

**OFFICIAL ENGLISH LEGISLATION:
BAD FOR CIVIL RIGHTS, BAD FOR AMERICA'S INTERESTS,
AND EVEN BAD FOR ENGLISH**

Testimony before the House Subcommittee on Education Reform

**by James Crawford, Director
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Mr. Chairman and members of the subcommittee:

My name is James Crawford. I am director of the Institute for Language and Education Policy, a newly formed nonprofit organization dedicated to research-based advocacy for English-language and heritage-language learners. We represent professionals in the field of language education who are working to promote academic excellence and equity for these students.

I want to thank Chairman Castle and Representative Woolsey for the opportunity to present testimony regarding proposals to designate English as the official language.

We at the Institute believe that such legislation is ill-advised: harmful to individuals, to the nation, and to the goal of language learning. We are concerned that the U.S. Senate recently passed a "national language" amendment without holding a single hearing to consider its potential impact and with only limited debate. So we commend the Subcommittee on Education Reform for convening today's hearing in the House.

In our view, "official English" is:

- (1) *Unnecessary* – The overwhelming dominance of English in the United States is not threatened in any way. Newcomers to this country are learning it more rapidly than ever before. Our language does not need "legal protection."
- (2) *Punitive* – Restricting government's ability to communicate in other languages would threaten the rights and welfare of millions of people, including many U.S. citizens, who are not fully proficient in English.
- (3) *Pointless* – Official-English legislation offers no practical assistance to anyone trying to learn English. In fact, it is likely to frustrate that goal by outlawing programs designed to bring immigrants into the mainstream of our society.
- (4) *Divisive* – The campaign to declare English the official language often serves as a proxy for hostility toward minority groups, Latinos and Asians in particular. It is exacerbating ethnic tensions in a growing number of communities.

- (5) *Inconsistent with American values* – Official-English laws have been declared unconstitutional in state and federal courts, because they violate guarantees of freedom of speech and equal protection of the laws.
- (6) *Self-defeating* – English Only policies are foolish in an era of globalization, when multilingual skills are essential to economic prosperity and national security. Language resources should be conserved and developed, not suppressed.

Language and Liberty

Our nation has gotten by for more than 200 years without adopting an official language. So the obvious question arises: *Why do we need one now?*

Proponents of official English have responded with platitudes (“A common language is what unites us as Americans”) or truisms (“In this country it’s essential to know English”) or anxieties (“Spanish is spreading at unhealthy rates”) or unsupported claims (“Bilingual programs discourage people from learning English”). These are not compelling arguments. They also reflect an ignorance of history.

Language has been far less central to American identity than to, say, French or Greek or Russian identity. From its infancy the United States was conceived as a nation that newcomers could join, whatever their ethnic background,^{*} simply by swearing loyalty to the *democratic principles* on which it was founded. To be sure, there have been ugly episodes of language-based discrimination, such as the English Only school policies that once targeted Native Americans and Mexican Americans. Unlike many other countries, however, we have seldom passed laws to repress or restrict minority tongues. Language has usually been taken for granted here – as a practical rather than a symbolic issue – despite the diversity that has historically prevailed.

Today there are more non-English languages spoken in America than ever before, owing to the ease of travel, which has brought immigrants from all over the world. But the *proportion of minority language speakers* was certainly as large, if not larger, in 1776, 1865, and 1910. Where immigrant groups were numerous and enjoyed political clout, they were often accommodated in their own vernaculars. Until the early 20th century, state and local governments provided documents and services in languages such as German, French, Spanish, Swedish, Norwegian, Welsh, and Czech. Bilingual education was more widespread in German and English in 1900 than it is today in all languages.[†]

Despite or – more likely – because of these tolerant policies, immigrant groups gradually adopted English and stopped speaking their ancestral tongues. Sociologist Nathan Glazer has noted the irony: “Languages shriveled in the air of freedom while they had apparently flourished under adversity in Europe.” Except in a few periods of nativist hysteria, such as the World War I era, *laissez-faire* policies made language conflicts relatively rare in the United States.

^{*} Except in a few shameful cases, such as the Chinese Exclusion Act of 1882.

[†] For more details, see “Frequently Asked Questions about Official English,” an attachment to this testimony.

Is there any reason to abandon our tradition of tolerance now? Certainly there is *no threat to English* in America, no challenge to its status as the language of educational advancement, economic success, and political discourse. According to the 2000 census, 92% of U.S. residents speak English fluently; 96% speak it “well” or “very well”; and only 1.3% speak no English at all.

