

The Politics of Language

**Your Handbook to
English-Only Laws and Policies**

2nd Edition



National Asian Pacific American Legal Consortium

Affiliates

Asian Law Caucus

Asian Pacific American Legal Center of Southern California

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This is a handbook of the National Asian Pacific American Legal Consortium (NAPALC), which is affiliated with the Asian Law Caucus (ALC) in San Francisco and the Asian Pacific American Legal Center of Southern California (APALC) in Los Angeles. Together with its affiliates, NAPALC employs litigation, advocacy, public policy, and public education to advance the human and civil rights of Asian Americans. For more information, please contact:

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-Noam Chomsky, 1979**

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INTRODUCTION

Founded in 1991, NAPALC works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education, and litigation. In accomplishing its mission, NAPALC focuses its work to *Promote Civic Engagement*, to *Forge Strong and Safe Communities*, and to *Create an Inclusive Society* in communities at the local, regional, and national levels. NAPALC is one of the nation's leading experts on issues of importance to the Asian American community, including affirmative action, anti-Asian violence prevention/race relations, census, immigrant rights, language access, and voting rights.

The mission of NAPALC's language access program is to prevent discrimination against language minorities and to ensure their access to critical rights and services. As a leading advocate in defending the language rights of Asian Americans, NAPALC has testified before Congress on the potential negative consequences of federal English-only legislation, the growing demand in the Asian American community for English language education and language access services in federally funded programs, and limited English proficient-friendly policy recommendations; produced analyses of the "English Language Empowerment Act," which was introduced in the House of Representatives in 1996; produced a policy paper on language-restrictive sign ordinances; provided extensive input and assistance to many federal agencies in the development of their policy guidances designed to improve access to services for limited English proficient (LEP) persons; and submitted numerous amicus curae briefs to the U.S. Supreme Court and state supreme courts, challenging English-only laws and initiatives. Today, NAPALC continues to provide technical assistance to communities facing English-only initiatives and monitors legislation that seek to eliminate the provision of language assistance programs. Please contact NAPALC at (202) 296-2300 if any such legislation appears in your community.

WHAT DOES THE "POLITICS OF LANGUAGE" ENTAIL?

Sociolinguistics and scholars of language and politics have long recognized the political significance of language.¹ As a means of communication and a symbol of ethnicity, language can be easily manipulated for political or social goals.² The current English-only movement seeks to control access to the political process by manipulating differences in language proficiency.³

FOR WHOM AND WHY WAS THIS HANDBOOK WRITTEN?

The purpose of this handbook is to provide language minority communities the tools necessary to fight against English-only legislation. The handbook sets forth an overview of the English-only movement, distinguishes the myths from the realities in the debate, and offers tips on how to successfully mobilize around this issue. Some English-only laws yield polarizing consequences, negatively affecting the everyday lives and activities of those who have little or no proficiency in English. To help Asian Americans understand and address such restrictive proposals, NAPALC has produced this handbook. If you are successful in your campaign against English-only legislation, please inform NAPALC and share the strategies you used, what obstacles you faced, who your opponents were, and the effective elements of your campaign so that others can apply them in their own communities.

THE ENGLISH-ONLY DEBATE

Q: What are English-only laws?

A: English-only laws establish English as the “official” language of a town, state or country. Established through local, state, or federal legislation, or through voter referendums and initiatives, English-only laws vary considerably in their provisions. Generally, they require that all official documents be printed in English. “Symbolic” English-only laws are declarations, similar to those that designate a state flower or a state bird, and often do not explicitly forbid the use of languages other than English. Some laws, however, prohibit the government from conducting business in languages other than English. Others limit bilingual education programs and prohibit the provision of courtroom translators and multilingual emergency police hotlines. Some laws prohibit or restrict the use of non-English languages on business signs, while others forbid the government from funding activities involving languages other than English.

Q: Who are limited English proficient (LEP) individuals?

A: LEP individuals, according to the government’s current definition, “have a limited ability to speak, read, write or understand the English language.”⁴ For LEP persons, language is a barrier to accessing benefits or services, understanding and exercising important rights, or understanding other information provided by federally funded programs and activities.

Q: What is the rationale behind English-only legislation?

A: Advocates, who call such legislation “official English” rather than “English-only,” believe that English is the “glue” that holds America together. Organizations in favor of official English legislation contend that multilingualism creates cultural divisions and hinders the rates of assimilation and English acquisition of immigrants. Supporters believe that making English the official language will unify disparate social and ethnic groups. They argue that English-only laws encourage immigrants to become more proficient in English by removing the “crutches” provided by multilingual governmental services, bilingual ballots, and bilingual education.⁵

Q: What’s wrong with English-only legislation?

A: English-only laws:

- Deny tax-paying LEP individuals fair and equal access to governmental services to which they are entitled.⁶
- Seek to eliminate non-English languages from important public forums, such as the government, the voting booth, the classroom, and the workplace.⁷

- Exclude all language minorities, regardless of their English proficiency, from full participation in American society.⁸ Language minorities include immigrants who speak non-English languages; citizens and nationals of Puerto Rico, Native American reservations, and U.S. territories in the Pacific; and deaf people who communicate in sign language.⁹
- Raise serious constitutional issues, particularly with respect to the First and Fourteenth Amendments.
- Are motivated by nativism and founded on false assumptions and stereotypes of immigrants.¹⁰
- Fail to promote the assimilation of immigrants into American society.
- Encourage xenophobia of “foreign” languages and foster anti-immigrant bigotry.¹¹
- Are divisive and express intolerance of diversity and freedom – the very principles upon which our country was founded.¹²

Q: Does English-only legislation affect Asian Americans?

A: Yes. English-only legislation threatens to disconnect those Asian Americans with limited or no proficiency in English from their government. Census 2000 indicated that of the 11,898,828 individuals who reported their race as Asian, whether alone or in combination with other races,¹³ 6,960,065 million spoke Asian languages at home.¹⁴ Of the Asian language-speaking population, 18.1% spoke English “not well” and 4.4% people spoke English “not at all.”¹⁵ Furthermore, there were 804,731 Asian American households that were “linguistically-isolated,” meaning that no one in the household over the age of 14 could speak English.¹⁶ The March 2002 population survey indicated that there were 7.8 million Asian or Pacific Islanders who were foreign-born.¹⁷ For such Asian Americans and other language minorities, laws declaring English as the official language exclude them from the rest of society and prevent them from understanding messages conveyed by the government.

Q: How can English-only laws affect our daily lives?

A: Restrictive English-only laws can have a devastating impact on LEP individuals. They can deny or restrict access to health, safety, and law enforcement services. Furthermore, voting, education, employment, and other social services for LEP individuals can be curtailed if English-only laws are implemented.

Health and safety services

Some English-only laws could compromise the health and safety of LEP individuals. For example:

- *Translated notices regarding AIDS prevention, breast cancer, prenatal care, immunizations, or vaccinations would be unavailable.*

- *The lack of adequate language assistance services could impede the effectiveness of disaster relief and recovery efforts.* In New York City, the Federal Emergency Management Agency (FEMA) provided disaster relief following the September 11th attacks. However, because the disaster relief information was provided in English and Spanish only, efforts to provide relief to people who spoke other languages, especially those who lived in Chinatown, were slowed. This became a stumbling block in the overall disaster recovery process, which then impacted negatively on the national economy.¹⁸
- *Patients may be misdiagnosed due to an inability to communicate effectively with their doctors.* For instance, an elderly Spanish-speaking man who was depressed and refused to eat was improperly placed in a psychiatric ward until a hospital translator discovered him. His family, unaware of his whereabouts, had been searching for him along highways in the Los Angeles region. Had a translator been provided earlier, the trauma suffered by the LEP individual and his family would have been prevented.¹⁹
- *When trained interpreters are not provided, patients may be forced to rely on their children or other relatives as “translators.”* In some circumstances, patients may minimize or lie about sexual history or spousal abuses to avoid embarrassment in front of their family members. In other situations, untrained translators fail to communicate accurately with doctors, leading to incorrect diagnoses. For example, a medical clinic serving a Hmong community discovered that patients whose children were misinterpreting medical instructions were returning to the clinic with recurring conditions that should have been cured.²⁰
- *Without translators available to staff emergency hotlines, LEP individuals may not be able to rely on services such as “911.”* For instance, language barriers between “911” operators and a LEP rape victim led the operators to hang up on the victim three times before she was able to report her attack to the police.²¹

Law Enforcement Services

English-only laws can prevent parties in administrative, civil, and criminal judicial proceedings from receiving a fair trial. Such restrictive statutes can lead to a breakdown in due process and equal protection for non-English speaking litigants. (*See page 12 for a brief description of the Due Process and Equal Protection Clauses of the Fourteenth Amendment.*) Indeed, access to the judicial system is meaningless for LEP individuals unless adequate translation and interpreter services are provided. It is intimidating enough to deal with the intricacies of the legal system; for a LEP individual who cannot rely on interpreter services, the process becomes even more daunting.

Recognizing the need to provide linguistic assistance to ensure access to the judicial system, many states, including California and Massachusetts, offer interpreter services. As of January 2003, California, the most linguistically diverse state in America, offered certification for court interpreters in fourteen languages: Arabic, Armenian, Cambodian,

Cantonese, Japanese, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, Vietnamese, and American Sign Language.²²

- The failure to provide language assistance in legal proceedings can lead to a variety of negative consequences. Examples include:
 - A battered wife attempting to seek a restraining order against her violent husband might not receive appropriate relief.
 - A small business that is defending a lawsuit may not be able to adequately set forth its defenses.
 - Recipients of government benefits may have their benefits unjustly terminated, causing agencies to reinstate benefits, to process duplicative applications, and to engage in appeals.
 - A LEP client lost her food stamp benefits and Temporary Assistance to Needy Families (TANF) because she failed to respond to a notice requiring verification of wages from previous employers. Although the client had attempted to ask her caseworker about the notice, she was unable to communicate with the English-speaking worker. However, with the assistance of the Greater Boston Legal Services (GBLS), the client's benefits were reinstated.²³
 - A Cambodian refugee with five children was laid off from his job. He repeatedly attempted to file an unemployment claim; however, because he could not communicate with the state agency, he and his family spent most of the winter without income.²⁴
 - In California, a Cantonese man who had filed a wage claim against his employer was forced to rely on his employer as a translator during his hearing.²⁵
- *Furthermore, without translators or interpreters, LEP individuals may not be able to communicate effectively with police in reporting crimes or serving as witnesses.*
 - For example, in Long Beach, California, a father witnessed his son's shooting by gang members in front of his house. After a neighbor called "911," the police arrested the father due to miscommunications. The father was later released after bystanders explained the situation.²⁶ Experiences such as these can weaken law enforcement's efforts to control crime and ensure public safety, in addition to negatively influencing LEP communities' general view of law enforcement and their willingness to participate in the system.

Q: How can English-only legislation affect voting?

A: English-only legislation can violate the right to vote. Some proposed English-only laws have sought to repeal provisions of the Voting Rights Act of 1965,²⁷ which requires jurisdictions with a certain number of linguistic minorities to provide bilingual voting assistance. Studies have shown that many LEP citizens utilize bilingual ballots and would not vote if not for the mandated translations. The elimination of bilingual ballots would impose burdens on LEP individuals and would enable states to exclude a group of citizens from the electoral process based on their language abilities. Moreover, the Supreme Court has ruled that laws giving states discretion to control the make-up of the voting population by imposing burdens on minority groups are unconstitutional. For example, in *Louisiana v. United States*, the Court struck down a requirement that voters take a test interpreting part of the state constitution before registering to vote.²⁸

Q: How has English-only legislation affected education?

A: English-only laws threaten to impede the academic advancement of LEP children, removing them from bilingual classrooms before they are ready to transition into mainstream classrooms. Furthermore, some English-only proposals have sought to eliminate funding by the federal government for bilingual education programs that help LEP children learn English. In 1974, the Supreme Court held that Chinese American students who were not proficient in English were denied equal educational opportunities in violation of the Civil Rights Act of 1964 by the school's failure to provide English language assistance, which precluded the students from receiving meaningful instruction.²⁹ In accordance with these principles, Congress passed the Bilingual Education Act to ensure that immigrant children receive the same access to education as non-immigrant students. English-only laws calling for the end of bilingual education would violate both the Bilingual Education Act and the Civil Rights Act of 1964.

