. Pet. App. 12a. In the court's judgment, moreover, English-only rules do not impose a significant adverse impact on bilingual employees. *Id.* at 12a-13a. This Court, however, has rejected the view that the Equal Protection Clause requires a plaintiff who is subjected to discriminatory treatment to prove some minimum level of adverse effects. *Papasan v. Allain*, 478 U.S. 265, 288 n.17 (1986). Indeed, even when a difference in treatment causes nothing more than "inconvenience," that difference must be justified. *Mississippi University for Women v. Hogan*, 458 U.S. 718, 723 n.8 (1982). The same is true of Title VII.²

² To establish the element of causation under Title VII, a plaintiff must show that a rule has adversely affected significantly more

In any event, English-only rules have a significant adverse impact on bilingual members of national origin minorities for at least two reasons. First, such rules significantly handicap the ability of bilingual employees to communicate on the job. Bilingual persons have a wide range of English-speaking ability, from minimally proficient to fully fluent. For those who have minimal or less than average English-speaking ability, an English-only rule can dramatically limit their range of expression and communication. And even bilingual persons who speak English very well can ordinarily speak their primary language with more "precision and power." *Hernandez v. New York*, 111 S. Ct. 1859, 1868 (1991). Depriving persons of the opportunity to use the language in which they communicate most effectively cannot be characterized as a de minimis injury.

English-only rules also do more than limit an employee's range of expression. "Language permits an individual to express both a personal identity and membership in a community." *Hernandez*, 111 S. Ct. at 1872. It is "used to define the self." *Id.* at 1868. Accordingly, as Judge Reinhardt stated, to banish a person's primary language from the workplace not only communicates "a rejection of the excluded language and the culture it embodies, but also a denial of that side of an individual's personality." Pet. App. 24a-25a. That serious imposition requires a business justification under Title VII.

members of one group than another. *Watson v. Fort Worth Bank & Trust*, 487 U.S. 977, 994-995 (1988) (plurality opinion). There is no requirement, however, that plaintiffs prove that the discriminatory harm they have suffered because of national origin satisfies some threshold standard of "significance."

4. The question whether English-only rules must be justified by business necessity is an important and recurring one. There are indications that there has been a recent upsurge of such rules in the workplace. The EEOC currently has approximately 120 active charges against 67 different employers who have imposed English-only rules.

The Ninth Circuit's decision is also especially troubling because of the composition of the population in that Circuit. About one-third of the people in the United States who speak a language other than English at home live in the states included in the Ninth Circuit.³ That large group is now precluded from relying on the EEOC's Guideline in seeking protection from English-only rules.

The decision in this case also interferes with the EEOC's ability to administer a uniform nationwide policy on English-only workplace rules. If the Ninth Circuit's decision is left unreviewed, the EEOC must either renounce its longstanding policy on English-only work rules, or it must develop one enforcement policy for cases in the Ninth Circuit and another for cases in the remaining circuits. The EEOC should not be forced to make that choice.⁴

³ The nine states that make up the Ninth Circuit contain over ten million people who speak a language other than English at home. 1990 Census of Population, Social and Economic Characteristics, Nos. 1990 CP-2-3 (Alaska); 1990 CP-2-4 (Ariz.); 1990 CP-2-6 (Cal.); 1990 CP-2-13 (Haw.); 1990 CP-2-14 (Idaho); 1990 CP-2-28 (Mont.); 1990 CP-2-30 (Nev.); 1990 CP-2-39 (Or.); 1990 CP-2-49 (Wash.), Table 18. Close to 32 million people in the United States speak a language other than English at home. 1990 Census of Population, Social and Economic Characteristics, No. 1990 CP-2-1 (United States), Table 15.

⁴ Only one other Circuit has addressed the validity of English-only work rules, and that decision preceded the adoption of EEOC's Guideline. See *Garcia v. Gloor*, 618 F.2d 264 (5th Cir. 1980), cert. denied, 449 U.S. 1113 (1981). The scope of that decision is not entirely clear. See 45 Fed. Reg. 62,728 (1980) (viewing it as limited to bilingual employees who fail to show that their primary language is one other

CONCLUSION

The petition for a writ of certiorari should be granted.
Respectfully submitted.

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JUNE 1994

than English). The Fifth Circuit expressly noted the absence of an EEOC Guideline as a factor in its decision. 618 F.2d at 268 n.1.