Language spoken at home and English-speaking ability, 2000

All speakers, age 5+	262,375,152	100.0%
English only	215,423,557	82.1%
Other language	46,951,595	17.9%
Speaks English “very well”	25,631,188	9.8%
... “well”	10,333,556	3.9%
... “not well”	7,620,719	2.9%
... “not at all”	3,366,132	1.3%

Source: 2000 Census of Population

Demographic research also shows that, while the number of minority language speakers is increasing, largely because of immigration, the *rate of Anglicization* is also on the rise. Immigrants at the turn of the 21st century are learning English – and losing other languages – more rapidly than those at the turn of the 20th.

Official English is truly a “solution in search of a problem.”

All Stick and No Carrot

While official-English proposals vary, those now pending before Congress take a radical, restrictionist approach. They would not merely celebrate “our common language.” In addition, they would prohibit most uses of other languages by the federal government – whether to communicate information, provide services, or enable limited-English speakers to exercise rights they would otherwise enjoy.

The assumption is that English Only policies would create an incentive to learn English by making life as difficult as possible for those who have yet to do so. Yet where is the evidence that the current patchwork of basic services in other languages provides a *disincentive* to English acquisition? How many immigrants say to themselves, for example, “If I can read pamphlets about Social Security in Spanish or visit a bilingual health clinic or rely on a court interpreter if I’m charged with a crime, why should I worry about learning English?” Don’t limited-English speakers face language barriers in countless other situations on a daily basis? It would be irresponsible for Congress to legislate without empirical data in this area, considering that millions of people could be adversely affected.

English-as-a-second-language instruction, by contrast, has proven quite effective in helping adult immigrants learn the language. Yet, to date, no official-English bill has included any provisions to address the chronic shortage of such classes in most parts of the country. *Coercion, not empowerment*, is the operative principle here.

A major target of official-English bills, including the Senate's national-language amendment, is Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The order, issued by President Clinton in 2000 and reaffirmed by President Bush in 2001, is grounded in Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of national origin in federally supported activities. It requires federal agencies and, equally important, programs that receive federal funding to "provide meaningful access" for those whose English is limited. These long-overdue efforts have just barely begun. Yet Official-English legislation would halt them in their tracks by overriding EO 13166, prohibiting assistance for limited-English-proficient persons in numerous areas. The national-language amendment in particular would instruct federal courts to disregard language as a factor in national-origin discrimination.[‡]

Federally funded programs include school districts, which currently have an obligation to communicate with parents, "to the extent practicable," in a language they can understand. This right of access is mandated by the No Child Left Behind Act and by Title VI regulations enforced by the U.S. Office for Civil Rights. Official-English legislation would eliminate the requirement, making it difficult for the parents of English-language learners to assist in these students' education or to advocate for their children with school officials. This is just one of numerous ways in which English Only policies would be harmful not only to individuals but also to national priorities such as school reform.

Sponsors of official-English measures have typically responded to such criticisms by carving out exceptions. Some bills would allow government to use other languages for purposes of national security, trade and tourism promotion, public health and safety, census activities, and so forth. The proposed loopholes are narrow, however, and would no doubt keep government lawyers busy trying to interpret their meaning. Could the Department of Veterans Affairs continue to publish pamphlets in Spanish to explain disability benefits for U.S. soldiers wounded in Iraq? Probably not. Could the Department of Labor keep funding state efforts to inform workers about wage-and-hour regulations in Chinese? Doubtful. Would the White House have to shut down the Spanish-language section of its web site? *¿Quién sabe?*

The constitutionality of such restrictions is questionable at best. The most draconian official-English laws at the state level, in Alaska and Arizona, were struck down under the First and Fourteenth amendments. State and federal courts ruled that, while advancing no compelling public interest, these measures violated free-speech and equal-protection guarantees.[§]

[‡] Senator Inhofe, chief sponsor of the amendment, inserted a "legislative history" into the *Congressional Record* (18 May 2006, pp. S4754-55) that explicitly addresses these points.

[§] In 1997, federal district and appeals court decisions in *Yñiguez v. Arizonans for Official English* were vacated as moot by the U.S. Supreme Court on a technicality (the lead plaintiff, an Arizona state employee, had found another job). A year later the Arizona Supreme Court struck down the English Only law as unconstitutional. An Alaska district court reached the same result in 2002.

Without exception, the bilingual assistance programs now provided by government are designed to safeguard the rights and serve the needs of limited-English speakers so as to help them *acculturate*. Those who are thereby brought into the mainstream are more able and more inclined to learn English than those remaining on the margins of society, unable to access government services. While English Only advocates seem intent on making a symbolic statement, their proposals would have very practical consequences in areas such as education, social services, civil rights, and government efficiency. Among other things, their proposals are bad for English acquisition.