Q: How has English-only legislation affected the workplace?

A: While English-only legislation applies primarily to government services, such legislation encourages private employers to discriminate on the basis of English proficiency.³⁰ Numerous employers have instituted rules that require their employees to speak in English only at the workplace. Unlike federal or state legislation, English-only rules are easily implemented by employers. Indeed, the proliferation of such rules in the workplace is alarming. The number of English-only rule complaints filed with the U.S. Equal Employment Opportunity Commission ("EEOC") and local Fair Employment Practices Agencies has increased from two such charges in Fiscal Year 1993 to 274 charges in FY 2002, giving a total of 1,090 English-only rule charges during that time period.³¹ The EEOC's policy on English-only rules is set out in its *Guidelines on Discrimination Because of National Origin*, which defines "national origin discrimination" to include language-based discrimination.³² English-only rules instituted by private employers violate Title VI of the Civil Rights Act of 1964,

unless the employer can show that the English-only workplace rule is absolutely necessary for business purposes. There have been numerous successful lawsuits against employers whose English-only rules discriminate against language minorities. For instance, in April 2001, the EEOC settled a landmark \$2.44 million lawsuit against the University of Incarnate Word, a private university in San Antonio, Texas, on behalf of 18 Hispanic housekeepers who were subjected to an unlawful English-only rule and repeated verbal and physical abuse.³³

Q: How can the government or the private sector use an English-only law to the detriment of LEP persons?

A: The following are some ways in which the government or private sector could curtail the rights of language minorities:

- A city might prohibit or unreasonably restrict the amount of non-English languages on business signs and fine Asian-owned businesses for having Asian words in their signs. (See “*Language Restrictive Sign Ordinances*” in the *Appendix on page 37.*)
- A state might require drivers’ license tests to be given only in English. For example, the Alabama Department of Public Safety stopped offered licensing examinations in non-English languages when the state legislature adopted a constitutional amendment declaring English as the official language.
- The federal government could require that all federal business be conducted in English, making it difficult for LEP individuals to communicate with agencies such as the Internal Revenue Service or the State Department.
- Private employers could impermissibly extend an English-only law by refusing to hire individuals who are not fluent in English or paying them lower wages. A 1999 study by the Federal Reserve Bank of Atlanta found that males not fluent in English suffered a “wage penalty” in states with English-only laws. Analyzing figures from the 1980 and 1990 Census, the study found that the annual salaries of LEP males in states with “official English” laws were approximately 12% less than those of other male workers.³⁴ Moreover, the relative likelihood of employment for LEP Asian males declines by more than 6% when states adopt English-only laws.³⁵

Q: Do English-only laws provide exceptions in certain contexts?

A: Yes, some English-only laws permit the use of non-English languages in situations where public health, safety, education, or judicial access is compromised. **However**, these exemptions are seldom sufficiently comprehensive and are exercised at the discretion of a government agency or employee. With no clear guidance about how and when exemptions should be exercised, government agencies and employees

could arbitrarily invoke the use of an English-only law, leading to broad-ranging discriminatory impact that the proponents of the law did not envision.

Q: Do English-only laws help language minorities in learning English?

A: No. English-only laws have done nothing to improve or expand English language programs. For example, since the passage of Utah's English-only law in 2000, schools have not received additional funding for English as a Second Language (ESL) classes, and they have not begun new ESL programs or expanded existing ones. In fact, two years after Utah's English-only law took effect, state legislators questioned the necessity of ESL courses.³⁶

As English proficiency is an important indicator of successful integration into American society, the importance of ESL programs cannot be emphasized enough. ESL classes provide intensive English instruction for those whose primary language is not English and assist students in reaching the age-appropriate level in reading, writing and speaking English. The demand for ESL programs is gaining aggressive ground, as indicated by the increase in class sizes, enrollment figures, and waiting lists.³⁷ From 1991 to 2002, the number of ESL students nationwide in the K-12 system increased by 95% (to 4.75 million), while total public school enrollment rose only 12%.³⁸ In Nebraska, Georgia and North Carolina, ESL enrollment figures increased more than sixfold, while it tripled in Nevada, Minnesota and Oregon, among other states.³⁹ In regards to adult learners, the U.S. Department of Education reports that English language programs constitute a greater share of overall enrollment than either adult basic education or adult secondary education. In Fiscal Year 2000, 1.1 million adults were enrolled in ESL courses.⁴⁰ Of adults, Latinos have constituted the largest percentage of those enrolled in ESL classes, while Asians have constituted the second largest.⁴¹ Studies have found that the predominant goals of ESL learners include succeeding in the workplace, becoming more active in their children's education, as well as gaining increased civic participation for themselves.⁴² Moreover, adults in ESL courses show higher levels of enthusiasm for learning English and stay in these classes longer than do their counterparts in other adult basic education classes.⁴³

While LEP individuals are enthusiastic about learning English, however, funding for ESL programs has dropped dramatically, especially in primary and secondary education.⁴⁴ The need for additional ESL classes is imperative, as evidenced by the fact that in many communities, thousands of people are on lists to attend ESL classes, whose waiting periods often extend to months or even years.⁴⁵ For example, in Dallas, 6,000 people are on a one-year waiting list, while in Seattle, 3,000 adults are anxiously waiting for an opening in one ESL program.⁴⁶ In New York, over 1,000 people are on the waiting list for a single public library's ESL program.⁴⁷

Although some ESL educators believe that English instruction is most effective when taught monolingually, evidence from both research and practice indicate that the underlying rationale for enforcing English-only in the classroom is neither conclusive nor pedagogically convincing.⁴⁸ Thirty years of research show that ESL students in

dual-language programs outperform their English-only counterparts after four to seven years.⁴⁹

Q: What alternatives are there to English-only legislation?

A: Two courses of action that accommodate and support the needs of LEP individuals include:

- 1. Increase funding for English instruction, such as ESL programs.** More funding for ESL classes will ensure that immigrants are acquiring English proficiency and will eventually decrease the amount of government spending on bilingual programs. Moreover, more funding for ESL classes will enable immigrants to develop the language skills necessary to obtain employment without being penalized for not speaking English.
- 2. Promote “English Plus,” rather than “English-Only.”** The “English Plus” philosophy focuses on the importance of English proficiency, while encouraging the development of skills in other languages. The English Plus movement promotes the values of multilingualism and diversity and supports legislative measures seeking to provide linguistic assistance to LEP individuals.

English Plus resolutions have been introduced at both the state and federal levels. Hawaii, an officially bilingual state, has declared both Native Hawaiian and English as its official languages.⁵⁰ In addition, a number of states and cities have adopted resolutions endorsing the principles of English Plus, including New Mexico,⁵¹ Rhode Island,⁵² Oregon,⁵³ and Washington.⁵⁴ Several organizations, including the American Civil Liberties Union, have either signed-on to statements or made statements of their own in support of English Plus.

Q: Are there any federal laws that protect language minorities?

A: Yes, such laws include:

- **Voting Rights Act**, which prohibits English-only elections and requires bilingual voting materials such as ballots and voting notices to be provided in jurisdictions where a language minority group constitutes more than 5% of the population or numbers more than 10,000, and has below average rates of illiteracy.⁵⁵
- **Food Stamp Act of 1977**, which requires states to provide written and oral language assistance to LEP persons under certain circumstances.⁵⁶
- **Court Interpreters Act**, which calls for the provision of interpreters in federal civil and criminal trials that involve parties or witnesses who are not proficient in English.⁵⁷

- **Equal Educational Opportunities Act of 1974**, which calls for educational agencies to take “appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.”⁵⁸
- **Disadvantaged Minority Health Improvement Act**, which requires the Office of Minority Health (OMH) to develop programs to provide bilingual or interpreter services and to increase the access of LEP persons to health care.⁵⁹
- **Public Health Service Act**, which states that health centers, substance abuse services, and other health programs serving a significant number LEP individuals must provide competent personnel fluent in their language.⁶⁰
- **Immigration and Nationality Act**, which requires interpreters to be provided during the physical and mental examination of arriving aliens.⁶¹
- **Executive Order 13166**, issued by President Clinton in August 2000, which requires federal agencies (such as the Department of Labor) to develop and implement services that ensure that LEP persons have meaningful access to the programs they provide. The Executive Order also requires federal agencies to provide guidance to recipients of federal funding on how to comply with Title VI of the Civil Rights Act of 1964, which prohibits national origin discrimination. The Executive Order seeks to ensure that LEP individuals have sufficient access to federally funded services.⁶²

In addition, the following legislation offers broad protection to language minorities:

- **1st Amendment**, which protects free speech. By prohibiting the use of non-English languages in government operations, English-only laws violate the free speech rights of government employees and elected officials and impinge on the rights of Americans to give to, and receive communications from their government.
- **Title VI of the Civil Rights Act of 1964**, which prohibits discrimination based on national origin. In the 1965 case, *Lau v. Nichols*,⁶³ the Supreme Court determined that language is incorporated in national origin.
- **Equal Protection Clause of the 14th Amendment**, which prohibits governmental discrimination on the basis of race, ancestry, national origin, or ethnicity.
- **Due Process Clause of the 14th Amendment**, which assures that individuals are not deprived of life, liberty, or property without due process.

Myths & Realities

The Truth About English-Only Laws

Myth	Reality
<p><i>State or Federal legislation declaring English as the official language is a harmless, symbolic gesture.</i></p>	<p>The reality is that English-only laws can have real-life, practical implications that would restrict LEP individuals from receiving fair and equal access to government services and benefits, such as health care, social security, emergency care, and public education.</p>
<p><i>Without English-only laws, immigrants have no incentive to learn English and integrate into society.</i></p>	<p>Research suggests that today’s immigrants are learning English and assimilating faster than earlier generations did.⁶⁴ In fact, more than 75% of immigrants speak English proficiently within 10 years of arrival and virtually all children of immigrants speak English.⁶⁵</p> <p>English-only laws are not necessary to ensure that immigrants learn to speak English. Immigrants already understand the role that proficiency in English plays in achieving educational and economic success in America. Their eagerness to learn English is demonstrated by the large enrollment in ESL programs and the long waiting lists that often number in the thousands for such programs.</p>
<p><i>English-only laws are necessary to make government more efficient and less bureaucratic.</i></p>	<p>The reality is that the use of languages other than English makes it easier to serve taxpayers. English-only laws result in greater miscommunication and inefficiency, as non-English speaking persons would be unable to understand the messages conveyed by the government. Declaring English as the official language would hinder the government from implementing its programs.</p> <p>It is more efficient for such government agencies to provide multilingual services so that they might conduct their operations more effectively and prevent miscommunications. For example, the Census Bureau translated its questionnaires into Spanish, Chinese, Tagalog, Vietnamese and Korean, and provided “assistance guides” in 49 other languages, in addition to language telephone assistance, to ensure that language minorities were counted in Census 2000.⁶⁶</p>

<p><i>The government is spending billions of taxpayer dollars on multilingual programs and services.</i></p>	<p>The reality is that more than 99.9% of federal documents are printed in English, according to the General Accounting Office.⁶⁷ Only 200 (less than ½ of 1%) of the 69,000 federal agency documents published between 1995 through 1997 were printed in non-English languages.⁶⁸</p>
<p><i>The use of many foreign languages divides our country along “linguistic lines” and makes us less united.</i></p>	<p>The “glue” that holds America together is not the English language, but the ideas embodied in the Declaration of Independence and the Constitution. The strength of our country lies in our tolerance of diversity: in race, language and ideas. By forcing immigrants to communicate only in a language that they do not fully understand, English-only laws disengage them from the government and the general public, thereby dividing the country along linguistic-ability lines.</p>
<p><i>If immigrants continue to use their native languages, use of the English language will diminish.</i></p>	<p>As the predominant language of the U.S. and the leading world language for science, technology, and business,⁶⁹ English is certainly not in jeopardy. According to Census 2000, 96% of the American population spoke English “well” or “very well.”⁷⁰ Furthermore, 85.7% of the population five years or older spoke only English.⁷¹ Indeed, if there are any languages threatened with extinction, it is those of the immigrants. Sociologists consider the U.S. a “language graveyard” because many immigrants’ native languages are completely lost after a few generations.⁷²</p>

English-Only Legislation in the Present

Q: What is the status of English-only legislation at the state level?

