

ENGLISH AS THE OFFICIAL LANGUAGE

HEARING

BEFORE THE
SUBCOMMITTEE ON EDUCATION REFORM
OF THE
COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS
SECOND SESSION

July 26, 2006

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ENGLISH AS THE OFFICAL LANGUAGE

Wednesday, July 26, 2006
U.S. House of Representatives
Subcommittee on Education Reform
Committee on Education and the Workforce
Washington, DC

The subcommittee met, pursuant to call, at 12:35 p.m., in room 2175, Rayburn House Office Building, Hon. Michael Castle [chairman of the subcommittee] presiding.

Present: Representatives Castle, Osborne, Souder, Platts, Kuhl, McKeon, Woolsey, Grijalva, Hinojosa, Kucinich, and Davis of California.

Staff present: Kathryn Bruns, Staff Assistant; Pam Davidson, Professional Staff Member; Steve Forde, Communications Director; Jessica Gross, Press Assistant; Richard Hoar, Professional Staff Member; Lindsey Mask, Press Secretary; Susan Ross, Director of Education and Human Resources Policy; Deborah L. Emerson Samantar, Committee Clerk/Intern Coordinator; Rich Stombres, Deputy Director of Education and Human Resources Policy; Toyin Alli, Staff Assistant; Gabriella Gomez, Legislative Associate/Education; Lloyd Horwich, Legislative Associate/Education; Ricardo Martinez, Legislative Associate/Education; Joe Novotny, Legislative Assistant/Education, Clerk; and Rachel Racusen, Press Assistant.

Chairman CASTLE [presiding]. A quorum being present, the Subcommittee on Education Reform will come to order.

We are meeting today to hear testimony examining views on English as the official language.

Under committee rule 12(b), opening statements are limited to the chairman and ranking minority member of the subcommittee. Therefore, if other members have statements, they will be included in the hearing record.

With that, I ask unanimous consent for the hearing record to remain open 14 days to allow member statements and other extraneous materials referenced during the hearing to be submitted to the official hearing record. Without objection, so ordered.

Good afternoon, and thank you for joining us. I welcome you here today as a part of a series of discussions the committee and its subcommittees are holding here in Washington and throughout the Nation over the next several weeks to discuss U.S. immigration policy and proposals.

Today's hearing will closely examine the pros and cons of making English the official language. It is designed to be a balanced hear-

ing, allowing members to hear views on both sides of the issues and to provide them with an opportunity to ask questions as to whether or not English should be the official language of the United States. We are simply here to listen and learn.

The issue of making English the official language of the United States has long been controversial. The last time this committee and the Congress discussed the issue by itself was in the 104th Congress. Now, due to the steady growth of new immigrant populations within U.S. borders whose primary language is other than English, the discussion and the issues of language diversity has once again brought attention to the public policy debate.

Further, as you may be aware, the Senate recently revived this issue by including two amendments declaring English as both the national and common and unifying language of the United States as part of its immigration bill. We hope to learn more about the differences of these amendments today so that we can make an informed decision as we move forward with negotiating the House and Senate immigration bills.

It should also be noted that 27 states have enacted laws declaring English as their official language in various forms. However, I think the one thing most of us do agree on is the importance of learning English. Anyone who hopes to achieve the American dream must first know, understand and use English. As such, I hope to also discuss this topic today to learn more about not only the importance of learning English, but the importance of providing opportunities to learn English.

Before us today is a balanced, diverse panel of witnesses who are experts and representatives of those on both sides of the issue. I look forward to gathering valuable input from them and allowing members the opportunity to ask the tough questions that need to be asked as we work through this process. Again, we are here today to just listen and learn about this important issue.

I now yield to Ms. Woolsey for whatever opening statement she wishes to make.

Ms. WOOLSEY. Thank you, Mr. Chairman.

I have to go on record saying that I believe we are here today because your House Leadership is trying to put a real discussion on comprehensive immigration reform as far away as they can, so we are holding hearings like this. But having said that, I want to thank you, Mr. Chairman, because your efforts have made this hearing very balanced.

The testimony of the two witnesses opposed to English-only, or English-as-the-official-language policies, will persuasively make the case against such policies, but ironically I also think that the testimony of the two witnesses in favor of such policies make a case against those policies.

In his written testimony, Mr. Mujica states that no serious person is suggesting that we become an English-only nation, and State Senator McKinley, a supporter of the Iowa official language bill, admits that the reality was that in Iowa they already had an official language in practice, English.

So, to me, that shows a lot of support for what we already know, and are going to hear today, that English is not under attack, that it is overwhelmingly the language of our government; that immi-

grants want to learn English; and that instead of promoting unnecessary divisive policies, we ought to simply help immigrants to learn English, because we will hear in a few minutes, according to the most recent census, that 92 percent of our population speaks English.

Another recent survey found that 90 percent of Latinos believe that it is important for immigrant children to learn English. In fact, Latinos were even more likely than others to say that. Unfortunately, and not surprisingly, the president and this Congress have been going in the opposite direction.

Last month, the House Appropriations Committee approved a bill that provides less funding for the year 2007 to help students learn English than the year 2003. The same bill provides less funding for 2007 to help adults learn English than in the year 2002. And the Government Accountability Office will release a report today that concludes that the U.S. Department of Education needs to do more to help states help students learn English. Not only are English-only or English-as-the-official-language policies unnecessary and divisive, they truly can be harmful.

First, they do nothing to help immigrants learn English. They also jeopardize public safety. In the case of a natural disaster or a terrorist attack or a health crisis, it is critical that government be able to communicate quickly and effectively with the entire public. For example, if there is a pandemic flu and non-English speakers cannot understand the government's instructions, everyone will be at risk.

So I look forward to hearing our witnesses, but again, Mr. Chairman, I believe that the policies we are discussing today are a solution in search of a problem.

I thank you.

Chairman CASTLE. Thank you, Ms. Woolsey. We appreciate your opening statement.

Now we will turn to our witnesses.

Basically, I will introduce each of you before you speak, and then we will go back to the beginning, back to Mr. Mujica being introduced first, who will start the discussion.

You will each have 5 minutes, which will be on that little monitor in front of you, which is green, 4; yellow, 1; and red thereafter. So when you see the yellow, think about summing up and hopefully finish up when you hit the red.

We are all very pleased to have all of you here. I will now give a little bio on each of you.

Mr. Mauro Mujica has been chairman of the board and CEO of U.S. English since 1993, the nation's oldest, largest citizen action group dedicated to preserving the unifying role of the English language in the United States.

Since his election to the position, Mr. Mujica has overseen a renewed drive to pass official English legislation at the state and Federal level. As an immigrant from Chile who became a naturalized citizen in 1970, he has a firsthand understanding of the obstacles facing non-English speakers.

Mr. Mujica holds a bachelor's and master's degree in architecture from Columbia University. He was also a member of the advisory board of the U.S.-U.K. Fulbright Commission from 1995 to 2000,

and former chairman of the U.S. Fulbright Advisory Board of the U.S.-U.K. Fulbright Commission from 1997 to 2000.

State Senator Paul McKinley represents the 36th Senate District for the state of Iowa, where he is now serving his second term. He is co-chairman of the Education Committee and also serves on the Commerce, Economic Growth and Ways and Means Committees, as well as on the Education Appropriations Subcommittee.

State Senator McKinley was a cosponsor of legislation making English the official language of the state of Iowa, which in 2002 became the most recent state to enact an official English language law. Before heading to the state senate, he built his career as a businessman and an entrepreneur. Senator McKinley received his bachelor's degree from the University of Iowa.

Mr. Raul Gonzalez is the legislative director for the National Council of La Raza. The National Council of La Raza is the largest national Hispanic civil rights and advocacy organization in the United States that works to improve opportunities for Hispanic Americans. Focusing on education policy, Mr. Gonzalez works with Congress, the administration, advocacy groups and the council's affiliated community-based organizations to improve educational opportunities for Hispanic Americans.

He is a former legislative assistant to Representative Major Owens, a member of our committee, and a former New York City public school teacher, where he taught writing, algebra and special education. Mr. Gonzalez was born in Puerto Rico and was raised in Brooklyn, New York. He graduated from City College of New York with degrees in English and psychology.

John Trasviña is the interim president and general counsel of the Los Angeles-based Mexican American Legal Defense and Educational Fund, or MALDEF, located in Los Angeles. MALDEF is the leading nonprofit Latino litigation advocacy and educational outreach institution in the United States protecting their civil rights. Mr. Trasviña is the former western regional director for the U.S. Commission on Civil Rights and a former deputy assistant attorney general for legislative affairs at the U.S. Department of Justice.

He is also the former general counsel and staff director for the Senate Judiciary Subcommittee on the Constitution. For the past two decades, he has played a major policy role at the local and Federal levels on immigration and civil rights matters affecting immigrants, women and minority communities. He is a graduate of Harvard University and Stanford Law.

Mr. Art Ellison has been the director of the New Hampshire Department of Education's Bureau of Adult Education for over 25 years. He has also worked as a road construction laborer, high school social studies teacher, and a local adult education teacher. In addition, he is the founder, executive producer and actor with the Northern New England Literacy Theater.

Mr. Ellison received his undergraduate degree from Earlham College, his master's degree from Northwestern and his doctoral degree from the University of Massachusetts. Mr. Ellison is also here today representing the National Council of State Directors of Adult Education.

It is an impressive array of individuals we have here today. We thank all of you very much for being here.

Just to go through the format again, you will have 5 minutes. When all of you are done, we will then open it up to members who are here to ask questions, alternating from one side to the other.

So we welcome you. We look forward to a lively and interesting and hopefully informational discourse today on this important subject.

Mr. Mujica, we will start with you, sir.

Prepared Statement of Hon. Michael N. Castle, Chairman, Subcommittee on Education Reform, Committee on Education and the Workforce

Good afternoon and thank you for joining me. I welcome you here today as part of a series of discussions the committee, and its subcommittees, are holding here in Washington and throughout the nation over the next several weeks to discuss U.S. immigration policy and proposals.

Today's hearing will closely examine the pros and cons of making English the official language. It is designed to be a balanced hearing allowing members to hear views on both sides of the issue, and to provide them with an opportunity to ask questions as to whether or not English should be the official language of the U.S. We are simply here to listen and learn.

The issue of making English the official language of the United States has long been controversial. The last time this committee and the Congress discussed the issue by itself was in the 104th Congress. Now, due to the steady growth of new immigrant populations within U.S. borders, whose primary language is other than English, the discussion and issues of language diversity has once again brought attention to this public policy debate.

Further, as most of you may be aware, the Senate recently revived this issue by including two amendments declaring English as both the "national" and "common and unifying" language of the United States as part of its immigration bill. We hope to learn more about the differences of these amendments today so that we can make an informed decision as we move forward with negotiating the House and Senate immigration bills. It should also be noted that 27 states have enacted laws declaring English as their official language, in various forms.

However, I think the one thing most of us do agree on is the importance of learning English. Anyone who hopes to achieve the American dream must first know, understand, and use English. As such, I hope to also discuss this topic today to learn more about not only the importance of learning English, but the importance of providing opportunities to learn English.

Before us today is a balanced, diverse panel of witnesses who are experts and representatives of those on both sides of the issue. I look forward to gathering valuable input from them and allowing members the opportunity to ask the tough questions that need to be asked as we work through this process. Again, we are here today to just listen and learn about this important issue. I will now yield to my friend and ranking member, Ms. Woolsey, so that she may make any opening statement she may have.

**STATEMENT OF MAURO MUJICA, CHAIRMAN OF THE BOARD,
U.S. ENGLISH, INC.**

Mr. MUJICA. Thank you, Mr. Chairman, for the opportunity to testify regarding H.R. 997, legislation that would make English the official language of the United States.

My name is Mauro E. Mujica, and I am the chairman of the board of U.S. English, Inc., a nonprofit organization based here in Washington, D.C. U.S. English was founded in 1983 by former Senator S. I. Hayakawa, and we have since grown to more than 1.8 million members. Our organization focuses on public policy issues that involve language and national identity, particularly official English laws.

As an immigrant and naturalized citizen, the issues we are discussing today are of great personal importance to me. When I came to the United States from Chile in 1965, there was no doubt in my mind that I had a civic duty to learn the common language of this country.

Mr. Chairman, one-third of U.S. English members are either immigrants or the children of immigrants. A Rasmussen poll this June found that 84 percent of Americans favor a law to make English our nation's official language, and a Zogby poll last summer found that support for official English is higher among first- and second-generation Americans than it is among native-born Americans. In both its motivation and content, H.R. 997 is a pro-immigrant bill.

While there is certainly a need for government to occasionally operate in other languages, that need must be balanced by a legitimate insistence that immigrants are on the road toward learning English. That balance is embodied in H.R. 997, which requires that routine government operations be in English, while listing a number of exceptions where multilingual operations make sense.

In a country where residents speak 322 languages, multilingual government must be the exception, not the rule. Unfortunately, instead of promoting English learning, government agencies increasingly seek to cater to immigrants in as many languages as possible. The result is that I, a 42-year resident of the United States, can walk into virtually any government office and demand services in my native language, and I will receive them, no questions asked.

My frustration is shared by Hispanic columnist Alicia Colon, who wrote in the June 28 New York Sun, "What made us different from immigrants who were forced to conquer the language gap to succeed? Do all Italian-Americans speak Italian?"

If the millions that do not speak English were on their way toward learning English, there would be no reason for concern. Unfortunately, survey data suggests that the state of limited English proficiency is often terminal. Last March, the Pew Hispanic Center surveyed Mexican migrants regarding English proficiency. Pew found that among those residing in the United States for 6 to 10 years, 45 percent spoke English not well or not at all. Pew also found that among those residing in the U.S. for 15 or more years, 45 percent spoke English not well or not at all. The implication is contrary to prevailing opinion. If English learning is not stressed to immigrants upon arrival, many never learn it at all.

I highly recommend the recent Time magazine essay by Quebec-born commentator Charles Krauthammer, who argues that America is at risk of facing Canadian-style linguistic divisions unless we change our assimilation norms. And he says, "making English the official language is the first step to establishing those norms."