A Message of Intolerance

The symbolic statement itself has consequences that are as damaging as the direct legal effects. English Only bills say, in effect, that the principles of free speech and equal protection apply only to those who are fully proficient in English; that discrimination on the basis of language is legitimate, even laudatory in America; and ultimately, that those from non-English backgrounds are unwelcome here.

Whatever “message” the sponsors believe they are sending with this legislation, the message received is a message of intolerance. This phenomenon is evident in the *language vigilantism* that occurs every time the issue flares up, as local officials and individuals seek to impose their own English Only rules. Here are a few of the mean-spirited incidents that occurred after the House passed a “language of government bill” in 1996:

- Tavern owners in Yakima, Washington, refused to serve patrons who conversed in Spanish, posting signs such as: “In the U.S.A., It’s English or Adios Amigo.”
- A judge hearing a child-custody case in Amarillo, Texas, accused a mother of child abuse for speaking Spanish to her five-year-old daughter.
- Police in Yonkers, New York, ticketed a Cuban American truck driver for his inability to answer questions in English.
- In Huntsville, Alabama, the county assessor refused to approve routine tax exemptions for Korean property owners whose English was limited.
- Norcross, Georgia, authorities fined the pastor of a Spanish-speaking congregation for posting placards that allegedly violated an English Only sign ordinance.

These acts are deeply offensive, not only to recent immigrants, but also to a broader population: persons who are proud of their heritage both as Americans and as ethnic minorities. As Senator Mel Martinez, a Cuban immigrant and a Republican from Florida, recently explained: “When they start saying that it’s un-American to have ballots printed in Spanish, it sends a message that we’re not wanted, not respected.”

No doubt this is the message that some extremists *intend* to send – or to exploit – in hopes of building support for a restrictive immigration policy. In doing so, they are

dividing communities across the nation. Two weeks ago the city council of Hazleton, Pennsylvania, coupled an official-English ordinance with harsh penalties for businesses that hire or landlords who rent to undocumented immigrants. The result has been to exacerbate tensions between longtime residents and recently arrived Latinos who are clearly being targeted. Similar proposals are fueling race hatred in municipalities from Avon Park, Florida, to San Bernardino, California.

It's ironic that official-English legislation, promoted as a way to "unite Americans," is having precisely the opposite effect: igniting ethnic conflicts. Congress should refuse to fan these flames.

Instead of English Only ... English Plus

The aftermath of September 11 highlighted a longstanding concern of national security officials: the United States remains an underdeveloped country where language skills are concerned. When our military invaded Afghanistan to hunt down al Qaeda, five of that country's seven major languages – including Pashto, spoken by 8 million Afghans – were not even taught in U.S. colleges and universities.** Meanwhile, the FBI was so desperate for translators of Arabic and the languages of south Asia that it was forced to place want-ads in newspapers, with problematic results.

Monolingualism, for which Americans are justifiably notorious, is also an economic handicap. While English is indisputably dominant in global commerce, it is spoken by only a small minority of the world's population. As globalization increases, competitors who are proficient in other languages will have an increasing advantage.

The President's National Security Language Initiative, designed to fund programs in critical languages such as Arabic, Chinese, Hindi, Russian, and Farsi, is a positive step. His proposed investment, however – \$114 million in FY07, including just \$24 million at the K-12 level – is ludicrous. If approved, it would have a limited impact relative to the nation's growing needs.

Yet this is not just a funding problem. More important, it is an *attitude problem*. While a language learned in the classroom is valued in this country, a language learned by growing up in a minority community is likely to be considered a liability, not an asset. "Ethnic bilingualism" has enormous potential to supply the multilingual skills that America needs. Rather than cultivating it, however, we rush language-minority children into all-English classrooms as soon as possible. Most never get the chance to develop advanced skills, including literacy, in their native tongue. Although *developmental bilingual education* does exist, it is getting much harder to find. High-stakes testing in English for these students and, in some states, English Only instruction laws have forced schools to dismantle many bilingual programs.

** According to the National Foreign Language Center at the University of Maryland, about 600 U.S. students were learning Farsi, the dominant language of Iran, which is a relative of Dari, spoken by about 5.6 million Afghans. There were just four U.S. students studying Uzbek, which has 1.4 million speakers in Afghanistan.

Instead of English Only, the United States needs a language policy that could be described as *English Plus*. This approach begins with the recognition that, of course, we should pursue the goal of English proficiency for all Americans. But while English is necessary, it is not sufficient in today's world. To prosper economically and to provide security for our people, we need well developed skills in English, plus other languages. Step one is to conserve and develop, not destroy, the language resources we already have. Rather than treating bilingualism as a nuisance or a threat, we should exploit our diversity to enrich the lives of individuals and foster the nation's interests, while encouraging ethnic tolerance and safeguarding civil rights.