A: 26 states have adopted official language laws. (See “*English-Only Legislation in the States*” in the Appendix on page 40.) The statutes come in varying forms: some simply declare English as a state’s official language but include no other mandates. Other laws require government communications and publications, including state ballots and public school documents, to be in English only.

The trend toward adopting English as the official language is fairly new, as 22 of the 26 states with English-only laws passed them since 1981. Subtracting the officially bilingual state of Hawaii and the two states of Arizona and Alaska, whose English-only initiatives have been overturned, there is a total of 23 states whose English-only laws are still in effect.

Pending English-only legislation (2003)

States that are currently considering English-only legislation include Connecticut, New York, and Oklahoma. Both the Connecticut⁷³ and Oklahoma⁷⁴ bills require all official documents to be printed in English, while the New York legislation goes even further - mandating English to be used in all court business, voter registration and ballots, and even driver’s licenses and driver tests.⁷⁵ The Oklahoma bill allows government officials to use other languages whenever necessary to protect citizens’ health, safety, or liberty.

The 2 Erroneous Claims Regarding Louisiana and Massachusetts

Louisiana: Although U.S. English and other English-only advocates claim that Louisiana was the first state to declare English as its official language,⁷⁶ Louisiana never did so. The state’s first constitution of 1812 required all laws, public records, and judicial and legislative written proceedings to be “promulgated, preserved and conducted in the language in which the constitution of the United States is written.”⁷⁷ However, publication of documents was not exclusively in English, as other provisions of the constitutions of 1845 and 1852 required promulgation of the laws in both French and English.⁷⁸ Indeed, statutes were printed in both languages until 1881.⁷⁹ However, protections for the French language were gradually eliminated from the constitution, with the advent of the Civil War, the subsequent defeat of the South, and the rise of the Republican Party, which consisted of very few French.⁸⁰ The 1864 constitution, reflecting the prevailing anti-French sentiment of the times, was the first to require public school instruction in English.⁸¹ The 1868 constitution became more pro-English, mandating the publication of the laws in English: “The laws, public records, and the judicial and legislative proceedings of the State shall be promulgated and preserved in the English language; and no laws shall require judicial process to be issued in any other than the English language.”⁸²

However, what is most important is that constitutional protections for the French language have been re-established. Today, Louisiana's Revised Statutes declare that state and local officials and public institutions are permitted to publish documents in French, in addition to English.⁸³ Furthermore, any act or contract made or executed in French is as legal and binding as if it had been made or executed in English.⁸⁴

Massachusetts: U.S. English claims that Massachusetts passed an English-only law in 1975. However, this claim is mistakenly based on a judge's offhand statement in a case in the state's supreme judicial court involving a Portuguese-speaking worker who failed to respond in time to a notice written in English regarding her disqualification of unemployment compensation benefits and appeal rights. Holding that official communications in English are reasonable and are sufficient to constitute effective notice, the judge declared in a superfluous, non-legally-binding statement, "English is the official language of this country and of this Commonwealth."⁸⁵ Furthermore, there was, and still remains, no statutory support for the judge's statement.⁸⁶

Although English-only legislation has been introduced repeatedly in the Massachusetts state legislature since the 1980s, none of the bills have passed.

Q: Is there a federal English-only law?

A: No, although Congress has considered seventeen English-only bills since 1981.⁸⁷ Although most bills have not gone very far, the English Language Empowerment Act of 1996 passed in the House of Representatives, but failed to move in the Senate. The bill would have made English the official language of the federal government and would have prevented federal employees from communicating with citizens in any other languages. Since then, numerous attempts to make English the official language of the federal government have surfaced in Congress. The 108th Congress is currently considering the "National Language Act of 2003" and "The English Language Unity Act of 2003," in addition to an "English Plus Resolution." (*For the text of the latter two bills, see the Appendix, pages 41-46.*)

Q: Are English-only laws constitutional?

A: English-only laws in several states have been struck down as unconstitutional:

➤ **Arizona**

In 1988, an Arizona state employee named Maria-Kelley Yniguez filed a lawsuit challenging an amendment to the state's constitution. In addition to declaring English as the official language of the state, it designated English as "the language of the ballot, the public schools, and all government functions and actions."⁸⁸ Both the federal district court in Arizona and the Court of Appeals for the Ninth Circuit held the English-only law to be unconstitutional because it violated the Free Speech Clause of the First Amendment. The case,

entitled *Arizonans for Official English v. Arizona*, was appealed to the U.S. Supreme Court, who unanimously vacated the judgment of the Ninth Circuit on March 3, 1997.⁸⁹ Because Ms. Yniguez voluntarily resigned from her position with the state, the justices ruled that the case was moot. Ruling that the lower courts should have certified the question to the Arizona Supreme Court, the judges did not express an opinion on the constitutionality of English-only legislation.

In a separate case, *Ruiz v. Hull*⁹⁰ of April 1998, the Arizona Supreme Court held that the very broad Arizona English-only law was unconstitutional for violating both the First Amendment and the Equal Protection Clause under the Fourteenth Amendment. Although the Court identified Arizona's English-only law as "by far the most restrictively worded official-English law to date," the Court held that if it had been more symbolic and more narrowly tailored, the law would have been judged as constitutional. The Court referred to the English-only laws in Florida and Colorado as examples of symbolic laws that were likely to be constitutionally permissible.

➤ **Alabama**

Martha Sandoval, a woman of Hispanic origin, filed a private lawsuit in 1990, alleging that Alabama's English-only driver's license tests violated a federal prohibition against discrimination by state agencies that receive federal funding.

While both the District Court and the Eleventh Circuit Court of Appeals held Alabama's English-only law as unconstitutional in violation of Title VI of the Civil Rights Act of 1964, the U.S. Supreme Court reversed the lower courts' decisions on the technical grounds that Sandoval had no right to sue the government over alleged discrimination.⁹¹ Focusing only on the procedural question of an individual's right to sue, the Supreme Court did not address the constitutional merits of English-only driver's tests. However, Justice Stevens, writing the dissent on behalf of the Supreme Court's minority, encouraged judicial activists to continue their efforts to prohibit the government from adopting English-only legislation.

➤ **Alaska**

In March 2002, the Superior Court of Alaska struck down the state law requiring government workers to communicate only in English while conducting public business.⁹² Although the initiative had been approved by 70% of Alaska's voters in 1998, the law had never been enforced because Spanish, Yup'ik, and Inupiaq speakers immediately filed a lawsuit. The challengers, among them the Alaska Civil Liberties Union and the Native American Rights Fund, obtained a

court order in March of 1999, preventing enforcement of the law until its constitutionality was decided.

The Alaska Superior Court judge sided with the challengers, holding that the English-only law violated the Alaska Constitution's free speech provision. The judge affirmed that government employees' communication with the public in languages other than English would improve government efficiency. The group that supported the English-only legislation, *Alaskans for a Common Language*, appealed the decision. The case is currently pending in the Alaska Supreme Court.

➤ **Oklahoma**

On May 10, 2000, proponents began a petition drive for the enactment of a statute to designate English as Oklahoma's official language. The proposed statute called for all state business to be executed only in English and prohibited the translations of public documents or provision of services in different languages. In April 2002, the Oklahoma Supreme Court held that the initiative petition was legally insufficient for submission to a vote because it violated the right to free speech, the freedom to petition the government for redress, and the legislature's policy-making function.⁹³ However, in the years since the initiative was struck down, a series of "English-only" laws have been proposed in the Oklahoma state legislature, none of which have been successful.

Advocacy Against English-Only Legislation

Lessons from Utah and Brown County, Wisconsin

Q: What happened in Utah?⁹⁴

A: Opponents of English-only legislation successfully prevented the adoption of an English-only law twice in Utah. In 1997, the Utah House of Representatives in Utah considered a controversial English-only bill, sponsored by Representative Tammy Rowan (R-Orem), but it failed to pass. Two years later, Rep. Rowan introduced the legislation again, but the House voted against the English-only bill by a margin of 43-31. The legislation, which would have been the most restrictive official English law in the country, sought to prohibit state agencies from conducting government business or printing information in any language other than English.

Q: How did community organizations oppose Utah's English-only legislation?

A: In 1997, a coalition that came to be known as "Utah Common Voices" launched a public relations and public education campaign opposing the legislation. Utah Common Voices was a formidable group, composed of Latino Americans, Native Americans, Asian Americans, African Americans and Caucasians. Utah Common Voices staged many public events before the 1997 legislative session began. Events included a rally before the start date of legislature, during which about thirty speakers spoke of the dangers of English-only legislation in different languages. By the time the bill was introduced before a committee in the Utah House legislature, there was a general perception that it was divisive and did not garner much support. The bill died in committee and was not introduced to the entire House.

In 1999, Utah Common Voices used a different strategy. Because the bill was directly introduced on the House floor in 1999, coalition members engaged in legislative advocacy and media relations. The coalition compiled packets for each member of the Utah House with information about the harmful effects of English-only legislation as well as statements from local and national organizations protesting against the bill. Utah Common Voices also sponsored a press conference to focus the local media's attention on the bill; speakers from different member groups wrote and spoke about the legislation's effects on their communities.

The issue became so important that it was debated in the auditorium of the state Capitol where, in a show of support, opponents of the legislation packed the auditorium. As a result of the coalition's efforts, the English-only bill was defeated by the Utah legislature in January 1999.

Q: Did an English-only law pass in Utah?

A: Yes. Despite the coalition’s previous two successes in the state legislature, an English-only measure passed by a majority of Utah voters in 2000. The vast financial resources of U.S. English enabled Rep. Rowan and other proponents to gather enough signatures to place the English-only issue before voters on the November 2000 ballot as a citizens’ initiative.⁹⁵ Although many elected officials, including Governor Mike Leavitt and Attorney General Mark Shurtleff, voiced opposition against the ballot initiative, the measure was upheld in the state’s Third District Court in March 2001. The judge interpreted the law as largely symbolic and permitted government officials and employees to speak in any language. Although the American Civil Liberties Union (ACLU) had planned to appeal to a higher court, they decided to drop their appeal when the court stripped the law of most of its potential for harm and the state’s Attorney General designated a staff lawyer to advise agencies on the proper scope of the law.⁹⁶

Q: How has the English-only law affected Utah?

A: The statute seems to have had little effect on Utahns.⁹⁷ According to state, local, and school officials, communities do not seem to be any more unified, and immigrants do not appear to be learning English any faster. Assistant Attorney General Jerrold Jenson, who was given the responsibility of handling English-only matters, has not received calls from any agencies nor any complaints related to the English-only law. In Jenson’s view, the judge’s ruling essentially made the law “meaningless.”

However, one significant effect of the English-only law was seen in the 2002 Winter Olympic Games in Salt Lake City. All road signs, including Olympic-specific signs, were written only in English, even though the Olympics’ official languages are French and English.⁹⁸

Q: What happened in Brown County, Wisconsin?⁹⁹

A: On July 17, 2002, after months of heated debate, the all-white Brown County Board of Supervisors passed a resolution through a 17-8 vote declaring English to be the “language of government in Brown County.” The English-only issue had sparked great controversy in the increasingly diverse county, with its influx of Latino, Hmong and other Asian immigrants who had come to work in the paper mills, meat-processing plants, and fields and orchards of Wisconsin. Out of the 226,778 residents of Brown County, 8,914 people (3.9%) are foreign-born, while 7,543 (3.6%) speak English less than “very well,” according to Census 2000.¹⁰⁰

Through a comprehensive mobilization effort across both the local and national levels, opponents of English-only legislation managed to persuade Brown County Executive Nancy Nusbaum to veto the English-only resolution. Although County Executive Nusbaum expected the county board to override her veto, her strong conviction in

protecting the civil rights of minorities led her to exercise the right to veto for the first time.

Even though the English-only resolution was eventually passed, the mobilizing effort was successful in that it gave a voice to the Hmong community, comprised of 3,206 individuals. The campaign against the English-only resolution enabled the Hmong community and the issue of language access to become more visible to the county board, as they did not expect the Hmong to be vocal in legislative matters.

Q: What strategies did local and national organizations use to oppose the legislation in Brown County?