Mr. Chairman, I am proud to be fluent in four languages, including my native Spanish. H.R. 997 is not in conflict with our national goal of personal multilingualism or with President Bush's recently announced foreign language initiative. Furthermore, I fully agree that we still are, as S. I. Hayakawa told the Senate 25 years ago, very backwards in our study of foreign languages in the United States.

But we have also been negligent in our promotion of English as the unifying language of our nation. We have never been, and no serious person is suggesting that we become an English-only nation. But the American people decidedly do not want us to become an English-optional nation.

As your former colleague Lindsey Graham noted in last month's Senate floor debate on a similar measure, "From a national perspective, we need to promote assimilation in our society." H.R. 997 is consistent with this policy goal and with the values of the American people, and I respectfully urge this committee to pass this legislation.

[The prepared statement of Mr. Mujica follows:]

**Prepared Statement of Mauro Mujica, Chairman of the Board,
U.S. English, Inc.**

Thank you, Mr. Chairman, for the opportunity to testify regarding H.R. 997, legislation that would make English the official language of the United States.

My name is Mauro E. Mujica, and I am the Chairman of the Board of U.S. English, Inc., a nonprofit organization based here in Washington. U.S. English was founded in 1983 by former Senator S.I. Hayakawa, and we have since grown to more than 1.8 million members. Our organization focuses on public policy issues that involve language and national identity, particularly official English laws.

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In a country whose residents speak 322 languages, multilingual government must be the exception, not the rule. Unfortunately, instead of promoting English learning, government agencies increasingly seek to cater to immigrants in as many languages as possible. The result is that I—a 42 year resident of the United States—can walk into virtually any government office and demand services in my native language—and I'll receive them, no questions asked (!) My frustration is shared by Hispanic columnist Alicia Colon, who wrote in the June 28th New York Sun: "What made us different from other immigrants who were forced to conquer the language gap to succeed? Do all Italian-Americans speak Italian?"

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I highly recommend the recent Time magazine essay by Quebec born commentator Charles Krauthammer, who argues that America is at risk of facing Canadian-style linguistic divisions unless we change our assimilation norms. And "making English the official language is the first step to establishing those norms."

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ate 25 years ago, very backwards in our study of foreign languages in the United States.

But we have also been negligent in our promotion of English as the unifying language of our nation. We have never been, and no serious person is suggesting that we become, an “English Only” nation. But the American people decidedly do not want us to become an “English Optional” nation. As your former colleague Lindsey Graham noted in last month’s Senate floor debate on a similar measure, “from a national perspective, we need to promote assimilation in our society.” H.R. 997 is consistent with this policy goal and with the values of the American people, and I respectfully urge this committee to pass this legislation.

Chairman CASTLE. Thank you, Mr. Mujica. We will obviously be getting back to you soon.
Senator McKinley?

**STATEMENT OF HON. PAUL MCKINLEY, STATE SENATOR,
IOWA GENERAL ASSEMBLY**

Mr. MCKINLEY. Chairman Castle, Ranking Member Woolsey, thank you for inviting my views on English as our official language. I am serving my second term in the Iowa Senate as co-chairman of the Iowa Senate Committee on Education. In 2001, I was cosponsor of Senate File 165, the Iowa English Language Reaffirmation Act, a bill authored by then-Senator, now-Congressman Steve King.

The Iowa English Language Reaffirmation Act added a new section to the Iowa Code declaring English the official language of the state. It requires all state and local official government business to be conducted in English, with some exceptions.

Those exceptions are teaching languages; the Individuals with Disabilities Education Act; trade, tourism, or commerce; actions to promote the public health and safety; any census; actions that protect the rights of crime victims or criminal defendants; the use of proper names, terms of art or phrases in languages other than English; any language usage required by or necessary to secure the rights guaranteed by state or Federal constitution; and communication, examination or publication for driver’s licenses if public safety is jeopardized.

The act also does not prohibit state officials from communicating in a language other than English if it is necessary to perform official business. Senate File 165, the Iowa official English law, was signed by Governor Vilsack, a Democrat, on March 1, 2002. Prior to its passage, those who did not want English as our official state language raised a few objections.

The opposition to English came primarily from liberal activist groups and certain newspapers. Dire consequences were predicted, but none materialized. Their main objection was that making English our official language would somehow be seen as an act not welcoming legal immigrants. This is absolutely false. The best way to welcome legal immigrants and help them through their naturalization process is to help them learn English. Common language is the glue that binds a society and an economy.

Some opponents of English also argued that it was racist to have an official language. Nothing could be further from the truth. The reality is that in Iowa, we already had an official language in practice. It was English. There is nothing new about a person’s racial background that makes it harder or easier to learn English.

In Iowa, we have a proud tradition of assimilating immigrants in our Midwestern melting pot. Iowa is a very welcoming state and is grateful for the vast contributions of its citizens from assorted backgrounds. A few opponents of English claimed that fewer non-English speaking immigrants would come to Iowa if we made English our official language. They were wrong.

In fact, I believe the level of immigration in Iowa has increased after passage of our official law. In my home town of Chariton, we have seen a large number of Ukrainians settle and start businesses in markets where we had urgent need. They have improved local neighborhoods by fixing up broken down houses. Their children go to our local schools, and all of them have readily mastered the English language.

In my experience, the opposition to Iowa's official English law before it became law was political, not based on policy or practical concerns. An excellent illustration of this observation can be found in the Iowa House hearings that were held prior to passage. During those hearings, Ngu Alons testified to her support for English as our official language.

I urge you to read her story. She immigrated to the United States as a Cambodian refugee with no English skills. She learned English quickly and this mastery of English enabled her to testify before the Iowa House in support of English as the official language.

At that hearing, English opponents urged by political activists booed her during her presentation and did not give her the respect she deserved. These same activists who argued that English was discriminatory had no qualms about discriminating against her that day. In my role in the Iowa Senate, I have had the opportunity to monitor the implementation of the law. The problems raised by opponents of the measure never materialized. The law remains intact and I can tell you without reservation it is working.

In fact, last fall the Iowa legislature conducted hearings around Iowa on the immigration issue in Des Moines, Spirit Lake, Ottumwa and Davenport. No immigrant objected to English as Iowa's official language. The only individual who objected was a political activist.

Finally, I would like to remind the committee that the Iowa English law is very similar to English Language Unity Act, House Resolution 997, introduced by Congressman King, with 161 cosponsors. I believe that the Iowa and Federal situation have a great deal in common. You will hear a lot of political objections to making it the official language, but if it becomes law, I think those will dissipate just as they did in Iowa.

Thank you.

[The prepared statement of Mr. McKinley follows:]

Prepared Statement of Hon. Paul McKinley, Iowa State Senator

Chairman Castle, Vice Chairman Osborne and Ranking Member Woolsey, thank you for inviting my views on English as our official language. For the record, I am serving my second term in the Iowa Senate. Currently, I am the co-Chairman¹ of the Iowa Senate Committee on Education. I also serve on the Education Appropria-

¹The Iowa Senate is currently divided equally between Democrat and Republican members, so there are two co-Chairmen of the Education Committee.

tions Subcommittee, and the Commerce, Economic Growth, and Ways and Means Committees. I have served in the Iowa Senate since 2001.

My career background is as a businessman and entrepreneur. I was born and raised in Russell, Iowa. I live nearby in Chariton, Iowa now. I have a B.A. degree from the University of Iowa. I serve on the Board of Directors of Great Western Bank. I am a member of the Chariton First United Methodist Church, Lucas County Farm Bureau, Lucas County Historical Society, and Lucas County Arts Council. I am a former member of Southern Prairie AEA, Rathbun Lake Association, Area Agency on Aging, Iowa Job Training Council, CIRAS, Rathbun Area Health Services Board, Wayne County Hospital Board of Trustees, and NFIB.

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The Iowa English Language Reaffirmation Act added a new section to the Iowa Code declaring English the official language of the state. It requires all state and local official government business to be conducted in English with some exceptions.

The English language requirement in the Act does not apply to teaching languages; requirements under the federal Individuals With Disabilities Education Act (what are exceptions required by IDEA); actions, documents or policies necessary for trade, tourism or commerce; actions or documents that protect the public health and safety; actions or documents that pertain to any census of populations; actions or documents that protect the rights of crime victims or criminal defendants; use of proper names, terms of art, or phrases in languages other than English; any language usage required by or necessary to secure rights guaranteed by the state or federal constitution; and oral or written communications, examinations or publications produced or utilized by a driver's license station, if public safety is jeopardized.

The Act also does not prohibit an individual member of the General Assembly or an officer of state government from communicating in a language other than English if the person deems that communication necessary to perform official business.

The Act specifies that the English language requirement should not be construed to limit the preservation or use of Native American languages or disparage any language other than English or discourage any person from learning or using a language other than English.

The Act also adds a new Code section that establishes a statutory presumption that English language requirements in the public sector are consistent with Iowa law and provides that any ambiguities in the Iowa English language requirements are to be resolved in accordance with the Bill of Rights of the United States Constitution, not to deny or disparage rights retained by the people, and to reserve powers to the states or to the people.

Senate File 165, the Iowa English Language Reaffirmation Act was signed by Governor Vilsack, a Democrat, on March 1, 2002. Prior to its passage, during debate of the measure, those who did not want reaffirm English as our official state language raised a few objections. The opposition to English came primarily from liberal activist groups and certain newspapers. When SF 165 was debated, some predicted dire consequences. However, their predictions did not materialize.

Their main objection was that making English our official language would somehow be seen as not welcoming legal immigrants. This is absolutely false. The best way to welcome legal immigrants and help them through their naturalization process is to help them learn English. Common language is the glue that binds a society and an economy. Without English, they are strangers. With English they are able to communicate, join the community and work their way up the economic ladder. The federal government has long recognized the importance of English. In fact, proof of English language ability, both written and oral, is required of all immigrants in order to naturalize, except in certain circumstances.

Some opponents of English also argued that it was racist to have an official language. Nothing could be further from the truth. The reality is that in Iowa we already had an official language in practice-it was English. There is nothing about a person's racial background that makes it harder or easier to learn English. In Iowa we have a proud tradition of assimilating immigrants in our Midwestern melting pot. Over the years newcomers to Iowa have learned English and fully participated as Iowans in our political process. Without English it would have been impossible. If Iowa immigrants were unable to communicate in English, it would have been impossible for the German, Czech, Lao, Dutch, Bosnians, Russians, Ukrainians, Somalians, and numerous others to fully assimilate and become the bedrock of our communities and state. Iowa is a very welcoming state and is grateful for the vast contribution of its citizens from assorted backgrounds.

A few opponents of English claimed that fewer non-English speaking immigrants would come to Iowa if Iowa made English our official language. They were wrong.

Immigrants continue to make Iowa their home. In fact, I believe the level of immigration to Iowa has increased after passage of our official English law. In my own hometown of Chariton we have seen a large number of Ukrainians settle and start businesses in markets with an urgent need. They have improved local neighborhoods by fixing up rundown homes. Their children go to our local schools. All of them have readily mastered the English language.

In my experience, the opposition to Iowa's official English law before it became law was political, not based on policy or practical concerns. An excellent illustration of this observation can be found in the Iowa House hearings that were held prior to passage. During these hearings Ngu Alons testified to her support for English as our official language. She immigrated to the United States as a Cambodian refugee with no English skills. She learned English quickly, and this young woman's mastery of English enabled her to testify before the Iowa House to support English as Iowa's official language. At that hearing, English opponents, urged by political activists, booed her during her presentation and did not give her the respect she deserved. These same activists who argued that English was discriminatory had no qualms about discriminating against her that day. The political activists were intolerant of an immigrant who took a stand for English. I believe her personal story is instructive and have included it with my testimony. Those who argue that immigrants do not support English are wrong. Immigrants know how important learning English is for the economic success of not only themselves, but also for their children.

In my role in the Iowa Senate I have had occasion to monitor the implementation of the Iowa English Language Reaffirmation Act. The problems raised by opponents of the measure never materialized. The Iowa law has remained intact. It has not been amended. I can tell you without reservation that the law is working well and has been positively received in Iowa. There are no serious attempts to repeal or change the law because it is working well, as intended.

In fact, last fall the Iowa Senate conducted hearings around Iowa on the immigration issue and immigrants and native Iowans. The hearings were held in Des Moines, Spirit Lake, Ottumwa and Davenport. No immigrant objected to English as Iowa's official language. The only individual who raised the issue was not an immigrant, but rather a political activist. The hearings were very well attended and people were given the opportunity to testify to any issue they believed to be a barrier. The only time language was discussed was when service providers in the communities spoke about how difficult it was for the hospitals, jails, law enforcement and schools to deal with non-English speaking people seeking services. One frequently mentioned area of concern was that many women's domestic violence centers where called upon to serve an increased number of non-English speaking people.

Finally, I would like to remind this Committee that the Iowa English law is very similar to the English Language Unity Act, H.R. 997, which was introduced by Iowa Congressman Steve King. It currently has 161 bipartisan cosponsors. I believe that the Iowa and federal situations share a great deal in common. You can expect to hear political objection to making English the official language of the federal government. After H.R. 997 becomes law, I believe those objections will evaporate because they are not well-founded in policy-based or practical concerns. An official English law, like H.R. 997, has the necessary common-sense exceptions while still recognizing the need for an official language for the federal government.

Story of Ngu Alons, Immigrant to Iowa

My name is Ngu Alons, and I am a first generation immigrant from Cambodia. I arrived in the US with my family after fleeing my homeland as the Khmer Rouge murdered millions of my fellow citizens. My family left everything behind and entered a country where we had nothing—no assets and no connections. My parents recognized what a blessing it was simply to be alive and free and immediately made the commit to become "Americans".

After escaping Cambodia with literally nothing, we waited over a year in a refugee camp in Thailand, hoping for asylum somewhere in a free country. I was 8 years old, and witnessed much death and destruction in the process, more than anyone should have to endure. I watched my parents struggle with the uncertainty of the situation and the frustration at having no control over our destiny. Fortunately my entire immediate family was together and we were ultimately allowed legal entrance into the United States, specifically to Madison, South Dakota.