We believe that a policy of English Plus would advance these important goals. Official English would be a step backward for the nation.

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For nearly 20 years he has worked as a writer, lecturer, and consultant specializing in language and education. His latest book, *Educating English Learners: Language Diversity in the Classroom*, 5th ed. (Bilingual Educational Services, 2004), is widely used in teacher-training courses.

His other major works include: *At War with Diversity: U.S. Language Policy in an Age of Anxiety* (Multilingual Matters, 2000); *Best Evidence: Research Foundations of the Bilingual Education Act* (National Clearinghouse for Bilingual Education, 1997); *Hold Your Tongue: Bilingualism and the Politics of "English Only"* (Addison-Wesley, 1992); and *Language Loyalties: A Source Book on the Official English Controversy* (University of Chicago Press, 1992).

Formerly a journalist, he served in the 1980s as Washington editor of *Education Week* and as Congressional editor of *Federal Times*.

Crawford has consulted for numerous organizations and institutions including Teachers of English to Speakers of Other Languages, Arizona State University College of Education, Washington State Office of Superintendent of Public Instruction, and the Stanford Working Group on Federal Programs for Limited-English-Proficient Students. He serves on the editorial boards of scholarly journals including *Language Policy*, *Linguistics and Language Compass*, and the *International Journal of Bilingual Education and Bilingualism*.

He also maintains an extensive Language Policy Web Site, the Internet's most visited site on this subject, at <http://ourworld.compuserve.com/homepages/jwcrawford>.

Frequently Asked Questions about Official English

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English is the official language in many countries. Why should this idea be controversial in the United States?

So far, no country has designated English as its *sole* official language, with legal restrictions on the use of other languages by government. Most nations where English is an official language – such as Canada, India, the Philippines, and South Africa – are officially bilingual or multilingual. That is, they grant legal protections for speakers of languages in addition to English. None has imposed the kind of *English Only* regime that today's official-English advocates are proposing.

It is true that some non-English-speaking countries have adopted repressive language policies aimed at restricting the expression of ethnic minorities. For example, Turkey and Slovakia have targeted the use of Kurdish and Hungarian, respectively, and have persecuted their speakers.¹ Such draconian policies are inconsistent with American traditions of free speech and civil rights.

Isn't bilingualism a threat to national unity, dividing people along language lines?

Language diversity is a fact of life throughout the world, the normal state of affairs in all but a few small countries. This has been equally true in the United States, where hundreds of immigrant and indigenous tongues have coexisted with English. About 380 languages are spoken by U.S. residents today, according to the Census Bureau.²

As a marker of ethnic differences, language sometimes plays a role in ethnic conflicts. But diverse societies need not be divided societies. In a study of 130 nation-states, the sociolinguist Joshua Fishman found no correlation between linguistic diversity and civil strife.³ For every Canada, where language differences have become politicized, there is a Switzerland, where four language groups have coexisted harmoniously for centuries, enjoying equal rights under their constitution.

Why has language been a source of tension in Canada?

Canada is a good example of the polarization that can result from generations of social inequality based on language. Before 1969, French-speaking citizens had limited access to government outside the province of Quebec. De facto English Only policies made them second-class Canadians. Official bilingualism, adopted that year, was a belated

attempt to guarantee minority rights.⁴ Unfortunately, it came too late to head off Quebecois separatism in the 1970s, including French Only policies that have discriminated against English speakers.⁵

The problem in Canada has not been language differences per se, but the use of language as a tool of ethnic domination. This phenomenon has been less common in the United States, where a libertarian tradition has largely prevailed, and restrictive language laws have been the exception rather than the rule. As a result, Americans have tended to avoid major conflicts over language – until now.

When has the official language issue come up previously in U.S. history?

Here are some key dates and events:

1923 – the first official language legislation at the federal level, a bill to declare “American” the official language. This was a tongue-in-cheek assault on Americans who valued English literary traditions more than their own. It was not taken seriously by Congress. But the proposal was adopted that year in the state of Illinois, where Irish American legislators saw an opportunity to embarrass the British Empire. In 1969, Illinois quietly replaced “American” with English as its official tongue.⁶

1981 – the first proposal to declare English the official language nationwide. Sen. S. I. Hayakawa (R-CA) introduced a constitutional amendment that provided: “Neither the United States nor any State shall make or enforce any law which requires the use of any language other than English. This article shall apply to laws, ordinances, regulations, orders, programs, and policies.”⁷

1996 – the first Congressional vote on official English. By a vote of 259-169, the House approved the “English Language Empowerment Act,” a measure requiring English as the language of most federal documents, communications, and services.⁸ The bill died in the Senate, where the Governmental Affairs Committee declined to act on it.