A: Seeking technical assistance in their campaign against the English-only resolution, one of the two local Hmong organizations in Brown County contacted Hmong National Development, Inc. (HND), a national non-profit organization devoted to ensuring the full participation of Hmong people in society. In collaboration with NAPALC and the Southeast Asia Resource Action Center (SEARAC), HND worked to empower the local groups, providing them with the tools necessary to organize successfully. HND advised the local Hmong organizations to collaborate with other groups, such as Latinos, who were working towards the same goal. Acting as facilitators in the mobilization effort, NAPALC, HND, and SEARAC assisted the local groups by providing a handbook, holding training sessions, making phone calls, releasing public statements to prominent and small ethnic-based newspapers, and contacting other national organizations, such as the ACLU and the Mexican American Legal Defense and Education Fund (MALDEF). Both local community groups and national organizations sent individual letters of concern to the county board members and county executive. The strategies employed by the local and national organizations enabled the controversy in Brown County to receive national media coverage in the Chicago Tribune and the New York Times.

Q: How were the Hmong and Latino communities affected by the resolution in Brown County?

A: After the Hmong Association of Green Bay, Inc. publicly opposed the English-only resolution, they began receiving letters from people telling them that they were not welcome in Brown County. Furthermore, some residents approached their Latino neighbors, misinforming them that the English-only resolution would prohibit them from playing music in Spanish. Following the passage of the resolution, the county board unanimously adopted a document printed partially in Hmong and Spanish as an official policy of Brown County. They assured the Hmong that language assistance services would not be eliminated and that access to these services would remain guaranteed.

Q: How is the Hmong community faring in Brown County now?

A: Today, there are more conversations in Brown County about language access than ever before. Yet, while access to language services has not been reduced, ESL classes

have been cut. Although the county's English-only resolution contains language encouraging the federal and state government to provide adequate funding for English instruction, ESL classes have been cut due to the lack of funding and support from Wisconsin's welfare program, known as Wisconsin Works, which assumes a "work first" approach, emphasizing employment rather than education and training.

Q: Has there been any recent developments in post-work advocacy in Wisconsin?

A: Three social-work majors at the University of Wisconsin-Green Bay organized a march and a rally on a Saturday afternoon in April 2003 to protest against the English-only resolution and to raise awareness of minorities in the community.¹⁰¹ Although all 26 county board members were invited to attend, only a few showed up. Outgoing County Executive Nusbaum and a couple of community activists spoke to a crowd of more than 50 people.

Advocacy Against English-Only Legislation

Take Action

BEFORE THE ENGLISH-ONLY LAW IS PASSED

Q: Based on the experiences in Utah and Brown County, what are some concrete advocacy activities that my community can conduct if English-only legislation becomes an issue in my city or state?

A: Although Utah Common Voices and the coalition in Brown County ultimately lost in their campaigns against English-only legislation, the advocacy strategies suggested below are still excellent activities that could be undertaken in response to harmful English-only legislation. The most important thing to remember is to **strategize, strategize, strategize**. To develop successful strategies, it is important to know where the fight will be played out and who the “players” will be.

- **Form a broad, diverse coalition that encompasses the local, regional, and national levels.** There is always strength in numbers and in diversity. A coalition representing different communities indicates that the impact of English-only legislation will affect a large group of diverse people. Form a coalition by contacting other ethnic advocacy groups, religious groups, business organizations (such as the Asian Chamber of Commerce in your city), the local ACLU chapter, and so forth. If you represent a local chapter of a regional or national organization, make sure that the entire organization’s membership is aware of the issue. Requesting and receiving the support of national organizations is a powerful strategy, as the Hmong community discovered in Brown County. Enlist the aid of regional or national organizations likely to be anti-English-only, such as ethnic advocacy groups, civil liberties groups, and educators’ organizations. (*See the Appendix on page 47 for a list of groups opposed to English-only and page 49 for a list of English Plus proponents.*) Utah Common Voices gathered statements from about 40 organizations both locally and nationally, which were then included in information packets for members of the Utah House.
- **Develop and communicate a message that is appropriate to your community:** If you are appealing to an Asian American community, inform them in an organizational newsletter or at meetings of the harmful consequences of English-only legislation. Be as specific as possible, and relate your examples to the community’s needs. For instance, if you are a member of an immigrant community, explain how English-only legislation is “anti-immigrant” by mentioning specific examples of how this is so in the context of accessing health care, welfare benefits, or communicating with government agencies and employees.

➤ **How to communicate your message:**

- **Develop written materials.** Utah Common Voices developed a packet of information with statements from various organizations opposing the English-only law. Also persuasive are general talking points about the dangerous impact of harmful English-only laws and “personal interest” stories about people who would be affected by such laws. *(See the Appendix for pieces used in Utah, including a resolution by the Japanese American Citizens League Salt Lake Chapter on page 51 and a statement from NAPALC in opposition to the English-only bill on page 52.)*
- **Encourage letter writing** to national, state, and local representatives, to tell them how to vote on the issue of English-only legislation. *(See the Appendix for a letter written by NAPALC to a Brown County board member on page 53 and a sample letter that you can send to your U.S. Senator or Representative on page 55.)*
- **Make phone calls.** Encourage coalition members to make phone calls directly to their elected representatives’ offices to convey their views personally. Ask colleagues, friends, and family to write or to call their elected representatives to express their views.
- **Invite area legislators to attend a regional conference held by the coalition.** Ask elected representatives to speak or to be available to take questions. Arrange for them to serve on panels or in discussion groups to make the educational process a collaborative one.
- **Encourage your town, city, or county to pass an English Plus resolution.** The English Plus movement has proven to be an effective coalition-builder, bringing together diverse groups to advance the rights of language minorities. *(See the Appendix for an example of an English Plus resolution that is pending in Congress on page 45.)*
- **Lobby one-on-one with elected officials and lawmakers.** With the help of individuals with legislative experience, Utah Common Voices conducted general advocacy among all the House members by developing packets of information about the legislation as well as more direct advocacy by targeting specific House members who might be sympathetic to the coalition’s position.
 - **A word of caution:** Federal law limits the extent of “lobbying” that non-profit organizations can conduct. Utah Common Voices held a session on activities that non-profit organizations can undertake, which proved to be very helpful.

- **Attract media attention:** Utah Common Voices wanted to demonstrate its public support and that the bill was divisive and unnecessary. To convey their message, they staged public events close to the start date of the legislature. After securing contact information for newspapers and radio stations, identify sympathetic columnists or reporters, and do any, or all, of the following:
 - **Hold press conferences** before the vote takes place and ask representatives of your coalition to speak. Ensure that each organization releases a press statement with contact information.
 - **Write letters to the editor or ask the editorial boards of your local newspaper to write an editorial in favor of your position.**
 - **Develop a creative ad campaign.** Run creative ads with captions like “Bilingualism develops the brain” in local newspapers, on a computer network, and in regional professional publications.

Q: What if English-only hasn’t become an issue in my city or state yet?

A: The following proactive projects are suggested by the National Clearinghouse for English Language Acquisition (NCELA), who is an opponent of English-only legislation:¹⁰²

- **Ask your mayor or governor to sign a proclamation declaring your jurisdiction multilingual, multicultural, and/or multiethnic.** Ensure that the press covers it.
- **Sponsor a multilingual, multicultural, and/or multiethnic festival** that celebrates our diversity and achievements in dance, music, art, and literature.
- **Meet with elected officials and legislators to determine their views with respect to English-only and to articulate your commitment to the issue.** If they are in support of English-only, explain why such legislation would be devastating to the LEP community. If the officials are against it, support their reelection and inform them that their position on English-only influenced your support.
- **Encourage public and school libraries to purchase books in the languages of local LEP groups.**
- **Arrange an exchange of language lessons.** Libraries may be willing to offer space for a program in which lessons in English are offered in exchange for lessons in other languages. Tailor the programs for both adults and children.
- **Monitor the education of language minority children in your public schools.**

- **Lobby for increased funds for all types of educational programs, including ESL, maintenance bilingual education, two-way immersion programs, and foreign language education.**
- **Arrange tours for the press and legislators to visit ESL classes, adult education classes, and other bilingual sites.**
- **Host a “Bilingual ESL Community Day” and invite legislators to participate.**
- **Join English-only organizations such as U.S. English to keep informed of their activities.**
- **Sponsor town meetings in which language rights are the topic of discussion.**
 - Possible speakers include: Americans who have lived abroad and have had difficulty adjusting to a new culture and language; language minorities who have had difficulty in American schools; successful graduates of bilingual programs, including both majority- and minority-language speakers; and civil rights and immigration attorneys.

Q: What if U.S. English and other advocates of English-Only become active in my region?

A: The following are some reactive steps that you can take:

- **Arrange a debate with representatives of U.S. English and other English-only organizations.**
- **Tape and transcribe the speeches of English-only advocates.** Develop rebuttals and distribute and discuss this material at local town meetings.
- **Respond to pro-English-only public statements** by writing a letter to the editor or editorial for your local newspaper.
- **Poll residents about their opinions on English-only.** If they are in favor, ask them about their views on the consequences of such a law. Many believe that English-only laws will be merely symbolic and will have no consequential effect on their lives.
- **Write and talk about the effects of English-only laws that have passed in other states and communities.**
- **Disseminate reading lists** on English-only and then organize discussion groups to talk about the issue.
- **Set up a letter-writing booth at ESL classes or other conferences,** where participants can sign and send letters to elected officials.

AFTER THE ENGLISH-ONLY LAW IS PASSED

Q: What should I do if an English-only law is passed?

A: In the days after an English-only law is passed,

- **Read the legislation carefully** and get your elected officials' initial sense of how the English-only resolution impacts your district's policy towards LEP individuals.
- **Write an op-ed** and ask your local newspaper editorial pages to print it.
- **Call and talk to news reporters at local newspapers and radio stations** to give them your perspective on the English-only law.

A: In the months after the English-only law is passed,

- **Monitor language assistance services** to ensure that LEP individuals continue to have sufficient language access.
- **Hold a public forum** to discuss the status of language assistance services.
- **Keep in touch with elected officials** on a monthly basis through e-mail or telephone, monitoring evolving attitudes toward language assistance services.
- **Organize and mobilize opponents of English-only.** For instance, organize a march and/or a rally protesting the English-only measure. Invite community activists to speak at the rally, focusing on the ramifications of the English-only law. Invite the government officials or county board members who passed the measure to the rally as well. Additionally, run letter-writing campaigns that swiftly reply to newspaper or radio stories supporting the English-only legislation.

A Symbolic Battle: **Symbolic vs. Restrictive English-Only Laws**

Compared to restrictive English-only laws that deprive people of government information or services based on language proficiency, symbolic declarations of English as the official language seem innocently benign and unobjectionable. While some states' English-only laws can fairly be depicted as simple declarations of the historic significance of English,¹⁰³ all symbolic English-only laws, regardless of whether they affect government operations or civic life, are offensive for the following reasons:

- **Symbolic English-only laws foster inequality.**
 - English is the prominent ethnic trait of America's dominant core culture.¹⁰⁴ By sanctioning and designating a certain trait as "official," English-only laws relegate all persons who lack the official trait to second-class citizenship.¹⁰⁵

- **Symbolic laws marginalize and reject the cultures of language minorities**
 - Language is ultimately tied to ethnicity and nationality. Although a symbolic declaration may be indicative of the majority language, it denies the existence of other languages and cultures by silencing their use as part of the diversity that this country has celebrated for years.¹⁰⁶

- **Symbolic English-only laws are the equivalent of declaring "white" as the official race and "male" as the official gender.**
 - Like the official designations of race and gender, the official language designation may reflect the existing social order, but it excludes people of different races and ethnicities by treating them as if they do not exist.¹⁰⁷

Furthermore, the underlying danger of English-only statutes lies in the fact that most of them leave state legislatures with the discretion to enact future laws that may go beyond symbolism.

If a symbolic English-only law is passed in your jurisdiction...

- **Ensure that the scope of the law is narrow.** In Utah, the Third District Court Judge Ronald Nehring upheld the state's English-only statute, but later issued a fifteen-page ruling that dramatically limited the scope of the law. Stating that the law was largely symbolic, he held that government officials and employees were "free to communicate with clients and constituents in any language."¹⁰⁸

- **Write letters to the attorney general** encouraging him/her to appoint a staff lawyer to advise state agencies on the proper implementation of the law.

- **Write testimonials** of personal experiences regarding the negative impact of symbolic English laws in your state. Explain to your local and state representatives why the

government should not pass legislation making English the official language. Please forward these testimonials to NAPALC.

If you discover that the English-only law is either overly restrictive or being implemented in an overly restrictive way...