On arriving, we knew no English, had no money, and were seemingly the only non-white people in the entire county! Having attended only a few days of school, I was far behind my peers with whom I couldn't even converse. I committed myself to learn English as quickly as I could, which I accomplished without the assistance of ESL since it wasn't provided at that time. Eventually I was enrolled in Advanced

Placement classes and after completing high school attended college, paying my own way through hard work and frugal perseverance.

My father quickly found a job—making \$3.25/hr washing cars for a local auto dealership, and worked hard. He also knew no English but through determination managed to communicate (in English) with his employer and was always thankful for his job. Committed to following the law, he shunned welfare support, instead working additional hours to earn a position in society. He slowly moved up, eventually running equipment for a food processing plant in Michigan, always recognized as hard working, rarely ever missing a day of work.

It is clear to me that the English language was both a unifier and an identification that helped the assimilation process for my family. I know Cambodian, Chinese, and some French, but I proudly speak English since I am an American (I earned my US citizenship in 1988). I think learning and knowing multiple languages is a good thing, but not at the expense of mastering English—our common bond as a people.

Without English we simply cannot be American—it is a major part of our identity as a nation. English has always been the common language of America—it simply has never been formally identified as such which, until recently, wasn't necessary. When I arrived there was no question that I was the new person and English was the established language. Today the necessity of learning English for the good of the individual and the nation is no longer obvious nor respected, which is the reason that a formal declaration of English as our official language is now required.

I love America and thank God every day that I live as a free person enjoying what has been earned through the sacrifice of those that came before me. I try to give back more than I take in every way, knowing that many have given their lives for our good. While I will always be from Cambodia, today I am first and foremost an American and proudly so.

Chairman CASTLE. Thank you, Senator McKinley.
Mr. Gonzalez?

**STATEMENT OF RAUL GONZALEZ, LEGISLATIVE DIRECTOR,
NATIONAL COUNCIL OF LA RAZA**

Mr. GONZALEZ. Thank you, Chairman Castle, Ranking Member Woolsey and members of the subcommittee. Again, my name is Raul Gonzalez. I am the legislative director at the National Council of La Raza here in Washington. I have been working in the field of education for 15 years as a public school teacher, congressional aide, and in the nonprofit sector.

So it is a pleasure to appear before this subcommittee which has worked effectively and in a bipartisan manner to approve legislation important to Latinos and English learner students, including Head Start, which we hope will someday pass the full Congress, and the School Lunch Act.

So I appreciate the subcommittee's efforts to hold a balanced hearing on this issue of English as the official language of the United States. It is important to remember that this hearing is being held within a specific context, which is the ongoing debate about immigration reform. We hope that this hearing will be productive and will not distract Congress from acting on legislation to fix our broken immigration system this year. We urge Congress to pass a comprehensive immigration reform bill.

NCLR believes that English is critical to success in this nation and certainly supports English language acquisition and effective integration of immigrants. In fact, NCLR and its affiliated CBOs, community-based organizations, are in the business of helping people learn English. About 150 of our 300 community-based organizations provide some ESL services and our network of more than 90

charter schools provide services to a variety of students, including ELLs.

NCLR has invested a great deal of time in shaping the No Child Left Behind Act to improve the English language acquisition and contact acquisition of students who are not English proficient. English-only laws can only weaken, in our opinion, NCLB, and we hope to work with the committee to strengthen NCLB, not to weaken it for English learner students.

In my testimony today, I want to focus on the dangers of official language or English-only policies and the potential impact on education. I propose a policy agenda to help LEP adults and children learn English. My written testimony briefly discusses how these policies affect health care and safety, as well as the Inhofe and Alexander amendments to Senate bill, S. 2611, which is the bipartisan compromise legislation passed in May. I would be happy to answer questions on these issues and amendments during Q&A.

At issue is whether there is a need for English-as-the-official-language policy. By any rational or historical standard, the answer is no. The facts bear this out. Supporters of English-only policies argue that English is under attack. The fact is, English is already the language of government. GAO reports have consistently shown that about 1 percent of government documents are printed in a language other than English.

Supporters of English-only policies argue that too many people don't speak English. The fact is almost every American in this country, and possibly some abroad, speak English, 92 percent of Americans, according to the U.S. census, speak English with no difficulty, and 82 percent speak only English.

Supporters of English-only policies argue that immigrants don't want to learn English. The fact is today's immigrants learn English as quickly as previous groups. A study by the Lewis Mumford Center at Albany found that second-generation immigrants are largely bilingual, and 92 percent of Spanish immigrants speak English, as do 96 percent of Asian immigrants.

This is remarkable, given that there has been insufficient investment in English language acquisition programs. Since fiscal year 2004, funding for adult education programs in Title III, which is the ELL section of NCLB, has decreased by more than \$22 million and the Even Start family literacy program has been decimated with funding cuts of nearly \$148 million.

It is fair to expect immigrants to integrate into American society and English language acquisition is a big part of that. But we need to adopt policies that will make that happen, and Congress hasn't done enough so far to help people learn English.

Most relevant to this committee, English-only policies weaken the No Child Left Behind Act, which is intended to hold schools accountable for helping English learner students learn English and meet the same reading and math requirements as other children. They also weaken the parental involvement provisions of that law, which is critical.

Given the facts, English-as-the-official-language policies can only be viewed as counterproductive and extremist. First, as noted above, translation of documents is not a burden on our government. Second, the English language is not under attack. Third, recent im-

migrants are learning English and those who do not are seeking the opportunity to learn English. Fourth, English-only policies fail an important test of what makes good policy. In this case, they don't result in a single person learning English.

Congress can do better. Rather than pursue these policies, Congress should take affirmative steps to help people learn English. Congress should increase funding for adult education programs and approve the Workforce Investment Act. Congress should undertake a major new investment in ESL to help people learn English and for immigrant integration. Congress should increase funding for Even Start, the nation's premier family literacy program.

And Congress should strengthen, not weaken, the No Child Left Behind Act. That is a critical part of this effort and we hope to work with the Congress to do that.

I would be happy to answer questions on any of these issues. Thank you.

[The prepared statement of Mr. Gonzalez follows:]

**Prepared Statement of Raul Gonzalez, Legislative Director,
National Council of La Raza**

Introduction

My name is Raul Gonzalez; I am the Legislative Director at the National Council of La Raza (NCLR). NCLR is a private, nonprofit, nonpartisan organization established in 1968 to reduce poverty and discrimination and improve opportunities for the nation's Hispanics. As the largest national Hispanic civil rights and advocacy organization in the U.S., NCLR serves all Hispanic nationality groups in all regions of the country through a network of nearly 300 Affiliate community-based organizations.

NCLR appreciates the Subcommittee's efforts to hold this hearing on the issue of English as the official language of the United States. Debates on language often shed more heat than light on what is appropriate policy for the nation; we are hopeful that today's hearing will be productive. It is important, however, for the Subcommittee, the entire Congress, and the American people to remember that this hearing is being held within a specific context, namely the current debate on immigration reform. We hope that the hearing will not distract Congress from acting on legislation to fix our broken immigration system this year. We urge Congress to pass comprehensive immigration reform.

As a preliminary matter, I would like to state unequivocally that NCLR believes that English is critical to success in this nation and strongly supports English language acquisition and effective integration of immigrants. We realize that in the past we may not have made our views on this issue clear. The fact is, NCLR and its Affiliate Network are in the business of helping Latinos and immigrants acquire English. For example, about half of our nearly 300 Affiliates provide some English language acquisition services. In addition, NCLR's network of more than 90 charter schools serves a diverse group of students, including English language learners (ELLs).

NCLR has also invested a great deal of time in shaping the No Child Left Behind Act (NCLB) and in working toward more effective implementation of that law, which we see as a lynchpin for the future of Latino students, nearly half of whom are ELL—and which can only be weakened by adopting English-only policies. NCLR worked with Congress to craft a new bilingual education law, Title III of NCLB, which has clear accountability for helping ELLs acquire English and keep up with their English-proficient peers in reading, math, and science. NCLR worked with Congress to make sure that parents are part of the education process, particularly immigrant parents who are not English proficient. NCLR has been working in collaboration with the Department of Education to improve implementation of the ELL provisions of NCLB and to fight back efforts to erode accountability for ELLs.

During reauthorization of NCLB, NCLR hopes to work with Congress to strengthen—not discard—its accountability provisions. NCLR's publication, *Improving Assessment and Accountability for English Language Learners in the No Child Left Behind Act*, provides a roadmap for NCLB reauthorization. We look forward to the opportunity to discuss our recommendations with the Subcommittee.

NCLR has also worked to inform the Latino community about NCLB, particularly the parents of students most likely to benefit from NCLB, yet most likely to be ignored. Specifically, NCLR has conducted workshops and trainings for Latino, limited-English-proficient, and farmworker parents. In the rural community of Woodburn, Oregon, we conducted a day-long training which attracted about 100 farmworker parents of ELLs. Their deep commitment to the education of their children was clear. Their main challenge in fulfilling their role under NCLB—to hold their local schools accountable for improving educational outcomes—is their lack of English proficiency.

We know we have more work to do as more people need to transition to English. We hope that our failure to effectively communicate our message to Congress and other policy-makers will not result in Congress taking steps to make immigrant integration less effective.

In my testimony today, I will focus on the need for “official language” or English-only policies and their potential impact on education. I will also briefly discuss how these policies can affect health care and public safety. In addition, I will address the Inhofe Amendment approved by the Senate during its deliberation on the “Comprehensive Immigration Reform Act of 2006” (S. 2611), the bipartisan, compromise legislation approved by the Senate in May. Finally, I will propose a policy agenda to help limited-English-proficient (LEP) adults and ELL children learn English.

Need for English as the Official Language

At issue is whether or not there is a need for an English as the official language policy. By any rational or historical standard, the answer is “no.” The facts bear this out.

English is already the language of government. Studies of the U.S. Government Accountability Office (GAO) have consistently shown that the overwhelming majority of U.S. Government documents are printed in English only. In fact, only about 200—or less than 1%—of U.S. Government documents are published in a language other than English (see U.S. General Accounting Office, Letter to Honorable Richard Shelby, Honorable William F. Clinger, Jr., and Honorable Bill Emerson, September 20, 1995, GAO/GGD-95-243R, Federal Foreign Language Documents; and U.S. General Accounting Office, Letter to Honorable Richard Shelby, June 5, 1998, GAO/GGD-98-99 Federal Non-English-Language Documents 1995-1997).

Nearly every American speaks English. According to the 2000 U.S. Census, 92% of Americans have “no difficulty speaking English.” The vast majority of Americans (215,423,557 out of 262,375,152—82%) speak only English at home. In addition, second language speakers also speak English. According to the U.S. Census, most people who speak a language other than English also speak English “very well.”

Today’s immigrants learn English as quickly as previous groups. According to the 2000 Census, of the people who report speaking Spanish at home, 72% report speaking English “well” or “very well.” Research on the second and third generations consistently shows adherence to the three-generation pattern that immigrants have followed for more than a century. For example, a report on language assimilation by the Lewis Mumford Center for Comparative Urban and Regional Research at Albany (Language Assimilation Today: Bilingualism Persists More Than in the Past, But English Still Dominates, available on line at <http://mumford.albany.edu/children/researchbriefs.htm>) found that the second generation is largely bilingual; 92% of the Hispanics speak English “well” as do 96% of the Asians, though most also speak another language at home. By the third generation, the pattern is English monolingualism. The study also finds that recent immigration levels have not changed the pattern.

This is remarkable given that there has been insufficient investment in English language acquisition programs. Since fiscal year (FY) 2004, funding for adult education programs has decreased by more than \$10 million, funding for Title III of NCLB has decreased by more than \$12 million, and the Even Start family literacy program has been decimated, with funding cuts of nearly \$148 million. It is fair to expect immigrants to integrate into American society, and English language acquisition is a large part of that, but we should adopt policies that will make that happen. Congress has not done enough to aid English language acquisition.

Impact of English as the Official Language on Education, Health, and Public Safety

English as the official language is the wrong policy option for improving the educational status of the nation’s 5.5 million ELLs, strengthening our health care delivery, and maintaining safe communities.

English as the Official Language Would Weaken Education for English Language Learners

The debate over how best to educate the nation's ELLs has shifted dramatically since passage of NCLB. Before NCLB, the ELL student population was often overlooked. Little to no accountability for the learning of these students existed. Indeed, most states did not include ELLs in their accountability systems. In addition, many activists and policy-makers argued about what was the best method for helping ELLs acquire English. NCLB has correctly changed the debate on ELLs to a simple question: How can schools improve the academic achievement and attainment of ELLs? NCLB gives states, school districts, and schools the power to design their own responses to this question with one caveat: They will be held accountable for helping ELLs learn English and meet the same reading and mathematics standards as other children. States and districts will have to report to parents on their progress, and parents will hold schools accountable if they cannot meet their goals.

English as the official language would severely weaken NCLB and place millions of ELLs at risk. Specifically, the heart of NCLB is its accountability provisions. Accountability under NCLB is based primarily on student test scores. Appropriate student assessments, therefore, are critical for measuring student achievement. For some students, native-language assessments are the most likely to accurately measure student achievement. NCLB gives states the right to choose whether or not they wish to use a native-language assessment, but it does not mandate native-language assessments. English as the official language would preclude states from using the most accurate assessments and would undermine NCLB's accountability system.

English as the Official Language Would Weaken the Parental Involvement Provisions of NCLB

Prior to NCLB, many activists, parents, and educators expressed concern that students were being inappropriately placed in bilingual education programs. While there was little research to support this claim, it was critical, nevertheless, to give parents the power to choose which language instruction program is best for their children. Under NCLB, parents must be notified no later than 30 days after the beginning of the school year of, among other things, why their children have been assigned to ELL services, their children's English proficiency levels, how they were assessed, their academic levels, and the instructional program in which their children are or will be participating. Parents must also receive information about whether or not the school has met its annual English-language acquisition and academic achievement benchmarks, and their right to remove children from or to opt out of bilingual education programs. They must also receive assistance in choosing an instructional program for their children. These must be provided "in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand" (Title III, No Child Left Behind). English as the official language would preclude schools from providing parents of ELLs with the information they need to fulfill their roles under NCLB.