2006 – the first Senate vote on official English. An amendment sponsored by Sen. James Inhofe (R-OK) would designate English as the “national language” and restrict access to government in other languages. It passed, 63-34.⁹

If the United States never declared an official language in the past, didn't this reflect the fact that – until recently – most Americans spoke English and nobody demanded government services in other languages?

Not at all. The United States has been linguistically diverse since before it became the United States. During the Colonial period, immigrants arrived speaking most if not all European languages; African slaves brought many others. In 1664, when the colony of New Netherland passed from Dutch to English control – and became New York – 18 different languages were spoken on the island of Manhattan, not counting the numerous Native American languages spoken nearby.¹⁰

To accommodate significant language-minority groups and solicit their support for the American Revolution, the Continental Congress translated important documents into German and French. German settlers were especially numerous. In the 1790 census, they represented 8.7% of the population of the original 13 states;¹¹ millions more arrived as immigrants during the 19th century. German Americans established rural “language islands” in states such as Pennsylvania, Missouri, Ohio, Illinois, Michigan, and Wisconsin, where their language thrived for up to five generations.¹²

What did America’s founders think about the role of English?

All of the founders saw the dominance of English as an advantage for the new nation. But most disapproved of language legislation. One exception was John Adams, who in 1780 proposed an “American Academy for refining, improving, and ascertaining the English language,” modeled on the French and Spanish academies. The plan went nowhere in the Continental Congress. There was a general consensus among early leaders that government, especially at the federal level, should play no role in regulating the people’s speech.¹³

Meanwhile, there was some loose talk about replacing English – the language of King George III – with German, French, Greek, or Hebrew as America’s national tongue. But Roger Sherman, a delegate to the Continental Congress from Connecticut, summed up the majority view: “It would be more convenient for us to keep the language as it was and *make the English speak Greek.*”¹⁴

As a practical matter, wasn’t English always the language of government in America?

Mostly but not exclusively. It is worth noting that in 1783, when Americans won independence from England, Spain remained a major colonial power, laying claim to about half of today’s continental United States. Spanish was the language of government in the earliest European settlements, St. Augustine and Santa Fe, as well as in San Antonio, San Diego, San Francisco, and many areas in between.¹⁵

In 1800, Napoleon reclaimed the Louisiana Territory for France, then sold it to the United States three years later. When Louisiana joined the Union in 1812, French speakers remained a majority there. Congress required the state to keep official records in English – but *not only in English*. Until after the Civil War, the legislature and courts operated bilingually. Some officials, such as Gov. Jacques Villeré (1816-20), spoke only French.¹⁶

Beginning in the 1830s, states including Ohio, Indiana, Illinois, Iowa, Wisconsin, and Missouri translated laws and governors’ messages into German and sometimes other languages, such as Norwegian and Welsh. California’s 1849 constitution required all statutes to be translated into Spanish. In 1857, Minnesota printed its new state constitution in English, German, Swedish, Norwegian, and French. In 1875, Texas did so in English, German, Spanish, and Czech. New Mexico’s 1912 constitution specified a variety of language rights for Spanish speakers, including a provision for the training of bilingual teachers.¹⁷

But isn't it true that large-scale language assistance programs such as bilingual education appeared only in the 1960s?

Not true. In 1839, Ohio became the first state to adopt a bilingual education law, requiring instruction in both German and English where parents petitioned for it. Louisiana passed the same law in 1847, substituting French for German. By the turn of the 20th century, about a dozen states and territories had statutes authorizing bilingual schools. Such instruction was often provided elsewhere without state sanction.¹⁸

Surveys conducted in 1900 reported that 600,000 children in U.S. elementary schools, public and parochial, were receiving part or all of their instruction in the German language. This represented about 4 percent of the nation's elementary school enrollment – larger than the proportion of students (from all language groups) in bilingual classrooms today.¹⁹

Weren't earlier immigrants more eager to join the Melting Pot and assimilate, as compared with those arriving in recent years from Asia and Latin America?

This is a racial stereotype that is unsupported by factual evidence. The same unfair charge was made against the so-called “new immigrants” – Italians, Jews, Greeks, and Slavs – who arrived at the turn of the 20th century. In 1911, for example, a federal commission accused these groups of failing to learn English as rapidly as the “old immigrants” – Germans, Irish, and Scandinavians.²⁰

In fact, German Americans, from Colonial times until the early 20th century, were more aggressive and more successful in maintaining their language and culture than most other groups. Pursuit of *Deutschtum* (German “identity politics”) was combined with loyalty to an American nation-state based on democratic values, not ethnic traits.²¹ No doubt German and other immigrant languages would have remained viable longer if not for xenophobic restrictions adopted during the World War I era.

