

**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,<sup>\*</sup> 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.<sup>†</sup>

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.

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<sup>\*</sup> Except in a few shameful cases, such as the Chinese Exclusion Act of 1882.

<sup>†</sup> 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.<sup>‡</sup>

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.<sup>§</sup>

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<sup>‡</sup> 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.

<sup>§</sup> 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.

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\*\* 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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