English as the Official Language Would Weaken Other Education Programs

NCLB contains several programs with the potential to increase the English language acquisition of ELLs, including supplemental services, public school choice, and after-school programs. Specifically, under Title I of NCLB, students in schools which fail to make adequate progress must provide students with supplemental tutoring services and the option to transfer to a better school. School districts must notify parents of these options "in an understandable and uniform format and, to the extent practicable, in a language the parents can understand" (Title I, NCLB). For these provisions to be effective, parents must fully understand their options. In addition, supplemental services providers and after-school programs funded through the 21st Century Community Learning Centers program may be precluded under an "English only" law from performing effective outreach and recruitment to parents of ELLs.

English as the official language would also weaken other education and related programs, including Head Start, Even Start, and School Nutrition by prohibiting programs from performing effective outreach to limited-English-proficient (LEP) populations.

English as the Official Language Would Weaken Health Care Services and Public Safety

English as the official language is particularly harmful in the area of health care. A recent article in the New England Journal of Medicine (Language Barriers to Health Care in the United States, available on line at <http://content.nejm.org/cgi/content/full/355/3/229>) notes that few hospitals are providing interpretation serv-

ices for patients. As a result, practitioners sometimes misunderstand patients' symptoms and patients are placed a risk of misunderstanding doctors' instructions. According to the article, an incorrect interpreter told the mother of a young child with an ear infection to put oral amoxicillin in the girl's ears. English as the official language could preclude federally funded hospitals and health clinics from effectively serving LEP patients.

English as the official language could weaken federal and local governments' ability to respond to natural or man-made emergencies. Hurricane Katrina demonstrated that our nation must do a better job of responding to large-scale disasters. Effective communication in the face of an emergency is critical for LEP persons and English speakers alike. For example, according to an NCLR white paper (*In the Eye Of The Storm: How the Government and Private Response to Hurricane Katrina Failed Latinos*, available on line at <http://www.nclr.org/content/publications/detail/36812/>):

“Approximately 70 to 80 Jamaican, Peruvian, and Brazilian immigrants who were employed as casino service workers in Gulfport, Mississippi, were left by their employer at the apartment complex where they resided. The workers reportedly had no access to transportation, and while local television stations advised residents to evacuate and directed them to shelters, none of these advisories were provided in Spanish or Portuguese. A few days later, a few Jamaican immigrants were searching under the debris where the apartments once stood looking for their co-workers who were missing and presumed dead.”

Federal agencies such as the Federal Emergency Management Agency (FEMA) and the Centers for Disease Control (CDC) are critical in the case of a natural disaster, an Avian Flu pandemic, or an act of terrorism. If LEP persons do not understand instructions or written information from FEMA or the CDC, all Americans will be negatively impacted.

The lack of language services can also place proficient English speakers at risk in cases of local emergencies. For example, if an apartment building is on fire and the first person who sees it is LEP, and there are no 911 operators who can understand what he is reporting. The response from the fire department would be delayed and the lives of many would be at risk.

English as the official language would weaken law enforcement and criminal justice proceedings. For example, if a victim of domestic violence who does not speak English reports a crime to the police, he or she will receive a notice from the court or the prosecution as to when to come to trial. Failure to provide that notice in a second language could result in the victim not knowing when to come to court and the case could be dismissed.

Impact of the Inhofe Amendment

The Senate immigration bill includes an amendment introduced by Senator James Inhofe (R-OK). The Inhofe Amendment states that, “Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English.”

The Inhofe Amendment Could Weaken Implementation of Executive Order 13166

This amendment may undercut Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency, signed by President Bush on August 11, 2000. The Executive Order is intended to improve access to government services for LEP individuals while at the same time reducing financial, paperwork, and legal burdens on government agencies and service providers. In order to facilitate compliance with the Executive Order, the Department of Justice provided guidance to federal agencies and federal funds recipients “to determine when language assistance might be required to ensure meaningful access, and in identifying cost-effective measures to address those identified language needs.” The DOJ identified the following factors (see Tuesday, June 18, 2002, Federal Register, Volume 67, Number 117, page 41459) to help agencies and federal funds recipients make this determination:

1. The number or proportion of LEP persons in the eligible service population
2. The frequency with which LEP individuals come into contact with the program
3. The importance of the program or activity to the LEP person (including the consequences of lack of language services or inadequate interpretation/translation)
4. The resources available to the recipient and the costs of providing language assistance

After considering these factors, if federal agencies and federal funds recipients determine that they should provide language assistance, then they must develop a

plan to do so. The DOJ guidance for implementation of the Executive Order states that its goal is “to achieve voluntary compliance” (see Tuesday, June 18, 2002, Federal Register, Volume 67, Number 117, page 41465). In other words, the Executive Order is intended to provide a framework for federally conducted and supported programs to provide services to LEP persons. Its goal is to achieve compliance with the minimum of financial and paperwork burden on these programs.

Clearly, the Executive Order is beneficial to service recipients, but also to government agencies and others providing services by clearly identifying the circumstances under which agencies must make an effort to provide language assistance. This makes programs more effective and reduces potential litigation. The Inhofe Amendment could strike out the Executive Order, thereby removing the current framework which meets the needs of both service recipients and providers.

The Inhofe Amendment Could Decrease English Language Acquisition Opportunities

The Inhofe Amendment may render moot an amendment included in the Senate immigration reform bill introduced by Senator Lamar Alexander (R-TN) which would provide vouchers for English-as-a-Second Language (ESL) services to individuals seeking to legalize under the Senate bill. Specifically, the underlying Senate bill amended by Senator Inhofe would provide opportunities for undocumented immigrants to adjust their status if they meet certain requirements, including demonstrating their English proficiency or that they are in a class to learn English. The Inhofe Amendment would strike language in the underlying Senate bill so that immigrants wishing to adjust their status must be English proficient when they begin the legalization process. That is, under the Inhofe Amendment anyone wishing to adjust their status must already be English proficient. Thus, there would be no need for the ESL vouchers under the Alexander Amendment. As a result, fewer immigrants will have access to ESL services, and fewer will learn English.

Better Policy Options: An Effective Integration Agenda

Given the facts, English as the official language policies can only be viewed as counter productive and extremist. First, as noted above, translation of documents is not a burden on our government. Less than 1% of federal government documents are in languages other than English. Second, the English language is not “under attack.” Almost every American speaks English. In fact, at a time when we need more bilingualism to fight terrorism and compete in a global economy, more than 80% of Americans speak only English. Third, recent immigrants are learning English and those who do not are seeking the opportunity to learn English.

The statement that our nation is in danger of losing its identity or character because of the presence of LEP persons is unfounded. The premise that LEP persons will only learn English if they are not provided language services is faulty. These arguments lead to ineffective policies, and raise questions among Hispanics in particular about the spirit of English-only proposals.

Congress must do better, and it has the power to do so. Rather than pursue policies to isolate LEP persons, many of whom are U.S. citizens, Congress should take affirmative steps to support an English language acquisition and immigrant integration agenda. This includes increasing access to adult education, strengthening—not gutting—NCLB’s accountability system, and enhancing parental involvement.

LEP adults want to learn English, but are often denied the opportunity. A recent study by the National Association of Latino Elected and Appointed Officials (NALEO) Education Fund (see Tucker, Dr. James T., *Waiting Times for Adult ESL Classes and the Impact on English Learners*) showed that 57.4% of the ESL providers they surveyed had waiting lists of LEP persons seeking ESL services. Other providers were at capacity but did not keep waiting lists. There should be no question of the desire LEP persons have to learn English. As noted above, Congress has done very little to help. Congress should increase funding for adult education programs, and approve the Workforce Investment Act, which codifies the English Language and Civics Education (EL/Civics) program. In fact, Congress should undertake a major new investment in ESL and immigrant integration. Congress should also increase funding for Even Start, the nation’s premier family literacy program.

Congress should strengthen the provisions of NCLB affecting ELL students, including fine tuning, not discarding, the provisions intended to hold schools accountable for helping ELLs acquire English and meet the same content standards as other children. In addition, Congress should fully fund the Parent Assistance Programs authorized in NCLB and target future funding to help parents of ELLs understand their roles and responsibilities under that law.

[From the Washington Post, July 23, 2006]

The GOP Lag Among Latinos

By DAVID S. BRODER

Sen. Mel Martinez of Florida is one frustrated and worried Republican.

For six years, first as secretary of housing and urban development and more recently as a senator, the Cuban refugee has labored to build support for President Bush and other Republicans among his fellow Hispanics.

But now, he said in an interview, "I see us throwing it away" in the fight that has split the GOP on the immigration issue.

I went to see Martinez the morning after NDN—an affiliate of the Democratic Party—released a survey of Hispanic voters who predominantly speak Spanish. It showed a sharp decline in their approval of Bush and the GOP. A group that makes up 5 percent of the electorate and that has been the source of striking Republican gains in the past two presidential races is turning away. Bush's favorability rating has sunk from the 60 percent level to 38 percent among these voters, and Democrats as a party lead the GOP by 24 percentage points.

Martinez had read a news story about the poll at breakfast and said that "it is no surprise. I have seen it coming." The day before, he said, he had met with a group of House Republicans, looking for support for a compromise on the immigration bill that he helped shepherd through the Senate.

Martinez said he warned the House members that their opposition to the guest worker provisions in the Senate bill and its opening a path to citizenship for the 11 million to 12 million illegal immigrants estimated to be living in this country was damaging the party.

But he made no headway. "They go to their town meetings and all they hear from the people there is 'close the border,'" Martinez said. "They think that's the way to get reelected this year. They don't think about the long-term cost."

A poll this month for The Post found that immigration was outranked as an issue by the war in Iraq and the economy. But those voters who called immigration their top concern leaned heavily—63 percent—to the GOP. So you can understand why Republicans who are on the ballot this fall are taking a hard-line position.

But the long-term threat to the GOP that Martinez sees is no myth. The percentage of Hispanics in the voting population is going to increase every election cycle for the near future, and the share of those voters who speak Spanish will also rise, thanks to the number of recent immigrants.

Between 2000 and 2004 Bush made his sharpest gains among Spanish speakers, boosted by an extensive outreach and advertising campaign on Spanish-language stations, largely invisible to the English-speaking audience.

The appeal, according to NDN analysts, was not primarily to the conservative religious and social values of this largely Catholic constituency. Rather, it was keyed to their aspirations for the good life, for fulfilling the American dream that brought them here.

Martinez, who fled Cuba by boat as a young boy, embodies that spirit. "The people who come from the Caribbean! and Latin America are not looking for welfare," he said. "They want to work, to start businesses. Their dream is to own their own home." And that is why they listened to Bush and the Republicans extol America as a land of opportunity.

But they also have great pride—and sensitivity. Martinez commented that "immigration is not really an issue for Cubans, but we want to see people treated with respect. 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."

In a vote last week, 181 House Republicans supported a ban on bilingual ballots, but nearly all Democrats and a minority of Republicans joined to defeat the measure.

Both Martinez and the NDN people see immigration as an issue that could be decisive nationally. NDN's Simon Rosenberg likens it to the effect on California politics in 1994 when Republican Gov. Pete Wilson supported Proposition 187, an initiative to cut off social services to illegal immigrants. No Republican has won a major office in a regular statewide election since—Arnold Schwarzenegger's victory came in a special recall vote.

Proposition 187 mobilized Hispanic voters and solidified them behind the Democrats. This immigration fight, Rosenberg said, could do the same thing nationally * * * and swing enough electoral votes in Arizona, New Mexico, Colorado and Nevada alone to make the Democrats favorites in the next presidential election.

Martinez puts it succinctly. "We can throw away all that we've gained if we follow a Pete Wilson-style strategy."

Washington, DC, July 26, 2006.

DEAR SUBCOMMITTEE MEMBER: We, the undersigned 65 national and local organizations, write to express our views on English Only policies. We believe such policies could jeopardize effective communication with people who are speakers of other languages. Specifically, we have very urgent and deep concerns about the impact of the Inhofe Amendment, which was adopted by the Senate as part of its immigration legislation (S. 2611), on the health, safety, and education of millions of U.S. citizens and residents. Thus, we believe that the Inhofe Amendment and other similar legislative proposals should be rejected.

English only proposals are based on several arguments about the use of English: translation of government documents is burdensome and expensive, new immigrants are not learning and do not want to learn the English language, and that bilingualism is a threat to our national unity. These arguments have no foundation in facts. For example, GAO studies have consistently shown that the overwhelming majority of U.S. Government documents are printed in English only. In fact, only about 200—or less than 1%—of U.S. Government documents are published in a language other than English.

In addition, according to the U.S. Census, 92% of Americans “had no difficulty speaking English,” and the vast majority of Americans (215,423,557 out of 262,375,152—82%) speak only English at home. Census data also show that most people who speak a language other than English also speak English “very well.”

Immigrant students are also learning English. Nearly four in ten (39.5%) first-generation immigrant children are limited-English-proficient, compared with two in ten (20.9%) second-generation children and less than one in ten (0.5%) third-generation children. The decline in the percentage of immigrant students who are LEP is even sharper for Latinos. For example, among Mexican immigrant children, 55.3% of the first generation, 35.7% of the second generation, and only 4.9% of the third generation are LEP.

English only policies, including the Inhofe Amendment, would not increase the use of the English language. Limited-English-proficient adults, for example, want to learn English but have few opportunities to do so. According to the Massachusetts Department of Education, only 23,000 out of a total 887,000 people in Massachusetts who still need Adult Basic Education (ABE) are enrolled in the appropriate courses. The Inhofe Amendment would not create a single ABE slot and would not help a single person learn English.

Moreover, the Inhofe Amendment is overbroad. The Inhofe Amendment is so vague that it could undermine current laws, consent decrees, executive orders, regulations, other federal policies, state policies, and court decisions affecting the education of U.S. citizen children, as well as the health and safety of all Americans.