Are you saying that policies to restrict languages other than English are racist or nativist?

That has often been the case. Language-restrictionist laws are never *just* about language. Inevitably they reflect attitudes toward – and authorize discrimination against – the *speakers* of certain languages.

In the late 19th century, for example, Native Americans were targeted by English Only school policies as part of an effort to destroy their way of life. As J.D.C. Atkins, Commissioner of Indian Affairs, explained the rationale in 1887: “Teaching an Indian youth in his own barbarous dialect is a positive detriment to him. The first step to be taken toward civilization, toward teaching the Indians the mischief and folly of continuing in their barbarous practices, is to teach them the English language.”²² In fact, this was the first step toward *cultural genocide*. Virtually all the languages of indigenous peoples in the United States are threatened with extinction today, at great social cost. It

was to help mitigate this catastrophe that Congress passed the Native American Languages Acts of 1990 and 1992.²³

Did European immigrant groups ever face this kind of cultural repression?

Rarely, but it sometimes occurred. In 1918, wartime paranoia against German Americans led to emergency bans on their language throughout the Midwest. The use of the German language was outlawed on the street, in church, on the telephone, and in private as well as public schools.²⁴

Even after the war, states continued to enact English Only school laws. These were aimed especially at German speakers but affected all immigrant groups. Arguments in favor of such measures, like those in favor of official English today, were couched in the rhetoric of national unity.²⁵ The most extreme of these laws prohibited foreign-language instruction before the 8th grade, a restriction that was later ruled unconstitutional by the U.S. Supreme Court in *Meyer v. Nebraska*.²⁶

Doesn't a large percentage of the public favor making English the official language, according to public opinion polls? Does this mean most Americans are racist?

Yes, and no. Frequently, on first hearing about the official-English issue, monolingual Americans fail to see the downside. Many wonder, since English is so dominant in this country, whether it isn't *already* the official language. And if not, why not? This reaction is not surprising since – compared with citizens of many other nations – Americans have limited experience with the politics of language. But when the potential impact of official English is explained, support drops off sharply.²⁷

Favoring English as the official language, in itself, should not be equated with racism. Yet racist attitudes – toward Latinos in particular – have been closely associated with this movement. U.S. English, the first and largest English-only group, was a spinoff from the immigration-restriction lobby. Its founder was forced to resign in 1988 after he wrote a memo containing vicious anti-Hispanic stereotypes.²⁸ That same year an internal survey commissioned by U.S. English found that 42% of its members, when asked why they had joined the organization, agreed with the statement: “I wanted America to stand strong and not cave in to Hispanics who shouldn't be here.”²⁹

Immigrant languages are spreading so rapidly these days. Doesn't this trend threaten the status of English as our common language?

English is in no way threatened in the United States. Certainly, with immigration at higher rates than, say, during the 1950s, it is now more common to hear other languages spoken. In the 2000 census, nearly one in five U.S. residents reported speaking a language other than English at home – although not to the exclusion of English. Less noticeable, perhaps, is a *countertrend toward increasing bilingualism*. Between 1980 and 2000, the number of minority language speakers doubled, but so did the number of this group who spoke English “very well.”³⁰

For the children of immigrants, English proficiency is advancing especially fast. A long-term study of Hispanic and Asian teenagers found that 94% knew English well, while only 44% knew their parents' language well; 72% of second-generation youth said they preferred to speak English.³¹

How does this pattern compare with rates of English acquisition in the past?

Demographic data from a variety of sources indicate that today's immigrants are acquiring English more rapidly than ever before. In the 1890 census, for example, the proportion of non-English speakers (3.6% of U.S. residents) was nearly three times as large as in 2000 (1.3%).³² The data also show that it's *languages other than English* that are threatened in the United States today. Without the replenishing effects of immigration, most would soon die out.³³

The latter phenomenon, known as *language shift*, was prominent during the middle of the 20th century. Owing to strict immigration quotas between 1924 and 1965, the foreign-born population of the United States declined from 14.7% in 1910 to 4.8% in 1970.³⁴ As the number of non-English-speaking newcomers plummeted, second- and third-generation immigrants stopped speaking their ancestral languages. It's no wonder that this was the least diverse period, linguistically speaking, in American history.

Now that the proportion of foreign-born Americans has rebounded to its historic norm – 11.1% in 2000 – so has the use of non-English languages in American communities. To many people who came of age before the 1980s, today's level of bilingualism seems “abnormal.” In fact, the atypical period was the mid-1900s.³⁵

Would it speed up English acquisition even more if government eliminated bilingual assistance programs?