- File a lawsuit to overturn it.
- File a request for a court order to prevent the implementation of the law until its constitutional issues are resolved.

Talking Points for Combating English-Only

- Designating English as the official language of America is **unnecessary** because 96% of Americans already speak English “well” or “very well,” according to Census 2000.¹⁰⁹ Moreover, current immigrants are learning English faster than their predecessors.¹¹⁰
- The United States has survived for more than 200 years without an official language. The “glue” that holds America together is not the English language, but freedom and equality - the ideas embodied in the Declaration of Independence and the Constitution.
- English-only laws fail to promote the assimilation of language minorities into American society. Such statutes are not needed to encourage language minorities to learn English, for they are fully aware that English proficiency is necessary to become productive, wage-earning, tax-paying citizens. The people who are most aware of the social, political and economic importance of English proficiency in America are those who are unable to speak the language.
- English-only laws fail to recognize the importance and the need for effective English language instruction in public schools and adult education. Without proper English language programs such as English as a Second Language (ESL), language minorities will become disenfranchised, unable to access or comprehend vital information from the government.
- The provision of language assistance services to immigrants has not diminished their incentives to learn English. Today, immigrants are very eager to learn English, as evidenced by the dramatic increase in ESL class sizes, enrollment figures, and waiting lists. For instance, the number of ESL students nationwide in the K-12 system increased by 95% (to 4.75 million) between 1991 and 2002, while total public school enrollment rose only 12%.¹¹¹ In Nebraska, Georgia and North Carolina, ESL enrollment figures increased more than sixfold, while it tripled in Nevada, Minnesota and Oregon, among other states.¹¹² According to the National Center for ESL Literacy Education, adult students in ESL programs show higher levels of enthusiasm for learning English and stay in these classes longer than do their peers in other adult basic education classes.¹¹³ It is ESL, and not English-only legislation, that plays a critical role in promoting the assimilation of language minorities into the American mainstream.
- English-only laws are **divisive** because they marginalize and reject the cultures of language minorities and insinuate their inferiority. According to Brigham Young University Professor Bill Eggington, there are three different attitudes that a host community can assume towards immigrants: acceptance, indifference, and rejection. An English-only law sends a message of rejection and could lead to “permanent language enclaves,” in which language communities become closed-off, with little communication with the host culture.¹¹⁴
- Declaring English as the official language conveys the message to our children that only English is a “good” language.

- English-only laws foster language tyranny in that “unofficial” languages are relegated to inferior and lower status.
- English-only laws deny tax-paying language minorities fair and equal access to governmental services to which they are entitled.
- Symbolic English-only laws are **symbolic of the wrong things** - nativist hatred towards immigrants and the rejection of the cultures of language minorities.
- Restrictive English-only laws threaten to disconnect language minorities from important public forums, such as the government, the voting booth, the classroom, and the workplace.
- Designating English as the official language would lead to greater miscommunication; those who are limited English proficient would be unable to understand the messages conveyed by the government.
- English-only laws impede the government from effectively serving language minorities who are not yet proficient in English, hindering the implementation of policies such as public health programs and tax collection.
- Some English-only laws have been struck down as **unconstitutional** under the 1st and 14th Amendments. Such laws represent an egregious intrusion on personal liberty, giving license to government officials to regulate how Americans converse with one another.
- Supporters of English-only legislation overlook the fact that English consists of words taken from many other languages, such as “karate” (from Japanese) and “hamburger” (from German).
- English-only legislation is **futile**. While thousands of people wait for openings in English language classes, laws declaring English as the official language do nothing to expand such programs.
- The diversity of languages and cultures in America has contributed to, and continues to enhance, the richness and variety of English expression.
- Ironically, the current English-only movement advocates monolingualism at a time when multilingualism is needed in the increasingly global marketplace.
- English-only laws are **punitive** measures that prevent language minorities from fully participating in the educational, social, and political activities of our democratic society.

Sample Piece on English-Only Legislation

Please feel free to use the below piece, in part or in its entirety, as part of a letter to the editor of your newspaper, in your organizational newsletter, in a press statement or in a speech. We encourage you to add local examples to make the piece more relevant to your community.

English proficiency is not a skill that needs to be legislated.

While English proficiency is essential to succeed in the United States, it is not a skill that needs to be legislated. Studies show that immigrants are eager to learn English and are aware of the doors that English proficiency will open for them. Funding for programs that assist limited English proficient (LEP) individuals, such as English as a Second Language (ESL) and bilingual education, is more imperative than declaring English as the official language of the United States.

Nonetheless, many states, in addition to members of Congress, continue to press forward to establish English as the official language. While a symbolic declaration may not directly impact government operations or civic life, an official English law sanctions and reinforces a trait of the mainstream culture at the expense of marginalizing other cultures. Because language is a trait of ethnicity, declaring English as the official language is not as benign as designating the iris as the state flower or the eagle as the national bird. Indeed, by officially sanctioning one language over a multitude of others, symbolic English-only laws undermine our spirit of tolerance and diversity.

Furthermore, restrictive English-only laws, which are even more egregious than symbolic laws, disconnect thousands of people from their government. These laws eliminate the provision of oral or written forms of bilingual government services, bilingual education, bilingual ballots, and even bilingual drivers' tests. For the 18.1% of the Asian languages-speaking population that speak English "not well"¹¹⁵ and the 4.4% that speak English "not at all,"¹¹⁶ a declaration of English as the official language could lead to the denial of access to basic health and safety services, the legal system, the ballot box, the classroom, and the workplace.

Taxpayers pay next to nothing for the government to produce multilingual documents.

Proponents of English-only legislation argue that it would be less expensive for the government to conduct its operations solely in English. However, they overlook the fact that the provision of multilingual resources by the government leads to the efficient operation of services. More often than not, it is more cost-effective to provide multilingual services than to not provide them. The IRS would rather print forms or provide assistance in other languages than face the prospect of not collecting taxes. The Census Bureau would rather translate census forms in five languages than face the possibility of undercounting LEP individuals.

With regard to actual cost, taxpayers pay next to nothing for the government to produce multilingual documents. A study by the federal General Accounting Office, commissioned by a member of Congress, found that between 1995 and 1997, only 200 of 69,000 documents printed by the federal government were even printed in languages other than English.¹¹⁷ That was **less than one-half of 1 percent.**¹¹⁸ It is clear that any multilingual benefits provided by government services outweigh the minimal costs involved.

English-only laws are simply unnecessary.

Making English the official language is not necessary to encourage immigrants to attain English proficiency. In reality, immigrants desire to learn English as much and as quickly as immigrants of prior generations. According to experts, about 60% of immigrants and 90% of their children speak English “well” or “very well” within 10 years and join the economic mainstream in 10 to 15 years.¹¹⁹

Real-life examples illustrate the harm done to LEP individuals when access to language assistance is denied.

When government agencies do not provide interpreters or other language assistance services, the results can be devastating across a broad range of areas.

Disaster Relief. The lack of adequate language assistance services impedes the effectiveness of disaster relief and recovery efforts. In New York City, the Federal Emergency Management Agency (FEMA) provided disaster relief following September 11th. However, because the disaster relief information was provided in English and Spanish only, efforts to provide relief to people who spoke other languages, especially those who lived in Chinatown, were slowed.¹²⁰

Law enforcement. In Los Angeles, police officers picked up an elderly Korean man who was lost and unable to explain the location of his home in English. After the police dropped him off far from his residence during the night, he was robbed, beaten, and died shortly thereafter.¹²¹

Health. In a Maine hospital, a 72-year-old Spanish-speaking woman endured pain for two weeks because she was unable to ask for medication in English. In one instance, she asked for help to go to the restroom in Spanish, but no one understood or assisted her. She rose from her bed and attempted to go herself, but she fell and lay on the floor for another 20 minutes while calling the nurses in Spanish.¹²²

Social Services. In Orange County, California, a Japanese single mother was unjustly jailed for child abuse and neglect. Her neighbors had called the police after hearing her child scream, but since she could not explain in English about the regularity of her 7-year-old child’s tantrums and her decision to ignore the tantrums until her child calmed down, the Child Protection Agency intervened without an interpreter, took the child away, and incarcerated the mother.¹²³

Transportation. In California, a police officer stopped a Mandarin-speaking woman because he believed that it was illegal for individuals with limited English proficiency to drive. The

woman re-took her driver's examination and failed because the DMV assigned her to a non-Mandarin speaking tester. With her license was revoked, the woman was unable to get to work using public transportation and subsequently was unemployed for several months. After a community organization intervened on her behalf, the DMA re-assigned her to a Mandarin-speaking tester.¹²⁴

English-only laws are divisive and motivated by intolerance and bigotry.

Anti-immigrant sentiment has manifested itself in laws that preclude immigrants from enjoying the same privileges and freedoms that non-immigrant Americans enjoy. English-only laws are yet another means to shape the public's perception of immigrants as inassimilable, non-contributing, and costly.

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FACT SHEET: Language-Restrictive Sign Ordinances

In the past fifteen years, scores of cities across the country have adopted language restrictive sign ordinances. The National Asian Pacific American Legal Consortium (NAPALC) believes many, if not all, of these ordinances are discriminatory and violate the rights of immigrant business owners to free speech guaranteed by the First Amendment of the U.S. Constitution.

NAPALC opposes any sign ordinance that restricts the use of non-English languages in a manner that infringes the right to freedom of expression guaranteed by the First Amendment, or constitutes discrimination on the basis of national origin in violation of equal protection principles found in the Fourteenth Amendment.

What are Language-Restrictive Sign Ordinances?

Definition. Language restrictive sign ordinances are local laws that place a language restriction on the characters of a sign. Most language-restrictive sign ordinances have been enacted in communities with large concentrations of Asian Americans.

Features. Typical ordinances may contain some or all of the following features:

- (1) a requirement that a certain percentage of the sign area be devoted to English;
- (2) a requirement that English be the predominant language;
- (3) a requirement that if non-English characters are used, the address of the establishment be written in English; and
- (4) a requirement that the English characters be of a certain height, or as tall as the non-English characters.

Why Do Businesses Use Non-English Signs?

Non-English communication is necessary. Immigrants are becoming English speakers at a rate faster than previously seen in this century. Statistics show that demand for English as a Second Language (ESL) classes greatly exceeds their availability. However, despite this rapid conversion to English, non-English communication remains a necessary component of an ethnic community's transition process.

Identifying and advertising to the ethnic community. The character of an ethnic neighborhood is enhanced with signs in the predominant language of the community. Moreover, businesses within ethnic communities cater primarily to customers who speak the language of that community. As a result, advertising for these businesses must necessarily use the non-English language to reach their target audience.

What is the Motivation Behind Language-Restrictive Sign Ordinances?

English-only sentiment. The recent wave of immigration has fostered a misperception that newcomers are no longer learning English. Advocates warn that without English-only laws, the nation will become divided along language lines. Believing that language is the key to assimilation, English-only advocates blame multilingual programs for slowing or preventing the assimilation of immigrants into mainstream American culture. Language-restrictive sign ordinances are a manifestation of this larger English-only movement.

Pretenses for discrimination. Of the known existing and proposed language restrictive sign ordinances, most are directed at Asian ethnic communities, primarily Chinese and Korean business districts. Ordinance promoters justify the laws by claiming that if signs are at least partially in English, emergency personnel can pinpoint locations in health or safety crises. While NAPALC supports the promotion of legally justifiable measures designed to promote safety, the language-restrictive sign ordinances are often pretenses for discrimination. Indeed, the language of the ordinances fails to effectively and fairly address the public safety interest. The most comprehensive method of addressing the safety concern is by requiring all signs, not just non-English signs to include Arabic numeral addresses. None of the known language restrictive sign ordinances require this. Instead, select Asian communities are targeted for compliance.

What are Some Characteristics of Unconstitutional Sign Ordinances?

Infringement on the freedom of expression. A person's choice of language is an expression of national origin, culture, and ethnicity. Thus, when an ordinance requires that a portion of a non-English sign be devoted to English, the sign owner's freedom of expression is restricted. Ordinances that restrict an individual's freedom of expression can be justified only if they are narrowly tailored to serve a compelling government interest.

Requiring English translations or a specific percentage or dimension of the sign to be in English. Many sign ordinances require English translations or specific percentages of the sign area in English but do not require the numeric portion of a street address to be in Arabic numerals, although the numeric portion of a street address is the most concise and accurate location identifier. Because the English language requirements are not narrowly tailored to achieve public safety interests, they violate the First Amendment by restricting a sign owner's freedom of expression without proper justification.