English only policies divide rather than unite our nation. All Americans, including immigrants, understand fully the importance of mastering English in order to achieve the American dream. We should not be engaged in a needless debate on language at a time when the nation must be united. Thus, we urge Congress to reject English only proposals.

Sincerely,

NATIONAL

AFL-CIO
 AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE
 AMERICAN JEWISH COMMITTEE
 AMERICAN LIBRARY ASSOCIATION
 ASIAN AMERICAN JUSTICE CENTER
 ASPIRA ASSOCIATION, INC.
 BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW
 CENTER FOR COMMUNITY CHANGE
 COUNCIL OF LATINO AGENCIES
 LEAGUE OF UNITED LATIN AMERICAN CITIZENS
 LEGAL MOMENTUM
 MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND
 MIGRANT LEGAL ACTION PROGRAM
 NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS EDUCATIONAL FUND
 NATIONAL ADVOCACY CENTER OF THE SISTERS OF THE GOOD SHEPHERD
 NATIONAL ASIAN AMERICAN PACIFIC ISLANDER MENTAL HEALTH ASSOCIATION
 NATIONAL ASIAN PACIFIC AMERICAN FAMILIES AGAINST SUBSTANCE ABUSE
 NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM
 NATIONAL COUNCIL OF LA RAZA

NATIONAL COUNCIL OF TEACHERS OF ENGLISH
 NATIONAL EDUCATION ASSOCIATION
 NATIONAL HISPANIC MEDICAL ASSOCIATION
 NATIONAL LATINA INSTITUTE FOR REPRODUCTIVE HEALTH
 NATIONAL MIGRANT AND SEASONAL HEAD START ASSOCIATION
 NATIONAL NETWORK TO END VIOLENCE AGAINST IMMIGRANT WOMEN
 NATIONAL PUERTO RICAN COALITION

NETWORK

PEOPLE FOR THE AMERICAN WAY
 SOUTHWEST KEY PROGRAM, INC.
 TEACHERS OF ENGLISH TO SPEAKERS OF OTHER LANGUAGES, INC.

STATE/LOCAL

ASIAN PACIFIC AMERICAN COMMUNITY SUPPORT AND SERVICE ASSOCIATION, OR
 ASIAN LAW ALLIANCE, SAN JOSE, CA
 CASA DE MARYLAND, SILVER SPRING, MD
 CENTRO HISPANO, MADISON, WI
 CENTRO LATINO OF CALDWELL COUNTY, INC., LENOIR, NC
 COALITION OF FLORIDA FARMWORKER ORGANIZATIONS, INC., FLORIDA CITY, FL
 COMMUNITIES FOR COMPREHENSIVE IMMIGRATION REFORM, CHARLOTTE, NC
 COMMUNITY CHILD CARE COUNCIL OF SANTA CLARA COUNTY, CA
 CONGRESO DE LATINOS UNIDOS, PHILADELPHIA, PA
 COUNCIL OF SPANISH SPEAKING ORGANIZATIONS, INC., PHILADELPHIA, PA
 DEL NORTE NEIGHBORHOOD DEVELOPMENT CORP., DENVER, CO
 EL CENTRO, INC., KANSAS CITY, KS
 EL PUEBLO, INC., RALEIGH, NC
 EL VÍNCULO HISPANO, SILER CITY, NC
 HANDS ACROSS CULTURES, ESPANOLA, NM
 HELP-NEW MEXICO, NM
 HISPANIC COALITION, CORP & LATIN AMERICAN IMMIGRANTS FEDERATION, FL
 HISPANIC OFFICE OF PLANNING AND EVALUATION, INC., BOSTON, MA
 HYDE SQUARE TASK FORCE, JAMAICA PLAIN, MA
 KENTUCKY COALITION FOR COMPREHENSIVE IMMIGRATION REFORM, LEXINGTON, KY
 LA CAUSA, INC, MILWAUKEE, WI
 LATIN AMERICAN COALITION, CHARLOTTE, NC
 LATIN AMERICAN COMMUNITY CENTER, WILMINGTON, DE
 LATINO FAMILY SERVICES, DETROIT, MI
 LATINO LEADERSHIP, INC., FL
 LATINOS UNIDOS DE ALABAMA, BIRMINGHAM-HOOVER, AL
 MAAC PROJECT, SAN DIEGO, CA
 MARY'S CENTER FOR MATERNAL & CHILD CARE, INC, WASHINGTON, DC
 MUJERES LATINAS EN ACCIÓN, CHICAGO, IL
 NEW YORK IMMIGRATION COALITION, NEW YORK, NY
 NORTH CAROLINA JUSTICE CENTER, RALEIGH, NC
 ORANGE COUNTY HUMAN RIGHTS AND RELATIONS, NC
 SALEM/KEIZER COALITION FOR EQUALITY, SALEM, OR
 VIRGINIA JUSTICE CENTER FOR FARM AND IMMIGRANT WORKERS, VA
 UNITED DUBUQUE IMMIGRANT ALLIANCE, DUBUQUE, IA

Chairman CASTLE. Thank you, Mr. Gonzalez.
 Mr. Trasviña?

**STATEMENT OF JOHN TRASVIÑA, INTERIM PRESIDENT AND
 GENERAL COUNSEL, MALDEF**

Mr. TRASVIÑA. Chairman Castle, Congresswoman Woolsey, thank you for the opportunity to represent MALDEF's views against English-only laws and policies. No one, particularly a newcomer to America, needs a law or constitutional amendment to know that learning English is vital to participating in, contributing to, and succeeding in American society.

English-only laws do nothing constructive to advance the important goal of English proficiency. Historically, we as a nation and as

a people were correct to reject English-only, without at all minimizing the importance of education in English. English-only laws jeopardize the health, safety and well being not only of English language learners, but of American communities as a whole.

Laws that interfere with the government's ability to communicate are simply bad public policy. Such laws fuel divisiveness and leave all of us more vulnerable to danger, and yield no discernible benefit. They do not promote English as our official language so much as they make discrimination our official language.

English-only is founded upon the myth that the English language is somehow under a threat, as Congresswoman Woolsey already noted. An overwhelming majority, 92 percent of Latinos, believe that teaching English to the children of immigrants is very important, a percentage far higher than other respondents.

Indeed, Latino immigrants are learning English and doing so as quickly or more quickly than previous generations of immigrants. As is typical of immigrant populations in the U.S., by the third generation most Latinos tend to speak only English. Latino immigrants, then, do not need official English or English-only legislation to coerce them into learning English. That desire and determination already runs deep in the Latino community.

They do, however, require the means and the opportunity. I would note, as I heard Senator McKinley describe the Iowa legislation, legislators do not need an English-only law to give them the impetus to provide classes for adult English. That is something that no legislator needs and it not being done. That is one of the failings of these English-only laws.

For ELL students in grades K through 12, two-thirds of whom are native-born U.S. citizens, poor instruction denies them the tools to gain the language skills necessary to participate fully in the American economy and society. Since 1975, at least 24 successful education discrimination cases have been brought on behalf of ELL students in 15 states.

With limited opportunities to learn English, these students face particularly poor outcomes. It is critical that we improve programs for these students to help them learn English, not penalize them for the poor quality of instruction that denies them the opportunity to learn the language well.

Adults who seek English as a second language classes also face an acute shortage of such classes. A June, 2006 study by the NALGO Educational Fund found tremendous unmet need and waiting periods of up to 3 years. Providing real opportunities to learn English is the most efficient and effective means of fostering English language proficiency.

By contrast, official English laws, including the Inhofe amendment to the Senate immigration bill, do nothing to help them achieve fluency. Instead, such proposals compromise the health, safety and well being not only of English language learners, but of communities in which they live. These laws undermine the Federal Government's ability to communicate with the public in situations where communication is urgently needed, leaving all U.S. residents more vulnerable to danger.

I have heard about all the exceptions of the English-only laws. What you are left with after all these exceptions is that there is

very little that the law actually covers. What it does not cover is more resources and opportunities for learning English.

When Dade County, Florida enacted an anti-bilingual ordinance in the 1980's, something that U.S. English supported at the time, its implementation underscored the silliness, divisiveness and danger of English-only laws. The first thing that went were the species signs at the zoo, because they were not in English. Then the county clerk stopped allowing translations of marriage ceremonies. Perhaps the most significant to health and safety, Jackson Memorial Hospital ended prenatal classes in Spanish and patient billing information.

At the Federal level, there is no exemption on its Form 1040 for people who do not speak English. They, too, are taxpayers. Indeed, the IRS has some of the best language services because they promote compliance and revenue. During wartime, the Treasury Department regularly promoted the selling of war bonds in many languages. Patriotism, after all, comes in all languages.

The push for English-only policies today and the hostile climate in which they have arisen are hardly unique in America's history. Fueled by anti-German sentiment during and after World War I, many states, including Iowa, passed English-only laws that sought to restrict the use of foreign languages in public. Hamburgers became Salisbury steaks. I understand the city of Berlin, Iowa became Lincoln, Iowa and the Iowa Governor ordered telephone operators to interfere with conversations in German.

But it took the U.S. Supreme Court in 1923 to address the English-only laws in Nebraska and in Iowa to state 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, and perhaps it would be highly advantageous if all had ready understanding of our ordinary speech.

But that cannot be coerced with methods which conflict with the Constitution. A desirable end cannot be promoted by prohibited means. We must do more to provide the availability and quality of English acquisition programs.

In closing, I want to thank the bipartisan majority of the House, including Chairman Castle, Ranking Member Woolsey and the bipartisan membership of this subcommittee who voted 2 weeks ago to defeat the King amendment to the Voting Rights Act. The King amendment would have denied millions of U.S. citizens the language assistance that they need to vote in an informed manner. The bipartisan defeat of the King amendment, like the U.S. Supreme Court's ruling in 1923, reaffirmed the inclusiveness of our U.S. Government and society and was a victory for true lovers of both English and the Constitution.

Thank you for the consideration of our views.

[The prepared statement of Mr. Trasviña follows:]

Prepared Statement of John Trasviña, Interim President and General Counsel, Mexican American Legal Defense and Educational Fund (MALDEF)

Chairman Castle, Congresswoman Woolsey, thank you for the opportunity to testify regarding Official English/English-Only laws and policies. I am John Trasviña, interim President and General Counsel of the Mexican American Legal Defense and Educational Fund (MALDEF).

We can all agree, newcomers to the United States included, that learning English is critical to participating in, contributing to and succeeding in American society. Yet English-only and Official English laws do nothing constructive to advance the important goal of English proficiency. Instead, such laws carry with them the potential to jeopardize the health, safety, and well-being not only of English Language Learners (ELLs), but of our communities as a whole. Laws that interfere with or undermine the government's ability to communicate quickly and effectively are simply bad public policy. Such laws fuel divisiveness and discrimination, and leave all of us more vulnerable to danger, all without yielding any discernible benefit.

Official English and English-only policies are founded upon the myth that the primacy of the English language is somehow under threat. In fact, more than 92 percent of our country's population speaks English, according to the last Census, confirming that the problem English-only laws are designed to address simply does not exist. Moreover, English-only laws are built upon, and help to perpetuate, a baseless stereotype of immigrants, and in particular of immigrants from Latin America: specifically, the false perception that Latino immigrants do not want to learn English.

In reality, Latinos, both native-born and newly-arrived, embrace English and place tremendous importance and value upon attaining English-language fluency. By wide margins, Latinos believe that learning English is essential for participation and success in American society. A recent survey by the Pew Hispanic Center found that an overwhelming majority of Latinos—92 percent—believes that teaching English to the children of immigrants is very important, a percentage far higher than other respondents.¹

Indeed, Latino immigrants are learning English, and doing so as quickly as or more quickly than previous generations of immigrants. As is typical of immigrant populations in the United States, by the third generation most Latinos tend to speak only English. Latino immigrants, then, do not need official English or English-only legislation to coerce them into learning English; that desire and determination already runs deep in the Latino community. They do, however, require the means and the opportunity. English Language Learners are too often hampered in their efforts to achieve full proficiency.

For ELL students in grades K-12, two-thirds of whom are native-born U.S. citizens,² poor instruction denies them the tools to gain the language skills necessary to participate fully in the American economy and society. There is ample evidence of the challenges these students face: Since 1975, at least 24 successful education discrimination cases have been brought on behalf of ELL students in 15 states.

For example, in December 2005, a federal district court cited the State of Arizona for contempt for failing to take action pursuant to a 2000 judicial decree intended to remedy ongoing inequalities in the educational opportunities available to ELL students.³ The 2000 decree in *Flores v. Arizona* found many inequalities in programs for ELL students in the state, including 1) too many students per classroom; 2) insufficient classrooms available for ELL students; 3) insufficient numbers of qualified teachers and teachers' aides; 4) inadequate tutoring programs for ELL students; and 5) insufficient teaching materials for classes in English language acquisition and content area studies.

ELL students' efforts to learn English are further impeded by the fact that a high proportion of ELL K-12 students attend linguistically segregated schools. Although ELL students represent a relatively small share of the total student population (approximately 10 percent), more than 53 percent of ELL students are concentrated in schools where more than 30 percent of their peers are also ELL. By contrast, only 4 percent of non-ELL students attend schools where more than 30 percent of the students are ELL.⁴

With limited opportunities to learn English, ELL students face particularly poor outcomes, failing graduation tests and dropping out of high school at far higher rates than classmates who are fluent in English. It is critical that we improve instruction for these students to help them learn English, not penalize them for the poor quality of instruction that denies them the opportunity to learn the language well.

Adults who seek ESL classes also face an acute shortage of high-quality English-acquisition programs, which are too few and too often oversubscribed. A June 2006 study by Dr. James Tucker for the NALEO Educational Fund surveyed the demand for and availability of adult ESL programs nationwide, and found tremendous unmet need. In Phoenix, Arizona, for example, a large ESL provider reported an 18-month long waiting period for in-demand evening classes. In Boston, Massachusetts, there are at least 16,725 adults on waiting lists for ESL classes, and waiting times for some programs approach three years. In New York City, courses are so oversubscribed that last year, only 41,347 adults—out of an estimated one million adult

English Language Learners—were able to enroll. New York City programs can require waits of several years for adult learners.