Some people assume that if non-English speakers can read Social Security pamphlets or take driver's tests in their native language, they will have no incentive to learn English. Bilingual assistance programs supposedly convey the false notion that it's OK to live in the United States as monolingual speakers of Spanish or Chinese. Or they encourage immigrants to be lazy when it comes to language learning. In fact, no real evidence has ever been mustered to support such claims – only personal anecdotes and ethnic stereotypes.

Bilingual accommodations are rare in any case. A 1995 study by the Government Accountability Office could locate only 265 out of 400,000 federal publications – less than 1/10 of one percent – that were printed in languages other than English.³⁶

Don't children learn English faster if they are “totally immersed” in English?

That was the assumption behind English Only school initiatives adopted in California (1998), Arizona (2000), and Massachusetts (2002). These laws established “structured

immersion” programs intended to teach English to immigrant students in just one school year. But things have not worked out quite as planned:

- A five-year study, commissioned by the California legislature, found no evidence that all-English immersion programs had improved academic outcomes for English learners in the state.³⁷ In 2004-05, only 9% of these students were reclassified as fluent in English – a rate that was virtually unchanged since the year before passage of the English Only law.³⁸
- Researchers at Arizona State University reported that 60% of English learners in Arizona made “no gain” in English in 2003-04, while 7% actually lost ground; all were enrolled in English Only programs.³⁹ Another ASU study found that the academic achievement gap between English learners and other students was widening.⁴⁰
- In Massachusetts, more than half of the students were still limited in English after three years in structured English immersion classrooms.⁴¹

Isn't it important to send a message to immigrants that they are expected to learn our language?

People who face language barriers every day – on the job, in the supermarket, at the hospital – understand better than anyone the importance of proficiency in English in America. They don't need English Only laws to impress upon them this reality. According to surveys by the Pew Hispanic Center, a substantial majority of Latinos agree that immigrants “have to speak English to say they are part of American society.” Meanwhile, 92% say it is “very important” for immigrant children to be taught English – a higher percentage than non-Hispanic whites (87%) or blacks (83%).⁴²

What would be a better way to promote English acquisition?

For many recent immigrants, the biggest obstacle to learning English is the shortage of affordable English-as-a-second-language (ESL) classes. The federal adult education program served 1.1 million students in 2004 but the demand for instruction far outpaced the supply. According to recent reports, there were waiting lists of more than 17,000 for adult ESL classes in Massachusetts, 12,000 in Houston,⁴³ 6,000 in Dallas, and 3,000 for a single school in Seattle.⁴⁴ English programs operated by the New York Public Library are so popular that students must win a lottery to get in.⁴⁵ The problem is simple: inadequate funding from state and federal governments.

English-only laws do nothing whatsoever to address this shortage. Rather than offering practical help to immigrants in learning English, they erect unnecessary barriers for those who are trying to do so. Outlawing bilingual programs now offered by government – and ruling out additional services in the future – would be counterproductive both for English acquisition and the acculturation of immigrants.

Why is that? How do programs in other languages promote English and acculturation?

Numerous scientific studies have shown that *bilingual education* is more effective than all-English programs in teaching “academic English,” the kind of skills that immigrant children need to succeed in school. As a result, it is also more effective in fostering school achievement in English.⁴⁶ Some forms of bilingual education offer the added benefit of developing proficiency in other languages that the nation needs.

Bilingual voting materials, which are provided in about 500 jurisdictions, have proven to increase political participation by language-minority citizens. A high level of English literacy is needed – higher than what is required for naturalization – to understand complex ballot measures and election procedures. In addition, there are native-born language minorities, including Puerto Ricans and Native Americans, whose English is sometimes limited. Language assistance at the polls helps these citizens become informed voters and gives them a stake in our democracy.⁴⁷

Backers of official English have disclaimed the “English Only” label. Aren’t they advocating something less extreme than that?

In fact, it was the U.S. English organization invented the term back in 1984, when it sponsored a ballot initiative in California entitled “Voting Materials in English Only.”⁴⁸ The label stuck because it accurately sums up the official-English agenda: banning or restricting the use of other languages.

For example, a 1988 ballot initiative in Arizona mandated: “This state shall act in English and no other language.” The measure was so extreme that it even applied to state legislators, who were forbidden to communicate with constituents in any language but English. It passed narrowly but was later ruled unconstitutional and never took effect.⁴⁹

How does official English legislation violate the constitution?