Requiring English characters of a certain height. Sign ordinances requiring English characters be a specific height or as tall as the non-English characters suffer from the same defects. The English-language name or description of a business, regardless of height, is not necessarily essential in pinpointing its location for emergency personnel. The more precise location identifier, the numeric street address, is not required. Again, because of the lack of narrow tailoring, such ordinances restrict a sign owner's freedom of expression without proper justification in violation of the First Amendment.

Equal protection violations. Because language is an expression of national origin, ordinances that require a portion of a non-English sign to be in English restrict a sign owner's expression of national origin. However, an English sign's owner is not similarly restricted. Ordinances that discriminate on the basis of national origin can be justified only if they are precisely tailored to serve a compelling state interest.

Applicability limited to non-English signs. A city has a compelling public safety interest in locating all businesses in an emergency. However, an ordinance that only requires non-English signs to provide identifying information, such as the type of business conducted on the premises, places no similar burden on English signs, and thus the public safety interest is not necessarily served. For instance, a laundromat with washers and dryers that are clearly visible through windows may be required to state in English "Laundromat" in its non-English sign, while a print shop with a sign stating "Al's" located in a building with no windows or markings, would have no such requirement. Such ordinances discriminate against non-English sign owners on the basis of national origin without proper justification, in violation of the principles of equal protection guaranteed by the Fourteenth Amendment.

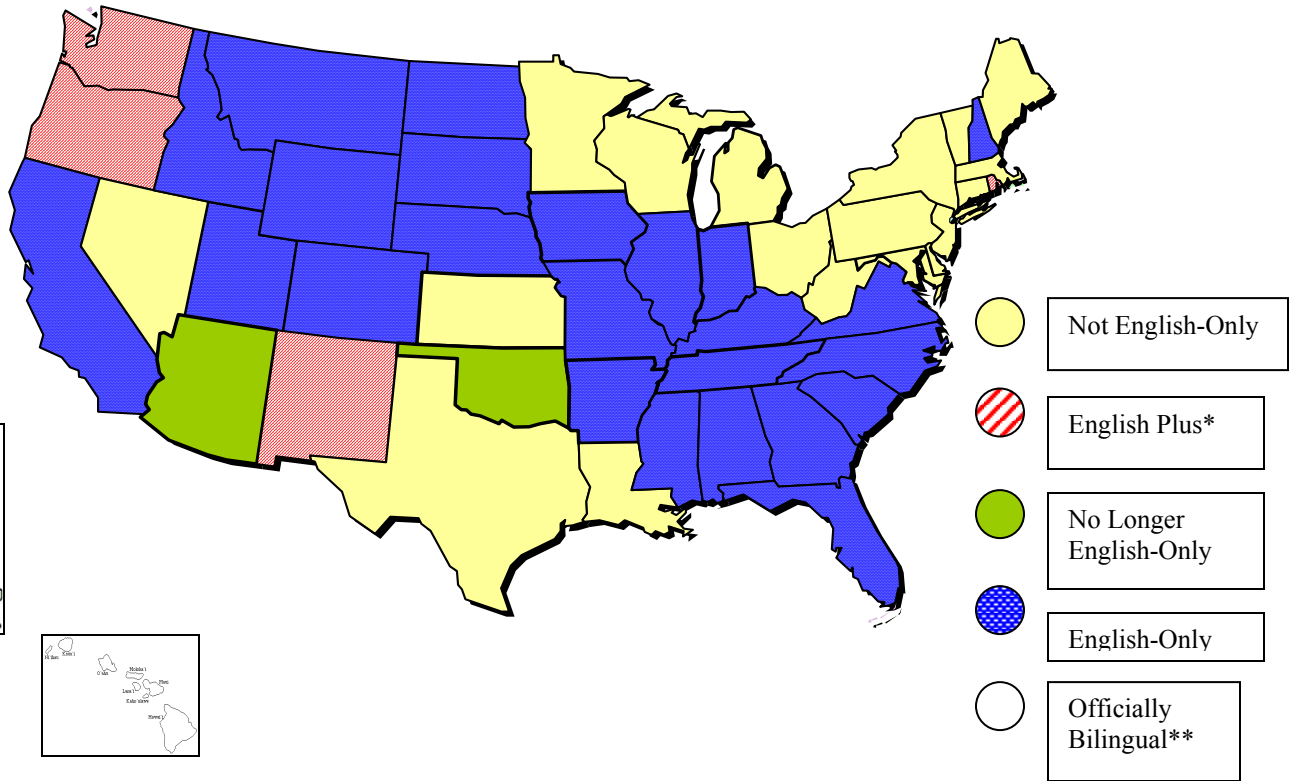
Particular ethnic groups targeted. When enforcement of a language-restrictive sign ordinance targets one ethnic group and leaves other violators alone, the disparity in enforcement is strong evidence of discriminatory administration of an ordinance. Such discriminatory administration violates the principles of equal protection guaranteed by the Fourteenth Amendment.

Unconstitutional vagueness. A statute is unconstitutionally vague if the conduct forbidden by it is so unclearly defined that people are unsure of its applicability. People must be given clear notice of what is prohibited, so they can act accordingly. In the context of language-restrictive sign ordinances, vague ordinances cause people to refrain from using legitimate expression because they are uncertain as to what is prohibited.

Vague wording. Ordinances claiming applicability to signs with "foreign languages" or "other languages" are unconstitutionally vague, because it is unclear whether ordinances using such language apply to signs containing non-English words written with English characters (e.g. "La Fiesta," "Chateau Brasil," "Pho 79," or "Dong Il Jang"). Similarly, a sign ordinance requiring that the English portion of a sign be "more visible" or "predominant" is vague, because it is unclear when these requirements are met. For example, would small English words in a large non-English sign be "more visible" or "predominant" if they were illuminated or in a brighter color?

For a more detailed legal analysis of the issues presented herein, please contact NAPALC.

English-Only Legislation in the States



No Longer English-Only (3)	English-Only States (23)	No English-Only (19)	English Plus* States (4)	Officially Bilingual** (1)
Alaska (1998) <ul style="list-style-type: none"> • Law overturned by the district court in March 2002 and is currently on appeal. Arizona (1988) <ul style="list-style-type: none"> • Amendment ruled unconstitutional by Arizona State Supreme Court in April 1998. Oklahoma (2000) <ul style="list-style-type: none"> • Initiative petition ruled unconstitutional by Oklahoma Supreme Court in April 2002. 	Alabama (1990) Arkansas (1987) California (1986) Colorado (1988) Florida (1988) Georgia (1986 & 1996) Illinois (1969) Indiana (1984) Iowa (2002) Kentucky (1984) Mississippi (1987) Missouri (1998) Montana (1995) Nebraska (1920) New Hampshire (1995) North Carolina (1987) North Dakota (1987) South Carolina (1987) South Dakota (1995) Tennessee (1984) Utah (2000) Virginia (1996) Wyoming (1996)	Connecticut Delaware Idaho Kansas Louisiana Maine Maryland Massachusetts Michigan Minnesota Nevada New Jersey New York Ohio Pennsylvania Texas West Virginia Wisconsin Vermont	New Mexico (1989) Rhode Island (1992) Oregon (1989) Washington (1989) District of Columbia (1987) ***	Hawaii (1978)

*English Plus: promotes multilingualism

** Officially Bilingual: 2 official languages (English and Native Hawaiian)

***The "Designation of the District of Columbia as a Multiracial and Multicultural City Resolution of 1987" recognizes and honors all linguistic segments and heritages represented in the city's population.¹²⁵

English Language Unity Act of 2003

(Introduced in House)

108th CONGRESS

1st Session

H. R. 997

To declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid mis-constructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

IN THE HOUSE OF REPRESENTATIVES

February 27, 2003

Mr. KING of Iowa introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the 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

A BILL

To declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid mis-constructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'English Language Unity Act of 2003'.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

- (1) The United States is comprised of individuals from diverse ethnic, cultural, and linguistic backgrounds, and continues to benefit from this rich diversity.
- (2) Throughout the history of the United States, the common thread binding individuals of differing backgrounds has been the English language.
- (3) Among the powers reserved to the States respectively is the power to establish the English language as the official language of the respective States, and otherwise to promote the English language within the respective States,

subject to the prohibitions enumerated in the Constitution of the United States and in laws of the respective States.

SEC. 3. ENGLISH AS OFFICIAL LANGUAGE OF THE UNITED STATES.

(a) IN GENERAL- Title 4, United States Code, is amended by adding at the end the following new chapter:

CHAPTER 6--OFFICIAL LANGUAGE

Sec. 161. Official language of the United States

The official language of the United States is English.

Sec. 162. Preserving and enhancing the role of the official language

Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

Sec. 163. Official functions of Government to be conducted in English

(a) OFFICIAL FUNCTIONS- The official functions of the Government of the United States shall be conducted in English.

(b) SCOPE- For the purposes of this section, the term 'United States' means the several States and the District of Columbia, and the term 'official' refers to any function that (i) binds the Government, (ii) is required by law, or (iii) is otherwise subject to scrutiny by either the press or the public.

(c) PRACTICAL EFFECT- This section shall apply to all laws, public proceedings, regulations, publications, orders, actions, programs, and policies, but does not apply to-

- (1) teaching of languages;
- (2) requirements under the Individuals with Disabilities Education Act;
- (3) actions, documents, or policies necessary for national security, international relations, trade, tourism, or commerce;
- (4) actions or documents that protect the public health and safety;
- (5) actions or documents that facilitate the activities of the Bureau of the Census in compiling any census of population;
- (6) actions that protect the rights of victims of crimes or criminal defendants; or
- (7) using terms of art or phrases from languages other than English.

Sec. 164. Uniform English language rule for naturalization

(a) UNIFORM LANGUAGE TESTING STANDARD- All citizens should be able to read and understand generally the English language text of the Declaration of

Independence, the Constitution, and the Laws of the United States made in pursuance of the Constitution.

(b) CEREMONIES- All naturalization ceremonies shall be conducted in English.

Sec. 165. Rules of construction

Nothing in this chapter shall be construed--

- (1) to prohibit a Member of Congress or any officer or agent of the Federal Government, while performing official functions, from communicating unofficially through any medium with another person in a language other than English (as long as official functions are performed in English);
- (2) to limit the preservation or use of Native Alaskan or Native American languages (as defined in the Native American Languages Act);
- (3) to disparage any language or to discourage any person from learning or using a language; or
- (4) to be inconsistent with the Constitution of the United States.

Sec. 166. Standing

‘A person injured by a violation of this chapter may in a civil action (including an action under chapter 151 of title 28) obtain appropriate relief.’.

(b) CLERICAL AMENDMENT- The table of chapters at the beginning of title 4, United States Code, is amended by inserting after the item relating to chapter 5 the following new item:

‘Chapter 6. Official Language.’.

SEC. 4. GENERAL RULES OF CONSTRUCTION FOR ENGLISH LANGUAGE TEXTS OF THE LAWS OF THE UNITED STATES.

(a) IN GENERAL- Chapter 1 of title 1, United States Code, is amended by adding at the end the following new section:

Sec. 8. General rules of construction for laws of the United States

(a) English language requirements and workplace policies, whether in the public or private sector, shall be presumptively consistent with the Laws of the United States; and

‘(b) Any ambiguity in the English language text of the Laws of the United States shall be resolved, in accordance with the last two articles of the Bill of Rights, not to deny or disparage rights retained by the people, and to reserve powers to the States respectively, or to the people.’.

(b) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 7 the following new item:

‘8. General Rules of Construction for Laws of the United States.’.

SEC. 5. IMPLEMENTING REGULATIONS.

The Department of Justice shall, within 180 days after the date of enactment of this Act, issue for public notice and comment a proposed rule for uniform testing English language ability of candidates for naturalization, based upon the principles that (a) all citizens should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution, and the Laws of the United States which are made in pursuance thereof, and (b) any exceptions to this standard should be limited to extraordinary circumstances, such as asylum.

SEC. 6. EFFECTIVE DATE.

The amendments made by sections 3 and 4 shall take effect on the date that is 180 days after the date of the enactment of this Act.

English Plus Resolution

(Introduced in House)

108th CONGRESS

1st Session

H. CON. RES. 5

Entitled the ‘English Plus Resolution’.