Providing real opportunities to learn English is the most efficient and effective means of fostering English proficiency. By contrast, English-only and official English proposals, including the Inhofe Amendment, do nothing to eradicate the barriers I have described or to help ELLs achieve fluency. Instead, they compromise the health, safety, and well-being of not only ELLs, but of the communities in which they live. English-only laws would undermine the federal government's ability to communicate with the public in situations where communication is urgently needed, thereby leaving all U.S. residents more vulnerable to danger.

Examples of situations in which government officials must communicate efficiently and effectively to ensure the safety of the general populace abound. In the event of a natural disaster or terrorist threat, for example, federal emergency workers must be able to convey important information and instructions to as broad an audience as possible, a need that may require the use of languages other than English. National English-only policies could impede the government's ability to convey warnings or post danger or hazard signs in languages other than English. They could prevent local law enforcement from effectively investigating crimes, communicating with crime victims or witnesses, or providing critically needed services to victims of domestic violence and abuse. In the area of public health, they could hinder the ability of medical personnel to communicate effectively with patients at federal or federally-funded hospitals, potentially complicating diagnosis and treatment, or even facilitating the spread of communicable diseases. English-only policies could prevent language minorities from seeking cost-effective preventive health care, leading to dangerous or expensive complications, or prevent parents from immunizing their children, putting entire communities at risk.

The Inhofe Amendment to the Senate's comprehensive immigration reform bill highlights the dangers created by English-only type legislation. If enacted, the Inhofe Amendment would make English the national language and provide that "[u]nless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform, or provide services, or provide materials in any language other than English."

Standing alone, the Inhofe Amendment, with its vague and ambiguous language, may be read to undermine or even rescind Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency.⁵ EO 13166 is designed to enforce and implement Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin by recipients of federal funding.⁶

Under EO 13166, federal agencies that provide financial assistance to non-federal entities must publish guidance on how their recipients can provide meaningful access to people who are Limited English Proficient (LEP). EO 13166 charged DOJ with the task of providing LEP Guidance to other federal agencies and for ensuring consistency among these agency-specific policy statements. Accordingly, other agencies have promulgated LEP guidance similar to that of DOJ.

DOJ's policy guidance on EO 13166 reaffirms the agency's "long-standing" and continuing "commitment to implement Title VI through regulations reaching language barriers * * *"⁷ The guidance permits funding recipients flexibility to assess factors such as the projected demand for particular LEP services, the nature and importance of a particular service or activity, and the resources available to the recipient. The flexibility of this framework permits agencies and funding recipients to serve LEPs and carry out their Title VI obligations, without imposing unreasonably costly or burdensome requirements. While DOJ's policy guidance pursuant to EO 13166 allows funding recipients to use professional judgments and consider resource constraints in providing LEP services, it makes clear that they are to take meaningful steps to achieve "voluntary compliance," and sets out a mechanism for enforcement.⁸

The entities that are subject to Title VI and the Executive Order provide critical services, and in many instances it is vital that LEPs have meaningful access to these services, both for their own health and safety and for that of the public. The DOJ LEP Guidance, for example, references such fundamental law enforcement services as 911 assistance, crime investigation, community policing and crime prevention programs, juvenile justice programs, and domestic violence prevention and treatment initiatives. In the context of health care and human services, HHS' Guidance contains discussions of such programs as SCHIP and Head Start, health promotion and awareness activities, and the "vital" nature of such documents as consent and intake forms.⁹ DOT's guidance notes that its funding recipients include hazardous materials transporters and other first responders, and state and local

agencies with emergency transportation responsibilities, such as the transportation of supplies for natural disasters, planning for evacuations, quarantines, and other similar action.¹⁰

The Inhofe Amendment may operate to erode the framework set out by EO 13166 and correlative policy guidance, thereby eroding agencies' and funding recipients' obligation to provide meaningful access to such important services by LEPs. At the same time, like other English-only/Official English proposals, it would serve no useful purpose in helping anyone learn English, while inflicting very real harms upon ELLs and on the communities in which they live.

In addition to the practical implications of English-only/Official English laws on access to important services and information, such laws also perpetuate false but persistent stereotypes about the Latino immigrant community, and fuel divisiveness and anti-immigrant sentiment. The push for English-only policies today, and the hostile climate in which they have arisen, are hardly unique in America's history. In the late 1910's, amidst nationwide anti-German sentiment fueled by World War I, several states passed English-only laws that sought to restrict the use of foreign languages in public. The most famous example was a 1918 edict by Governor William Harding of Iowa, which became known as the Babel Proclamation, and outlawed the use of foreign languages in all schools, all public addresses, all conversation in public places, on trains, and over the telephone.¹¹ Most of those arrested under this proclamation were turned in by eavesdroppers and switchboard operators for using a foreign language during private telephone conversations.¹²

Although proponents of anti-German laws of that time portrayed them as efforts to have "a united people, united in ideals, language and patriotism,"¹³ these efforts had unmistakably xenophobic roots. The Supreme Court addressed the anti-foreign language movement in 1923 in the seminal case of *Meyer v. Nebraska*,¹⁴ in which it found that English-only laws unconstitutionally infringed upon liberties protected by the Fourteenth Amendment of the Constitution. The case involved a challenge brought by a German group against a Nebraska law that prohibited the teaching of the German language to young children. The Nation's highest court noted that the life, liberty and property protected by the Fourteenth Amendment included the right "those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men."¹⁵ In holding that teaching and learning a foreign language were privileges included in that protection, the Court stated:

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.¹⁶

The Meyer Court's invalidation of the challenged English-only law was rooted in the Court's recognition of constitutional principles of tolerance and respect for diversity.¹⁷ Contemporary English-only proposals are no less offensive to these ideals and directives. They also threaten to inflict very real harms on ELLs, and to erode public safety and public health more generally. At the same time, they do nothing to advance the important goal of English proficiency for all ELLs—a goal that they themselves view as paramount to success and full participation in American society. We must do more to improve the availability and the quality of English-acquisition programs, both for K-12 students and for adult learners. MALDEF urges Congress to take constructive steps toward helping ELLs learn English and contribute more fully to America's economic and social fabric. English-only and Official English laws are not the answer.

ENDNOTES

¹ Pew Hispanic Center, *Hispanic Attitudes Toward Learning English*, (June 7, 2006), factsheet available at <http://pewhispanic.org/files/factsheets/20.pdf>.

² Michael E. Fix and Jeffrey S. Passel, *Urban Institute, U.S. IMMIGRATION: TRENDS AND IMPLICATIONS FOR SCHOOLS*, (Jan. 28 2003), available at <http://www.urban.org/url.cfm?ID=410654>.

³ *Flores v. State of Arizona*, 405 F.Supp.2d 1112 (D. Ariz. 2005) (contempt order).

⁴ Fix and Passel, *Urban Institute, U.S. IMMIGRATION: TRENDS AND IMPLICATIONS FOR SCHOOLS*, at 24.

⁵ Following passage of the Inhofe Amendment, the Senate also passed an amendment offered by Sen. Salazar, which specifically defines laws as "provisions of the United States Code, the United States Constitution, controlling judicial decisions, and Presidential Executive Orders." 152 Cong. Rec. S4725 (May 17, 2006). The Salazar Amendment expressly preserves EO 13166.

⁶ 42 U.S.C. §2000d.

⁷ *Id.*

⁸ See 67 Fed. Reg. at 41465-466.

⁹ See 68 Fed. Reg at 47311-47323.

¹⁰ See 68 Fed. Reg. at 34698-34708.

¹¹ Stephen J. Frese, *Divided by a Common Language: The Babel Proclamation and its Influence in Iowa History*, 39 *THE HISTORY TEACHER* 1, 59 (Nov. 2005) (available at: <http://www.historycooperative.org/journals/ht/39.1/index.html>).

¹² *Id.*, note 1.

¹³ Brief and Argument for State of Nebraska, Defendant in Error. *Meyer v. Nebraska*, 262 U.S. 390 (1923).

¹⁴ *Meyer v. Nebraska*, 262 U.S. 390 (1923).

¹⁵ *Id.* at 399.

¹⁶ *Id.* at 401.

¹⁷ The holding was reinforced by a 1990 federal district court decision that again found an English-only law to be unconstitutional. In *Yniguez v. Mofford*, 730 F.Supp. 309 (D.Ariz.1990), an Arizona district court struck down an English-only amendment to the Arizona Constitution, prohibiting the use of foreign languages by government employees in the course of their work. The court found that the provision was "so broad as to inhibit * * * constitutionally protected speech" and forced public employees "to either violate their sworn oaths to obey the state constitution, and thereby subject themselves to potential sanctions and private suits, or to curtail their free speech rights." Although this decision was later vacated on procedural grounds by the Supreme Court, the central holding was never overruled.

Chairman CASTLE. Thank you, Mr. Trasviña. I am a little worried about your Iowa comments. Senator McKinley is going to demand time to rebut here in a moment, but we will go on from here.
Mr. Ellison?

STATEMENT OF ART ELLISON, ADMINISTRATOR, BUREAU OF ADULT EDUCATION, NEW HAMPSHIRE DEPARTMENT OF EDUCATION

Mr. ELLISON. Chairman Castle, Congresswoman Woolsey and members of the subcommittee, my name is Art Ellison, and I represent the National Council of State Directors of Adult Education.

I want to thank you for allowing the council to submit testimony regarding the need for all citizens to be proficient in the English language, especially new immigrants for whom a command of the English language is the key to their success and that of their children.

In our view, Mr. Chairman, the key element in this discussion is assuring that all citizens have access to the adult education English language serves that will ensure their success. The adult education state directors, the managers of adult education and English literacy programs in the states, keenly understand the need for English literacy. We provide adult education services for 3 million adults a year.

Even though limited English proficient adults comprise only 15 percent of our potential students, almost half of our enrollment is comprised of English literacy students. We are proud of the quality educational services that our adult education teachers and tutors provide, both for English-speaking adult learners in need of basic literacy skills or a high school credential, as well as a significant part of their work in English literacy civics and citizenship services for limited English proficient adults.

These services are supported by Federal funds from the Adult Education and Family Literacy Act, Title II of the Workforce Investment Act of 1998. For every Federal dollar appropriated for these services, the state and local partners contribute \$3. Thus, three-fourths of the financial support comes from non-Federal resources. States provide these services through local school districts, community colleges, and faith-based and community-based organizations.

There are at least three areas of everyday life in which English skills are essential. That would be in one's work, interactions with one's family, and interactions in the community. The adult education state directors agree that our nation's immigrants need English language skills that enable them to fulfill their responsibilities, as well as enjoy the benefits of working, raising a family, and contributing to communities throughout America.

Every day, hundreds of thousands of adults learn to speak and write the English language, appreciate our history, respect our flag, and assimilate into our society through participation in adult education and family literacy programs. Every day, hundreds of thousands of newcomers move along the path from low-paying jobs to a diploma, a career, and a home of their own through participation in adult education and family literacy programs. And every day, millions cannot access adult education programs because classes are not available.

English literacy skills are critical for anyone to take part in all that is America. Even though we serve 1.4 million limited English-proficient adults a year, we have waiting lists in programs in many states across the country, including Arizona, California, Colorado, Illinois, Indiana, Louisiana, Michigan, Nebraska, New Jersey, New York, Ohio, Pennsylvania and Wisconsin.

In order to help our nation's immigrants succeed, the adult education state directors encourage you to support increased funding for adult education programs to allow increased access to English as a second language classes, to the millions who cannot participate in those services today because the classes are not available. As the main provider of these educational services, we hope that any expansion of ESL education by the Federal Government will build upon and not duplicate the system that has worked so well in the past.

Our workforce, our families', and our communities' need for those millions of limited English proficient adults to have the opportunity to achieve their full potential and to achieve the American dream.

Thank you.

[The prepared statement of Mr. Ellison follows:]

**Prepared Statement of Art Ellison, Policy Chair,
National Council of State Directors of Adult Education**

Mr. Chairman and Members of the Subcommittee, my name is Art Ellison and I represent the National Council of State Directors of Adult Education. I am also the State Director of Adult Education in New Hampshire. I want to thank you for allowing the Council to submit testimony regarding the need for all citizens to be proficient in the English language, especially new immigrants for whom a command of the English language is the key to their success and that of their children.

In our view, Mr. Chairman, a key element in this discussion is assuring that all citizens have access to the adult education/English language services that will ensure their success.

The Adult Education State Directors, the managers of adult education and English Literacy programs in the states, keenly understand the need for English Literacy. We provide adult education services for three million adults a year. Even though limited English proficient adults comprise on 15% of our potential students, almost half of our enrollment (1.4 million adults) is comprised of English Literacy students.

We are proud of the quality educational services that our adult education teachers and tutors provide both for English speaking adult learners in need of basic literacy skills or a high school credential as well as the significant part of their work in English literacy, civics and citizenship services for limited English proficient adults.

These services are supported by federal funds from the Adult Education and Family Literacy Act, Title II of the Workforce Investment Act of 1998. For every federal dollar appropriated for these services, the state and local partners contribute three dollars. Thus, three fourths of the financial support comes from non-federal sources.

In his television address on May 15, 2006, President George W. Bush emphasized that “the success of our country depends upon helping newcomers assimilate into our society and embrace our common identity as Americans. Americans are bound together by our shared ideals, an appreciation of our history, respect for the flag we fly, and an ability to speak and write the English language.”

Services in English literacy, Civics, and Citizenship preparation enable limited English proficient adults to fulfill their responsibilities as well as enjoy the benefits of working, raising a family, and contributing to communities in your states and throughout America.