The Arizona measure was struck down for violating the First Amendment guarantee of *freedom of speech* and the Fourteenth Amendment guarantee of *equal protection* of the laws. The English Only law not only violated the rights of state employees and elected officials to express themselves, the Arizona Supreme Court found. It also violated the rights of limited- and non-English-speaking persons to receive information “when multilingual access may be available and may be necessary to ensure fair and effective delivery of governmental services.”

Government cannot abridge fundamental rights without a compelling reason to do so, and in this case the court found such a rationale to be absent: “The Amendment's goal to promote English as a common language does not require a general prohibition on non-English usage. English can be promoted without prohibiting the use of other languages by state and local governments.”⁵⁰

Has the U.S. Supreme Court ever ruled on this issue?

Its 1923 decision in *Meyer v. Nebraska* struck down an English Only law, which banned foreign-language instruction below the 8th grade. In doing so, it used similar reasoning to that of the Arizona Supreme Court in 1998. “The desire of the Legislature to foster a homogeneous people with American ideals prepared readily to understand current discussions of civic matters is easy to appreciate,” the U.S. Supreme Court said.

“But the means adopted, we think, exceed the limitations upon the power of the state. ... [T]he individual has certain fundamental rights that must be respected. 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. Perhaps it would be highly advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced with methods which conflict with the Constitution – a desirable end cannot be promoted by prohibited means.”⁵¹

What is the legal impact of adopting English as the official language?

Naturally, the impact depends on the wording of the legislation, which varies considerably. Of the 23 active official-English laws⁵² at the state level, most consist of simple declarations – “*English is the official language of the state of _____.*” These have had few, if any, direct legal effects.

Other versions, such as the “English Language Unity Act”⁵³ and the “National Language Act,”⁵⁴ bills now pending in the U.S. House of Representatives, would impose sweeping restrictions on government’s use of other languages. While allowing some exceptions for purposes such as national security, public safety, and foreign-language teaching, these measures would curtail most rights and services for non-English speakers, including the bilingual provisions of the Voting Rights Act.

The “National Language” amendment to immigration legislation, approved by the U.S. Senate on May 18, would have similar effects. Unlike the House bills, it would not repeal any current laws. But it is tailored to invalidate Executive Order 13166, issued by President Clinton in 2000 and reaffirmed by President Bush in 2001, requiring federal agencies and grant recipients to make their programs accessible to limited-English-proficient persons.⁵⁵

Among other things, restrictive official English proposals would:

- ban most federal publications in other languages, for example, to explain tax laws, veterans’ benefits, medical precautions, consumer protection, fair housing rules, and business regulations;
- prohibit the use of public funds to translate civil lawsuits or administrative hearings; and

- eliminate anti-discrimination guarantees for limited-English speakers in federally funded programs, including the right of parents to receive school notices in a language they can understand.

Still, isn't there something to be said for the idea of uniting Americans through a common language?

Of all the arguments in favor of official English, this is probably the most hypocritical. Ever since the campaign emerged in the early 1980s, its main effect has been to *divide* communities. Whenever this debate flares up, the news media report outbreaks of *language vigilantism*, as local officials and individuals take it on themselves to enforce discriminatory policies, using slogans like “This is America – speak English!”⁵⁶

While many English speakers may not see a problem, the targets of English Only campaigns find them offensive and threatening. Opposing such legislation in his home state of Arizona, Sen. John McCain asked: “Why we would want to pass some kind of initiative that a significant portion of our population considers an assault on their heritage?”⁵⁷ This is a question that English Only proponents have never been able to answer.

With all the ferment over language today, doesn't government need to establish a comprehensive policy?

Yes. Strictly speaking, the United States has never had a language policy, consciously planned and national in scope. It has had language *policies* – ad hoc responses to immediate needs or political pressures – often contradictory and inadequate to cope with changing times.

Americans need a language policy that reflects our values of ethnic tolerance, respect for civil rights, and generosity in meeting social needs. By requiring federal agencies and grant recipients to improve access for limited-English speakers, Executive Order 13166 is a small step in that direction. But more explicit and enforceable guidelines are necessary to ensure these programs are effective.

We also need a language policy that promotes language learning in ways that serve the national interest. It should begin by strengthening opportunities to learn English, of course, but should not stop there. English alone is not enough in today's global economy. America needs *English Plus* – well developed skills in many languages to enhance international competitiveness and national security – as a resolution now pending in the House makes clear.⁵⁸

Finally, we need a policy that values the languages of immigrants and indigenous minorities, recognizing them not as a “problem” but as a *resource*. Rather than attempting to stamp out language diversity with English Only laws, we should conserve and develop multiple language skills to encourage community harmony, foster cultural expression, and meet the nation's needs.

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