IN THE HOUSE OF REPRESENTATIVES

January 7, 2003

Mr. SERRANO submitted the following concurrent resolution; which was referred to the Committee on Education and the Workforce

CONCURRENT RESOLUTION

Entitled the ‘English Plus Resolution’.

Whereas English is the 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 and access to information technologies;
- (2) conserve and develop the Nation’s linguistic resources by encouraging all residents of this country to learn or maintain skills in languages 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 other restrictionist language measures.

English-Only Opponents

The following organizations are among those who are against making English the official language of the United States:

- **American Civil Liberties Union (ACLU)**
 - <http://www.aclu.org/>
- **American Council of Teachers of Foreign Languages (ACTFL)**
 - <http://www.actfl.org/>
- **Anti-Defamation League (ADL)**
 - <http://www.adl.org/adl.asp>
- **Center for Applied Linguistics (CAL)**
 - <http://www.cal.org/>
- **English Plus Information Clearinghouse (EPIC)**
 - 220 I Street, NE, Suite 220, Washington, DC 20002
- **League of United Latin American Citizens**
 - <http://www.lulac.org/Welcome.html>
- **Linguistic Society of America (LSA)**
 - <http://www.lsadc.org/>
- **Mexican American Legal Defense and Education Fund (MALDEF)**
 - <http://www.maldef.org/>
- **National Asian Pacific American Legal Consortium (NAPALC)**
 - <http://www.napalc.org/>
- **National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA)**
 - <http://www.ncela.gwu.edu>
- **National Education Association (NEA)**
 - <http://www.nea.org>
- **National Council of La Raza (NCLR)**
 - <http://www.nclr.org/>
- **National Council of Teachers of English (NCTE)**
 - <http://www.ncte.org/homepage/>
- **National Association for Bilingual Education (NABE)**
 - <http://www.nabe.org/>
- **Teachers of English to Speakers of Other Languages (TESOL)**
 - <http://www.tesol.org/index.html>

English-Only Proponents

The following organizations are among those in favor of making English the official language of the United States:

- **Center for Equal Opportunity (CEO)**
 - <http://www.ceousa.org/>
- **Eagle Forum**
 - <http://www.eagleforum.org/>
- **English First**
 - <http://www.englishfirst.org/>
- **ProEnglish (formerly English Language Advocates)**
 - <http://proenglish.org/main/gen-info.htm>
- **U.S. English**
 - <http://usenglish.org/>

English Plus Proponents

The following organizations are among the numerous groups who have either signed-on to statements or issued statements of their own in favor of English Plus: ¹²⁶

- American Civil Liberties Union
- American Jewish Committee
- American Jewish Congress
- Caribbean Education and Legal Defense Fund
- Center for Applied Linguistics
- Chinese for Affirmative Action
- Coloradans for Language Freedom
- Committee for a Multilingual New York
- Conference on College Composition and Communication
- Christian Church (Disciples of Christ)
- El Concilio de El Paso
- General Assembly of The United Methodist Church
- Haitian American Anti-Defamation League
- Haitian Refugee Center
- Image de Denver
- Intercultural Development Research Association
- IRATE (Coalition of Massachusetts Trade Unions)
- Joint National Committee for Languages
- League of United Latin American Citizens
- LULAC Foundation
- Multicultural Education Training and Advocacy Project
- Mexican American Legal Defense and Educational Fund
- Michigan English Plus Coalition
- National Asian Pacific American Legal Consortium
- National Association for Bilingual Education
- National Coalition of Advocates for Students
- National Council of La Raza
- National Council of Teachers of English
- National Immigration, Refugee and Citizenship Forum
- National Puerto Rican Coalition
- New York Association for New Americans
- Organization for Chinese Americans
- San Antonio City Council
- San Antonio Hispanic Chamber of Commerce
- Spanish Speaking/Surnamed Political Association
- Teachers of English to Speakers of Other Languages

JACL Opposes Utah English-Only Initiative as Discriminatory¹²⁷

October 19, 2000

For Immediate Release

Contact: John Tateishi

Tel: 415.921.5225

San Francisco - With the November elections weeks away, the national Japanese American Citizens League (JACL) went on record opposing Utah's Initiative A, the English-Only initiative which would make English the official language of the state.

Denouncing the measure as discriminatory against immigrants and counter to the spirit of a true democracy, the JACL has opposed such measures in the past in other states and in proposed initiatives in the U.S. Congress.

Floyd Mori, JACL National President and a resident of Sandy, Utah, stated, "While we encourage those who choose to live in the United States to speak English as a matter of course, a measure such as Initiative A imposes a mandate that flies in the face of the principle of individual freedoms in this country. It's the beginning of a slow chipping away at the very principles that make this country such a great democracy."

The initiative, if successful, would make English the official language of Utah and prohibit many of the state's agencies from conducting government business or printing information in any other language.

Efforts to pass English-only bills in the past have failed twice in the Utah legislature. After failing in the state legislature, proponents of the measure are attempting to pass a measure through a statewide vote on the November 7th ballot. Previously, as House Bill 189 in the Utah legislature, the bill could not even get successfully pass its committee referral to the House Government Operations Committee.

"This initiative undermines our right to freely express ourselves, one of the most fundamental rights we have in the United States," JACLER Mori added. "For many Americans, taking away the ability to communicate with the government in a language other than English is tantamount to taking away the government's services. Clearly, an English-only mandate for Utah is equivalent to oppression, the kind of oppression our forefathers sought to avoid in establishing this nation as a democracy," Mori stated.

Resolution of Salt Lake Chapter, the Japanese American Citizens League

WHEREAS many Utah residents are multilingual due to their participation in the worldwide missionary work of the LDS Church whose members, among others, founded this State; and

WHEREAS the State Board of Regents and the (9) institutions of Higher Education require a minimum of four years of study in a foreign language as a condition of admission for entering Freshman as acknowledgement that individuals who have the capability to communicate in multiple languages have access to a wealth of opportunities economically, socially, professionally, and personally.

Now, therefore, let it be:

RESOLVED that the Board of Governors does not support any legislation designating English as the Official Language on the belief that such legislation fosters an atmosphere of intolerance and anti-immigrant sentiment. Further, such legislation creates barriers and deprives individuals of access to government and is unnecessary in that the Board does not believe that the English language is threatened.

RESOLVED that the Board of Governors of the Salt Lake Chapter JACL hereby reaffirms its advocacy of “English Plus” as reflective of the spirit of multilingualism and the respect for Native Americans and the immigrants who have and continue to build and benefit our state and nation, both culturally and economically whether that proficiency derives from second language maintenance plus English or acquisition of English by speakers of other languages. Proficiency in English plus other languages should be encouraged throughout the State.

STATEMENT OF NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM REGARDING THE “ENGLISH AS THE OFFICIAL LANGUAGE OF UTAH” INITIATIVE

The National Asian Pacific American Legal Consortium strongly opposes the “English as the Official Language of Utah” initiative, sponsored by Representative Tammy Rowan (R-Orem). The legislation, to be considered in the state legislature’s 1999 session, will deprive Utahns who are limited English proficient from accessing basic government benefits and services.

The initiative provides that official government business, including meetings and publications, be conducted in English. This will significantly disadvantage those who are not completely proficient in English by disconnecting them from government employees and agencies. It will prevent limited-English proficient individuals from receiving such services as health care, social security, emergency services, public education, and equality in the civil and criminal judicial processes.

Everyday activities such as being able to access emergency health care, report a crime to a police officer, and take a driver’s license exam will be next to impossible for limited-English proficient individuals if bilingual assistance is not provided. Provisions in the legislation sponsored by Rep. Rowan which indicate that languages other than English may be used for certain purposes are unhelpful because they do not clearly delineate under which circumstances such assistance may be provided.

There is no dispute that acquisition of English skills is necessary. However, this process takes time and may even be impossible for some, especially those who are elderly or have disabilities, or who do not have access to English as a Second Language opportunity – in fact, English as a Second Language classes serve over 1.8 million people each year. However, as they attempt to learn English, limited-English proficient individuals must rely on bilingual assistance to conduct everyday business and to effectively communicate with government employees and agencies.

Declaring English as the official language of Utah is hardly a symbolic gesture. Instead, it has real-life, practical implications for limited-English proficient Utahns. It will also create divisiveness among ethnic communities and intolerance of languages and cultures, instead of fostering appreciation of diversity and multiculturalism. The National Asian Pacific American Legal Consortium strongly opposes such English-only legislation in Utah.

The National Asian Pacific American Legal Consortium (Legal Consortium) is a nonprofit, nonpartisan civil rights organization committed to advancing and preserving the civil and legal rights of the nation’s 10.1 million Asian Americans. The Legal Consortium is affiliated with the Asian American Legal Education and Defense Fund in New York, the Asian Law Caucus in San Francisco and the Asian Pacific American Legal Center of Southern California in Los Angeles.

Issued 1998

SAMPLE LETTER TO BROWN COUNTY BOARD MEMBER

August 21, 2002

Ms. Alice Daul
4398 Highway PP
De Pere, WI 54115

Dear Ms. Daul:

The National Asian Pacific American Legal Consortium (NAPALC), Hmong National Development, Inc. (HND), and Southeast Asia Resource Action Center (SEARAC) are writing to inform you that we fully encourage County Executive Nusbaum to veto the recently-passed measure adopting English as the official language of Brown County and we commend those officials who took a stand to reject the measure. NAPALC is a nonprofit, nonpartisan organization whose mission is to advance and protect the legal and civil rights of the country's over 11 million Asian Americans through litigation, public education and public policy. HND is a national non-profit organization that is developing capacity to ensure the full participation of Hmong people in society. SEARAC was founded to facilitate the relocation of Southeast Asian refugees into American society as well as the development of nonprofit organizations led by and for Southeast Asians.

We are disappointed to see the English-only resolution pass in Brown County. For a county with a large and significant Hmong community, this measure is nothing more than an insult to their existence and their attempts to start a new life in America. We fear that the resolution will only increase ethnic tensions rather than unify your community. In fact, since the Hmong Association of Green Bay Inc. publicly opposed the English-only resolution, they have been receiving letters from people telling them they are indeed not welcomed in Brown County.

Furthermore, this resolution has the potential to discriminate against language minorities and restrict the rights of individuals in speaking their language. Although cloaked in terms of being non-discriminating and non-restrictive, such generalized language can potentially be exploited to discriminate and restrict the rights of individuals in speaking their language. The limited English proficiency population would have limited or no access to necessary services such as education, law enforcement and medical care.

In the past few years, a number of these English-only laws or resolutions have been struck down as unconstitutional. For example, Alaska's English-only law, Arizona's English-only law and Oklahoma's English-only initiative have all been declared unconstitutional by courts finding that such laws unfairly interfere with the access to government by those who do not speak the language and that these laws prevent government officials from communicating with the public in violation of basic free speech rights.

In closing, the nation's eyes will be on Brown County and its treatment of its citizens. We are fully confident that County Executive Nusbaum will do the right thing and veto the resolution. When that occurs, we strongly urge the committee to support its community in ensuring that the resolution is not revisited. The Hmong and other immigrant communities have contributed a great deal to the economic and cultural diversity of Green Bay and the whole state of Wisconsin. Your support of this important contribution is needed more than ever.