Work

A recent study by the Council for Advancement of Adult Literacy¹ reports “nearly half the growth in the workforce during the 1990s was due to immigrants. During the first two decades of the 21st century, migrants are expected to account for most of the net growth among workers between the ages of 25 and 54.² Among the foreign-born adults in the United States who reported speaking a language other than English at home in the 2000 Census, a third have less than a high school education, twice the rate for adults born in the United States.³ Thus, a substantial number of adults need extensive ESL, literacy, and GED/academic instruction if they are to acquire more than minimum wage jobs and have hope of economic stability.

If America is to remain competitive, attention must be given to the English literacy skills of our nation immigrants and the skills of native-born adults in the workforce today. The current workforce is 150 million. The public schools graduate 3 million per year. Thus, only a possible 2% of the annual workforce comes from public schools. We must insure that each and every member of the workforce has skills they need to succeed in today’s highly technological workforce. In short, English literacy is critical to obtaining and maintaining jobs and creating opportunities for advanced education and training in order to qualify for jobs with family sustaining incomes.

As President Bush also emphasized his May 15 television address, “English is also the key to unlocking the opportunity of America. English allows newcomers to go from picking crops to opening a grocery, from cleaning offices to running offices, from a life of low-paying jobs to a diploma, a career and a home of their own.”

The qualifications for jobs that provide a family-sustaining income continue to rise. The adult education programs in your state now emphasize and document not only attainment of the GED or high school diploma, but also transition from adult secondary levels to the community college and advanced training. Family sustaining jobs require high school equivalency plus some college for native-born and foreign-born adults.

Family

The National Center for Education Statistics released its National Assessment of Adult Literacy in December, 2005. Ninety three million adults have reading, math, and/or English skills below the high school level. Approximately 30 million of those adults are challenged by simple literacy tasks and 11 million of them cannot even read, write or speak English. Hispanics represented 12 percent of the NAAL population but 39 percent of the adults with Below Basic Prose literacy. The percentage of Hispanics with Below Basic prose literacy increased 9 points between 1992 and 2003; the percentage with Below Basic document literacy increased 8 percentage points. In addition, score for adults who spoke Spanish or Spanish and another non-English language before starting school dropped 17 points from 1992-2003 for prose and document literacy but did not change significantly for quantitative literacy.

¹ Crandall, JoAnn, K. Sheppard, (2004) Adult ESL and the Community College, Council for Advancement of Adult Literacy, New York.

² Wrigley, H.S., E. Richer, K. Martinson, H. Kubo, and J. Strawn (2003), The Language of Opportunity: Expanding Employment Prospects for Adults with Limited English Skills, Washington, DC: National Institute for Literacy and National Adult Education Professional Development Consortium.

³ Van Duzer, D., D. Moss, M. Burt, J. K. Peyton, and L. Ross-Feldman (2003), OECD Review of Adult ESL Education in the United States: Background Report. Prepared for the Office of Vocational and Adult Education, U.S. Department of Education, Washington, DC: USDOE/OVAE

It is difficult to see how children can succeed in school when so many adults, almost half of the adult population, have basic skill needs. The issue is even more critical when parents do not speak English or have limited English proficiency.

In addition, the American Medical Association reports forty-six percent (46%) of adult in America cannot read and follow medical instructions.⁴ The health of the family, parents and their children, depend on the adults' reading and math skills. Imagine how much more critical it is when the adults have limited English literacy skills.

For the family to support their children's learning, maintain their health, manage their finances, and provide a supportive structure for the family, English literacy skills are critical.

Community

The richness of our culture is in our communities. It is in those neighborhoods where people are grounded. It is there where, as President Bush said, we learn to "embrace our common identity as Americans," and where "Americans are bound together by our shared ideals, an appreciation of our history, (and) respect for the flag we fly. * * *" Essential to that participation and emersion in our history and society is English literacy.

Summary

The Adult Education State Directors agree that our nation's immigrants need English language skills that enable them to fulfill their responsibilities as well as enjoy the benefits of working, raising a family, and contributing to communities throughout America.

Every day, hundreds of thousands of adults learn to speak and write the English language, appreciate our history, respect our flag, and assimilate into our society through participation in adult education and family literacy programs.

Every day, hundreds of thousands of newcomers move along the path from low paying jobs to a diploma, a career and a home of their own through participation in adult education and family literacy programs.

Every day, millions cannot access adult education programs because classes are not available

Mr. Chairman, English literacy skills are critical for anyone to take part in all that is America. Even though we serve 1.4 million limited English proficient adults a year, we have waiting lists in programs in many states across the country including: Arizona, California, Colorado, Illinois, Indiana, Louisiana, Michigan, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

In order to help our nation's immigrants succeed, the Adult Education State Directors encourage you to support increased funding for adult education programs to allow increased access to English as a Second Language classes to the millions who cannot participate in those services today because classes are not available. As the main provider of these educational services we hope that any expansion of ESOL education by the federal government will build upon and not duplicate the system that has worked so well in the past. Our workforce, our families, and our communities need for those millions of limited English proficient adults to have the opportunity to achieve their full potential and to achieve the American dream.

Chairman CASTLE. Thank you, Mr. Ellison.

We will now turn to the members here, and again there will be the same clock with 5 minutes for the questions and the answers. So when somebody asks a question of the whole panel, just remember that all of you have to get your statements in in 5 minutes and be relatively brief.

I am at this point to yield to start the questioning to the chairman of the full Education and Workforce Committee, Mr. McKeon of California.

Mr. MCKEON. Thank you. I thank the gentleman for yielding.

You know, I just know that there is somewhat of a disconnect here, because in testimony of a couple of you, you say that there is no need to do anything in this area of official language or make

⁴Nielsen-Bohlman, L., Panzer, A.M., Kindig, D. A., Editors, (2004), Health Literacy: A Prescription to End Confusion, American Medical Association Committee on Health Literacy.

any changes because everybody is learning to speak English, and then you go on to say but we need more help, helping people learn English.

I guess there is some logic to that, but one of the concerns I have, and I happen to speak a little Spanish. I served as a missionary for our church years ago in a Latino community in Texas and New Mexico. I remember in those days the people in New Mexico for the most part didn't even want their children to learn Spanish because they felt then they would have an accent and it would be harder for them to get jobs. Things have changed a little bit, but that is the way it was there.

In Texas, it was a little different. More of the people were still learning and speaking Spanish. I hate for people to not be able to speak both, if they come from that culture, and when you speak four languages, you are to be commended. I think as a country, we do a pretty poor job of teaching languages.

But the concern I have is I see a little different from what I am hearing. We just moved into a new home and I watched the construction that was being built, and just about everybody working on the construction site spoke Spanish. I see it in other parts of the community.

I come from California. You get into San Fernando or parts of the valley, all the signs are in Spanish, all the language is in Spanish. I saw a movie that showed a lady that moved from Mexico to San Fernando and she felt like she hadn't even left Mexico. Until she was forced to do another job and to get out of the community, she never would have learned English. There was no reason for her to.

But that causes a segmented society. It causes a segregated society by English by choice because you are more familiar, you are more comfortable where you can communicate, rather than forcing yourself out of a comfort zone to learn another language. It makes it a little tougher on people.

But one of the reasons for these hearings is to show the difference on immigration between the House-passed bill and the Reid-Kennedy bill over in the Senate. They have two amendments there on language that, to me, look like they are at cross-purposes, and they both passed. I am wondering what your opinion would be if that became law? What would be the effect of those, as I see it, competing amendments? How would that be carried into law? How would that be translated? Could I hear from you on that?

Mr. MUJICA. I don't see them as sort of competing amendments. They both say pretty much the same thing. Regarding what you were saying about the segmenting people, all of us who have studied a foreign language know that the best way of learning a foreign language is by exposure to the foreign language.

If we have new immigrants and people living in this country completely isolated from the new language of the new country, they are never going to learn it. They get up in the morning. They hear Spanish news and Spanish TV. They go to work. They work with other Spanish-speakers. When are they going to learn English? And that is the problem.

We all know that they all want to learn English, but frankly they do not get the opportunity to learn English. A good example is

what Israel does. They have a system called ulpan. Ulpan is a school where an immigrant goes and does not need to work for 6 months or so. They are given money by the government to exist. They can go full time. They will learn what it is to be an Israeli. They will learn Hebrew. They will learn how to function in the new country, and therefore they will be helped to assimilate.

Right now, there is no help. Someone gets to this country by any means and they are on their own. They have to sink or swim. And many of them just sink. They work at a very low level. They make very little money and they stay there for life, unless they can assimilate and learn English.

Mr. McKEON. You point out a good contrast. They don't have a big problem in Israel with illegal immigration. It is very hard to get into that country illegally. We have that problem, and it is one of the things that is forcing this debate. And what happens is, as you point out, the people come here and they associate with the people that they are comfortable with because they can communicate with them, so there is no reason for them to expand and learn English, and so they are never going to advance without learning English.

So that is why the real emphasis on this whole process. My first campaign manager when I first ran for Congress was from Cuba. He was the oldest of three sons. He went to school, learned English, taught all of his family, and the family has done very well.

But the mother, who never had to leave home, it is hard for her to speak English. She is just much more comfortable in Spanish. The boys can all speak both languages. The father, because of work, pushing himself out into the work environment, learned English. But if you don't have to, if you stay in the home or stay in a work environment, you are never going to learn that other language and you are always going to be hampered in advancement in this country.

Mr. TRASVIÑA. Mr. McKeon, if I could address the notion that immigrants are somehow in a comfort zone, they are in the most difficult and dangerous jobs in America. They come here with aspirations and the notion that they are somehow unwilling or not needing to learn English completely ignores the spirit in which they come for advancement for themselves and for their children.

There is the desire to learn English. There are 3 years of waiting lists in Boston, 18 months in Phoenix. Examples go around the country of waiting lists, of people who are working, working at night. In Los Angeles, we have 24-hour English classes. People how get off from work at restaurants and buildings at night, then going to English classes. There are long waiting lists for those classes.

In addressing your question about the Inhofe amendment and the other amendments that have come up, they do have serious impacts upon the ability of the government to communicate, the ability of judges or legislators acting to address specific concerns addressing language access and addressing the government's ability to communicate and serve taxpayers and serve residents.

So we have strong concerns with the notion that we need either the official language, national language, common language legislation. What we need are the resources and programs for English language training. Typically, people come to this country and they

take the time to learn English, and then they get off of the programs and they are into the English language society.

What you may see in some pockets of the country where there is a persistence of Spanish language signs or other types of services, it is not the same people using them for generations. It is people coming in and graduating from them and going into the mainstream. That is what we promote and that is what adding more English classes promotes, and that is what the English-only approach does nothing to advance.

Mr. GONZALEZ. Mr. Chairman, just to respond to a couple of the points which were important points.

Mr. MCKEON. My time is gone.

Chairman CASTLE. I will let you go ahead and make your response and we will wrap it up after that.

Mr. GONZALEZ. Sure. First of all, we are talking about a small number of people who are recent immigrants, and those are the people that we are talking about transitioning into English.

Mr. MCKEON. A small number would be?

Mr. GONZALEZ. Would be the 8 percent who do not respond to the U.S. census saying—

Mr. MCKEON. About how many people would that be?

Mr. GONZALEZ. Well, 8 percent of about 80 million people would be, let's see—

Mr. MCKEON. Eight million?

Mr. GONZALEZ. Yes.

Mr. MCKEON. That would be 8 percent of 100 million.

Mr. GONZALEZ. Yes, well, it would be 8 percent, the remaining 8 percent who do not respond to the census request census data showing that they speak English very well. So that would be 8 percent of the U.S. census population.

The second point, which is of these so-called enclaves, a lot of the second languages you hear in these communities are by business owners who are trying to market to people. It is not that they are trying to retard their ability to learn English, it is just that it is smart marketing for them to communicate in an effective language. And so that is why you are going to hear that.

As far as Inhofe and Salazar, taken together or pulled apart separately, what they have in common is that neither one of those will help a single person learn English.

Mr. MCKEON. Thank you, Mr. Chairman.

Chairman CASTLE. Thank you, Mr. Chairman.

Ms. Woolsey is recognized for 5 minutes.

Ms. WOOLSEY. Thank you, Mr. Chairman.

First of all, I want to say that if I had to go to a foreign country where people didn't speak English and I had to live and work, I would be like a fish out of water. I couldn't do it. And we have a country where 80 percent of our population speaks only English. That should be our embarrassment. We don't teach languages in school enough these days. Shame on us. Therefore, maybe that is why we are so afraid of anybody speaking a foreign language or having to accommodate them.

Senator McKinley, if 92 percent of our population speaks English, what is the need for having a symbol, and is it just sym-

bolic to you that we have an official statement of what we speak in this country?

Mr. MCKINLEY. One of the things we have seen in Iowa is that the immigrants definitely know that it is important for them to learn English if they are going to participate in the communities. To address the issue that was raised earlier, I just recently came from San Francisco. I was in Chinatown, and we talk about the enclaves.

On my way to the airport I rode with a Russian immigrant who spoke probably as good English as I, though with an accent. And I asked him about Chinatown and he said they don't speak English there. You can't live there unless you are Chinese. And in walking in the streets, I heard all the young Chinese students speaking Chinese. That may work in San Francisco, but that would not work in Iowa. In order to participate in the community, you must speak English.

Ms. WOOLSEY. Well, let me just interrupt you a minute. I represent the district halfway across the Golden Gate Bridge north of San Francisco, so I can speak with authority when I tell you 99 percent of those Chinese-speaking individuals speak English. They are some of the best students we have in our schools in the Bay Area. So they are speaking two languages.

So your list of where the Iowa act does not apply, that list seems totally inclusive. What is left off of that list? Where would it apply?

Mr. MCKINLEY. Well, I think in large part what we are doing is setting the standard. With an increasing number of immigrants coming to Iowa, we want to make it very, very clear that it is important they speak the language. In testimony we had across the state, we are hearing from schools, law enforcement centers, jails, and increasingly from women's domestic centers that there is a real problem serving these people who need services who don't speak English. Oftentimes, those are emergency services that they need to be able to speak English. I think it is absolutely critical. And in Iowa, enactment of the law was a non-event.

Ms. WOOLSEY. Well, Mr. Trasviña, in your opinion, what is the best way to promote English language? By labeling our country English-only? Or are there other ways to support teaching new immigrants English?