Sincerely,

Karen K. Narasaki
Executive Director
NAPALC

Bo Thao
Executive Director
HND

KaYing Yang
Executive Director
SEARAC

SAMPLE LETTER TO U.S. SENATOR OR REPRESENTATIVE

Dear Senator/Representative:

Soon you may be asked to consider a number of pending bills that seek to declare English as the official language of the United States. Such English-only legislation will restrict the government from using any language other than English, with few exceptions. We encourage you to oppose such legislation for the following reasons:

- 1) **English-only bills are punitive measures.** Restrictive English-only laws threaten to disconnect language minorities from important public forums, such as government, the voting booth, the classroom, and the workplace. With the implementation of English-only laws, the limited English proficiency (LEP) population would have limited, or no, access to necessary services such as education, law enforcement, and medical care.
- 2) **English-only bills are unnecessary.** As the predominant language of the U.S. and the leading world language for science, technology, and business, the English language is certainly not in jeopardy. According to Census 2000, 96% of Americans already speak English “well” or “very well.” The United States has survived for more than 200 years without an official language. The “glue” that holds America together is not the English language, but freedom and equality - the ideas embodied in the Declaration of Independence and the Constitution.
- 3) **English-only bills raise serious constitutional issues, particularly with respect to the First and Fourteenth Amendments.** In the past few years, a number of these English-only laws or resolutions have been struck down as unconstitutional. For example, English-only laws in Alaska and Arizona and an English-only initiative in Oklahoma have all been declared unconstitutional by courts finding that such laws prevent government officials from communicating with the public in violation of basic free speech rights and unfairly interfere with LEP individuals’ access to the government.
- 4) **English-only bills are based on the false assumption that today’s immigrants have no incentives to learn English and integrate into society.** Nothing could be further from the truth. Studies indicate that today’s immigrants are learning English and assimilating faster than earlier generations did. Their eagerness to learn English is evidenced by the dramatic increase in English as a Second Language (ESL) class sizes, enrollment figures, and lengthy waiting lists that often number in the thousands.
- 5) **English-only bills fail to promote the assimilation of immigrants into American society.** If anything, Congress should consider increasing funding for English instruction, such as ESL programs. More funding for ESL classes will ensure that immigrants are acquiring English proficiency, rather than punitive bills that would in effect bar non-English speakers from receiving many services to which they are entitled.

Because language is ultimately tied to ethnicity and nationality, English-only laws marginalize and reject the cultures of language minorities. Strengthening the status of the English language by making it “official” perpetuates the anti-immigrant sentiments of our nation’s past. Indeed, English-only laws will not help non-English speakers gain language proficiency but will only stigmatize and prevent them from fully participating in civic life, causing a further rift in American society. English-only bills are divisive and express intolerance of diversity and freedom - the very principles upon which our country was founded. For such reasons, we strongly urge you to oppose English-only legislation.

Sincerely,

Historical Timeline of Language in the United States Linguistic Diversity amidst Language Restrictionism

Considering the fact that America has survived for over 200 years without an official national language, the English-only movement is inconsistent with the history of our country. America has always been linguistically diverse. Native Americans spoke approximately 1000 different languages, while substantial populations from various regions across the country spoke European languages: Spanish in Florida and in the Southwest; German in Pennsylvania, Maryland, Virginia, New York and Ohio; French in Louisiana; Dutch and Swedish in New York and Delaware.¹²⁸ State and local governments did not only tolerate multilingualism, but they officially sanctioned it.¹²⁹ In the nineteenth century, laws and legislative proceedings appeared in languages such as Welsh, Czech, Norwegian, Spanish, French, and German. In the early part of the twentieth century, bilingual education was common in many areas of our country.

However, as the timeline below illustrates, the current English-only movement is a reminder of a concurrent history of language restrictionism and prejudice towards speakers of foreign languages. At Ellis Island, psychologists pronounced thousands of non-English-speaking immigrants as retarded after testing them exclusively in English.¹³⁰ In 1971, it was against the law to speak Spanish in a Texas public school, and until 1923, it was illegal to teach foreign languages to elementary school students in Nebraska.¹³¹ As the historical record shows, discrimination against non-English speakers has crossed racial, ethnic, and religious boundaries across the United States.¹³² Although our country has been recognized as a diverse nation of immigrants, the current English-only movement stands to threaten the multiethnic richness of America. Indeed, English, without ever being designated as the official language of the United States, has flourished from four centuries of immigration.¹³³

1774: The Continental Congress issues official publications in German, French, and English.¹³⁴

1780: John Adams, while on a diplomatic trip in Europe, writes a letter to the President of Congress, proposing an “American Academy for refining, improving, and ascertaining the English Language.”¹³⁵ Although Adam’s proposal was sent to a committee, Congress never acted on nor debated his proposed Academy.¹³⁶

1789: Noah Webster, author of the *American Dictionary of the English Language*, makes efforts to establish language standardization (creating uniformity within a single language). He writes in his *Dissertations on the English Language*, “Let us...seize the present moment, and establish a *national language*, as well as a national government.”¹³⁷

1820: The American Academy of Language & Belles Lettres, a private national language academy is established. Its goals are to guard the English language against “local or foreign corruptions,” to settle issues of spelling and word usage, and “generally, to form and maintain, as far as [practicable], an English standard of writing and pronunciation, correct, fixed, and uniform, throughout our extensive territory.”¹³⁸

1800s: Slave owners subject African Americans to restrictionist language policies by integrating Africans of different tribes, limiting their communication. Laws prevent slaves from learning how to read and write.

1850s: The Know-Nothing Party is formed. The party's anti-Catholic and anti-immigrant views result in the placement of language restrictions on Catholics and immigrants.

Late 1800s and early 1900s: Native Americans are prohibited from speaking their native languages. Native American children are forced to attend English language boarding schools where they are punished for speaking their native languages.

1900s: To "Americanize" immigrants, English literacy requirements are imposed for naturalization and suffrage. For example, the New York Constitution is amended to disenfranchise approximately one million Yiddish-speaking citizens by an administration fearful of Jewish voters, and in California, the state constitution was amended to disenfranchise Chinese voters seen as a threat to the "purity of the ballot box."¹³⁹

1911: The Federal Immigration Commission reports that "new" Italian and Eastern European immigrants are assimilating slower than earlier generations of Scandinavian and German immigrants, are less willing to learn English, and are more prone to political subversion.¹⁴⁰

1919: President Theodore Roosevelt declares in a message to the American Defense Society, "We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans, and not as dwellers in a polyglot boarding house."¹⁴¹

World War I: Anti-German sentiment causes a number of states, previously tolerant of bilingual schools, to enact restrictive English-only laws. Use of the German language is severely restricted; the word "hamburger" becomes "salisbury steak," and sauerkraut becomes "liberty cabbage."

1923: In *Meyer v. Nebraska*, the U.S. Supreme Court strikes down a Nebraska law passed in 1919 prohibiting instruction in German to students under the eighth grade. The Supreme Court found that the law violated the Due Process Clause of the 14th Amendment.¹⁴² The *Meyer* court writes, "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." Today, *Meyer* is described as one of the Supreme Court's most significant cases that advances the rights of language minorities.¹⁴³

1926: In *Yu Cong Eng v. Trinidad*, the Supreme Court ruled unconstitutional the Chinese Bookkeeping Act, a law passed in 1923 in the U.S. territory of the Philippines prohibiting Chinese merchants from keeping their business account books in any language other than English, Spanish, or a Philippine dialect.¹⁴⁴ Finding that the law, "as a fiscal measure, was chiefly directed against the Chinese merchants," the Supreme Court ruled that the law deprived Chinese merchants of liberty and property without due process of law and denied them equal protection of the laws.

1940: The Nationality Act of 1940 makes the ability to speak English a requirement for naturalization. Section 304 of the Act stated: “No person . . . shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot speak the English language.”¹⁴⁵

1950: Due to heightened fears of communism, Congress makes language requirements for naturalization stricter. The Subversive Activities Control Act of 1950 amends section 304 of the Nationality Act to require full literacy in English: “No person . . . shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot demonstrate . . . an understanding of the English language, including an ability to read, write and speak words in ordinary usage in the English language . . .”¹⁴⁶

1974: In *Lau v. Nichols*,¹⁴⁷ the U.S. Supreme Court rules that the San Francisco school system’s failure to provide adequate English instruction for non-English-speaking Chinese students violates the Civil Rights Act of 1964.

1980: Voters in Dade County, Florida, approve an “anti-bilingual ordinance” that bans the expenditure of public funds on the use of non-English languages. Fire safety information pamphlets and public transportation signs in Spanish are prohibited, and Spanish marriage ceremonies are put to an end.¹⁴⁸

1981: Senator S.I. Hayakawa of California, an immigrant and semantics scholar, introduces a constitutional amendment to make English the official language of the United States, launching the contemporary English-only movement. Over the next decade, 18 states pass laws making English their official language.¹⁴⁹

1983: Senator Hayakawa founds U.S. English, “the nation’s oldest, largest citizens’ action group dedicated to preserving the unifying role of the English language in the United States.”¹⁵⁰ The organization reports itself as having 1.7 million members nationwide.

1986: The Immigration Reform and Control Act of 1986 requires aliens newly legalized under its amnesty provision to demonstrate “minimal understanding of ordinary English” in order to become permanent resident aliens.¹⁵¹

Conclusion. As this timeline illustrates, the politics of language has played out throughout our nation’s history. As nativism has manifested itself in the language restrictions in our immigration laws, the English language has been unjustly used as an indicator of one’s “American-ness.” Two conflicting themes emerge from the historical record of the immigrant experience in the United States: 1) the multilingual and multiethnic richness of our country, from its Chinatowns and Little Italies to the diversity of ethnic food and music, and 2) the language restrictionist policies that have inflicted pain and hardship on scores of immigrants. So-called strengthening the status of the English language by making it “official” perpetuates the anti-immigrant sentiments of our nation’s past. Indeed, English-only laws will not help non-English speakers gain language proficiency but will only stigmatize and prevent them from fully participating in civic life, causing a further rift in American society.

Endnotes

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²⁶ NILC, *supra* note 19.

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- ¹²⁸ Perea, *supra* note 2, at 285.
- ¹²⁹ Del Valle, *supra* note 8, at 9.
- ¹³⁰ Susan Headden, *One Nation, One Language?* US NEWS & WORLD REPORT, Vol. 119, No. 12 (Sep. 25, 1995) at 38 [hereinafter Headden].
- ¹³¹ *Id.*
- ¹³² Michael DiChiara, *A Modern Day Myth: The Necessity of English as the Official Language*, 17 B.C. Third World L.J. 10, at 104 [hereinafter DiChiara].
- ¹³³ Headden, *supra* note 114, at 38.
- ¹³⁴ Perea, *supra* note 2, at 274 (citing *JOURNALS OF THE CONTINENTAL CONGRESS, 1774-1789*, at 135 (Worthington Chauncey Ford ed., 1907) (1777)).
- ¹³⁵ Perea, *supra* note 2, at 295 (citing Letter from John Adams to Samuel Huntington (Sept. 5, 1780), in *THE WORKS OF JOHN ADAMS* 249, 249-50 (Charles F. Adams ed., Boston, Little, Brown & Co. 1852)).
- ¹³⁶ *Id.* at 296.
- ¹³⁷ Perea, *supra* note 2, at 297-298. (citing Noah Webster, *Dissertations on the English Language* (1789), reprinted in 54 ENGLISH LINGUISTICS 1500-1800, at 406 (R.C. Alston ed., 1967)).
- ¹³⁸ Perea, *supra* note 2, at 298. (citing AMERICAN ACADEMY OF LANGUAGE & BELLES LETTERS, CIRCULAR (1820), quoted in Shirley Brice Heath, *A National Language Academy? Debate in the New Nation*, 11 INT'L J. SOC. LANGUAGE 9, 10, at 29 (1976)).
- ¹³⁹ Di Chiarra, *supra* note 116, at 103.
- ¹⁴⁰ *English Only*, AMERICAN CIVIL LIBERTIES UNION BRIEFING PAPER, at <http://archive.aclu.org/library/pbp6.html> (last visited Jul. 14, 2003).
- ¹⁴¹ Thomas Ricento, *A Brief History of Language Restrictionism in the United States*, Teachers of English to Speakers of Other Languages, (1995), available at <http://www.ncela.gwu.edu/miscpubs/tesol/official/restrictionism.htm> (last visited Jul. 29, 2003) [hereinafter Ricento].
- ¹⁴² *Meyer v. Nebraska*, 262 U.S. 390 (1923).
- ¹⁴³ Del Valle, *supra* note 8, at 31.
- ¹⁴⁴ *Yu Cong Eng v. Trinidad*, 271 U.S. 500.
- ¹⁴⁵ Nationality Act of 1940, ch. 876, § 304, 54 Stat. 1140 (repealed 1952).
- ¹⁴⁶ Ch. 1024, 64 Stat. 1018 (repealed 1952).
- ¹⁴⁷ *Lau v. Nichols*, 414 U.S. 563, 567 (1974).
- ¹⁴⁸ Ricento, *supra* note 125.
- ¹⁴⁹ *Id.*
- ¹⁵⁰ See U.S. ENGLISH, INC., *Making English the Official Language*, at <http://us-english.org/inc/> (last visited Jul. 15, 2003).
- ¹⁵¹ Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, 3394 (codified at 8 U.S.C. § 1255a(b)(1)(D)(i) (1987 & Supp. 1992)).