Mr. TRASVIÑA. There are a wide variety of ways of teaching people English. The last way to do it is to tell someone who needs domestic violence services, gee, you should be learning English. That is the problem with this approach. We are either going to take the approach where we advance English through the public schools and adult English classes, or we take the approach that the Supreme Court rejected which is saying you don't limit people's rights because of their ability or lack of ability to speak English.

And Senator McKinley mentioned San Francisco. Like you, I am a San Franciscan, and the U.S. Supreme Court recognized in the Lau decision in 1960 that there was educational discrimination, and the very reason why there was so much Chinese-only speaking at that time was because the classes that the Chinese American students got at some of the elementary schools there were totally inappropriate to their language abilities. And the reason we have

a Chinatown in San Francisco is because of the housing discrimination right after the late 1906 earthquake.

So we have to look at this in the historic context where immigrants were not always widely accepted. And the way to do that, the way to incorporate people into the society is to provide the English classes, not to put up a sign and say, well, you really should speak English and the services are closed to you.

Ms. WOOLSEY. Thank you.

Mr. Mujica, what does making English our official language mean to you? And what are the norms that you suggest?

Mr. MUJICA. Well, first of all, I would like to say that we are not trying to make this country an English-only country. Most countries have an official language. Why don't we say something about Mexico? Mexico has an official language, Spanish. Is it a problem that it is a Spanish-only country like Chile, Argentina and every country in Latin America, and 50 or 80 other countries around the world?

Ms. WOOLSEY. Well, we are coming to the end of my time, but do they use their government officials, people elected to do the really heavy lifting in their country, having hearings, talking about whether their official language is Spanish?

Mr. MUJICA. No, they don't have to.

Ms. WOOLSEY. That is right.

Mr. MUJICA. They knew that their country was Spanish, which incidentally is the language of the white European conquerors. It is not the original language of Mexico.

Ms. WOOLSEY. Right, but my point is this is silly what we are doing today.

Thank you.

Chairman CASTLE. Thank you, Ms. Woolsey.

I yield to myself for 5 minutes. Let me just start with a comment, if I may, Mr. Ellison and a couple of others mentioned it, too, but I agree with you with respect to the adult education and the need to expand these programs. To me, education is a key component of it. And I agree with the other comments some of you made about Even Start and the various other programs which we have to get started.

I am going to ask some broader questions, and I truly don't know the answer to these things, so I am not asking in any kind of pejorative sense. I am curious about the true opinions about this. But I try to think a lot about this particular issue. I have no great opinion about English as the official language, but I worry about the problem of assimilation and how we are doing it in this country with helping people with assimilation as well.

It seems to me, and maybe I am not right about this, but it seems to me that there are effects here which are different than previous immigration populations, not including the English-speaking populations, but those that were not English coming from Europe. First is just that, proximity, because of proximity, Mexico obviously, but also Latin America and the island countries which have easier access than getting from Europe to America in the 17th century or the 18th century, whatever, by boat. And people tend to go back and forth as a factor.

And then also the other factor I have is that of illegal immigration in the United States. That is, those people who for whatever reason are not here legally at this point. They may have overstayed a work permit or education or something of that nature, or maybe are here entirely illegally. We obviously have some border issues as far as Mexico is concerned, which is not just Mexicans, as we all know. It can be a variety of people.

And then those who are sort of in a limited legal situation, that is they are here because they are migrant workers or whatever, but they are going to go back to wherever they are from, which they could do, which you might not have done if you were from Italy or Russia or some other country where you came here permanently.

So my question is, is this impacting the desire for individuals to become a part of the culture, to learn the English language, et cetera? Is it different than it might have been for other immigrants who came before from different circumstances? I am not trying to make a point with that question. I am just curious about the information with respect to that.

I don't know the exact statistics. I can't argue about how many illegal immigrants are here and how many are Latino or anything else, but clearly we have some fairly substantial numbers in that area. I would like to hear from Mr. Trasviña and Mr. Gonzalez and Mr. Mujica on that subject. I know it is sort of broad, but I am curious as to your thoughts on that.

Mr. TRASVIÑA. Yes, Mr. Chairman, you have asked a broad question. And we are in a 21st century world where we do have different patterns. The need for language and literacy are greater than they were at the turn of the previous century, where people would come to this country from Europe and go through Ellis Island and eventually they would learn English. The needs for English are tremendously important.

As a global society, we do have a lot more people going back and forth, and we do have a very large Spanish-speaking region to the south of us. Now, there may be some policy decisions and discussions about going back to where we were prior to 1975 where we treated Mexican immigration different than other countries, taking it out of the per-country ceiling, but that is a separate issue on immigration.

In terms of language, it is all the more important to provide the resources for people to learn English. As I said earlier, the spirit with which people come to improve themselves, they are not satisfied in the most dangerous and difficult jobs, and they know that for the most part people who come here legally or otherwise are coming on a one-way trip. They may go back home. They may have remittances, but they do want to be here, and they are here, and they are going to be staying permanently.

That being said, it is all the more reason why we need to invest at the lower years in their education because these children are going to be the taxpaying and Social Security-paying individuals that we are all going to be relying upon in the future.

Chairman CASTLE. Thank you.

Mr. Gonzalez, the other thing I would like to hear about is if there are a higher number of illegal immigrants because of the ease of getting here versus the old way of getting here in previous

years. Are they more reluctant to get into the various systems, because they are not here legally? I mean, I would be concerned if I was in another country and I wasn't legally there, I would be very concerned about even registering for a class or whatever it may be. So I would like to add that element to the question as well.

Mr. GONZALEZ. Certainly. I think one of the things we should consider is looking at this in a historical context. One-hundred years ago when immigrants, or even longer than that, when immigrants came to this country and they may have been in enclaves and they may have had limited opportunities to learn English, we didn't know about that. If you were English-speaking and native-born, you did not know. You did not shop. You did not go to restaurants with people who were just coming into the country, so you did not see and hear other people speaking another language.

We have made so much progress in this country in breaking down these social barriers that now we see people who are newcomers shopping at the same places we shop and eating in the same restaurants. And that raises some concerns, understandably, but I think we need to keep that historical context.

You did raise an important question about the chilling effect of some policies or other barriers that people who are undocumented may have that would preclude them from pursuing ESL classes or K through 12 education or other services that would help people learn English.

We hear constantly from people around the country who are trying to register their kids in school that we were denied, I could not register my child for school because they told me that I had to present proof of citizenship, which is illegal, but it is happening, that type of behavior at the local level.

Chairman CASTLE. It is illegal that the school would demand it?

Mr. GONZALEZ. It is illegal for the school to demand that type of information before registering someone for school. It is the 1982 Supreme Court case, *Plyler v. Doe*. But having these debates at the national level, where we talk about English as the official language, without providing resources for people; where we talk about immigrants sub-segregating in enclaves; immigrants refusing to learn English.

That has a chilling effect as well on people wanting to, thinking about, well, wait a minute, if they are talking about these things at the national level, then maybe as an undocumented immigrant I don't have access to these programs. I think that is where one of the negative impacts of these debates can really play themselves out in a way that results in fewer people learning English.

Chairman CASTLE. Thank you.

Mr. Mujica?

Mr. MUJICA. What is the question? The same?

Chairman CASTLE. I am sorry. Yes, it is just the same question or discussion, if you will.

Mr. MUJICA. Yes. I think there is a change of attitude. In the last 50 years or so we have had this sickness called political correctness show up in this country and then other countries. It used to be that you came to this country to be part of this country. I am a genealogist by hobby and I have studied many, many families. I have heard testimony. They came to be Americans. They arrived here

and they kissed the ground and they said, we are in the new land. We are in our new home. And unfortunately, they even forbade their kids to speak the native language because they wanted to assimilate so quickly, to be part of the new world.

Today, we have huge numbers of similar people coming through a border that doesn't exist. Mexico has a 2,000-mile border with the United States or longer, and we have a lot of people legal or illegal who are getting here and then they are being told by their self-elected leaders, people like MALDEF and La Raza, that they have rights. They have rights to their language. They have rights to their culture.

They are coming to the land that the gringo stole from them anyway, so they are coming to their own land. Aztlan is still alive, you know, the old land comprising half of the United States and Mexico. So the attitude is quite different. We have a lot of people coming to this country and segregating themselves and not really wanting to be part of the country. It is a shame. It is not the case of every immigrant, but you will never hear a European saying they don't want to be part of this country or they do not want to learn the language.

There is nothing magic about English. English meanwhile for the last 50 or 100 years became the global language, so there was no need for Americans, or at least Americans thought they had no need to learn other languages because their language was widely spoken everywhere. I, as an architect, go to about 40 countries every year and although I speak other languages, and I am studying Russian right now, I always end up speaking English because they speak English everywhere, and very well.

So we are not trying to protect the English from disappearing. Quite the contrary, English is prevalent all over the place. But also we are not trying to make this nation a multilingual nation. That would be going backwards. We have functioned in English and that has been the glue that held this country together for hundreds of years. People coming from all over the world are able to talk to each other in a common language, which as I said, became the global language. And we are trying just to keep it.

I have heard testimony here where they blame official English laws with everything under the sun. They left out global warming. I think they should also blame it on official English. But we are just trying to recognize the obvious, and we are recognizing that we have people from other countries right now that need help, and that is what we should worry about.

Let's get it over with. Let's declare English the official language of this country, which is the obvious, and let's find the money to help all these new immigrants learn the language and succeed.

Chairman CASTLE. Thank you. I thank all of you. Good questions.

Mr. Grijalva is recognized. I am sorry. Mr. Hinojosa is next. I apologize.

Mr. HINOJOSA. Thank you very much, Chairman Castle.

Before I ask my questions, I would like to make a statement for the record. I must express my deep disappointment in these proceedings. First, this hearing is part of a concerted effort by the House majority to derail comprehensive immigration reform and

fan the flames of anti-immigrant sentiment before the general election in November of this year. No matter how many hearings we hold, the public will not be fooled. The majority is at the helm of all of our branches of government, all three. It seems to me that failure to fix our broken immigration system is the majority's failure to govern.

Second, while I do not question the chairman's intention to have a balanced hearing, let's be clear. We can no more have a balanced hearing on English as the official language than we can have one on states' rights or separate-but-equal. English-as-the-official-language has been a code for official discrimination. I understand the personal effects of such policies and sentiments. In my own home state of Texas, children would be punished and beaten for speaking Spanish in school.

For those who think this is past history, sadly it is not. I experienced it myself. I went to segregated elementary school and I was part of those who were spanked. Not too long ago, a high school student in Kansas was suspended from school for speaking Spanish to his friend in the hallway. Surely, these are not the practices we want to sanction with a policy of English as the official language.

Finally, instead of focusing on an issue that divides us, the subcommittee should be looking at how we help our children learn English. The Government Accountability Office has just released a report on the implementation of the accountability provisions in No Child Left Behind and limited English-proficient students. I ask unanimous consent, Mr. Chairman, that this report that was just released be entered into the record.

Chairman CASTLE. Without objection, so ordered.
[The Internet URL of the GAO report follows:]

<http://www.gao.gov/new.items/d06815.pdf>

Mr. HINOJOSA. Thank you.

The record finds that we are a long way off from including LEP children in our accountability systems in a valid and reliable manner that the Department of Education has not provided the guidance, the technical assistance, or the enforcement necessary to ensure that states are meeting the requirements of the law.

Furthermore, Mr. Chairman, I ask unanimous consent that a letter from the Congressional Hispanic Caucus addressed to you as chairman of this subcommittee and to Ranking Member Woolsey also be entered into the record.

Chairman CASTLE. Also without objection, so ordered.
[The letter follows:]

CONGRESS OF THE UNITED STATES,
Washington, DC, July 26, 2006.

Hon. MICHAEL CASTLE,
Chairman, Subcommittee on Education Reform, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Hon. LYNN WOOLSEY,
Ranking Member, Subcommittee on Education Reform, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN AND RANKING MEMBER: On behalf of the Congressional Hispanic Caucus (CHC), we are writing to express our position with respect to the proposition of making English the official language of the U.S. We recognize English is the language of commerce, the language of success; however, we do not support any proposal seeking to make English the U.S. official language.

English is and always will be the common and unifying language of the United States. Many millions of immigrants have, throughout the history of our Nation, come to this country and learned English in order to participate fully in our common society, economy, and political systems. This process of integrating new immigrants into the “melting pot” of American culture through English language acquisition continues at a rapid pace today.

Both native-born U.S. citizens and immigrants clearly understand the importance of learning English. Recognizing the critical importance of linguistic integration, new immigrants are learning English at a faster pace than did earlier groups of immigrants. Despite these new Americans’ efforts to become proficient in our common language, proposals to make English the official language would harm English language learners and greatly affect the well-being of all Americans.

English is not “under attack” in the United States. The vast majority of U.S. government documents are printed in English, and the vast majority of U.S. residents speak only English. To be inclusive we encourage, and in instances require, they be carried out in other languages to inform the limited-English proficient (LEP) public of important, and often critical, information. We believe that when it comes to sharing essential information about the health and well-being of individuals or the security of this nation, there should not be a debate over which language to use.

The average adult English-as-a-Second-Language (ESL) student is a low-income wage earner, holding two jobs, supporting a family, and learning English in the few hours available to them in the early morning hours or the evenings. There is no shortage of motivation to learn. Instead, the extreme demands for ESL services far exceed the available supply of open classes. Eager students join thousands of others greeted by lengthy waiting times that range from 12 to 18 months for the largest ESL providers in Albuquerque and Phoenix, up to three years or more in Boston and other northeastern cities. In New York City, the American dream of learning English is something only the lucky few obtain by winning lotteries held for scarce ESL placement; others often must wait several years for classes that only scratch the surface of the need.

The federal government should do everything within its power to encourage English proficiency in all U.S. residents, but it should not penalize those who are still in the process of learning English. To establish English as the official language of this country does not advance the goal of English proficiency. To that end, we strongly urge Congress not to respond to a nonexistent problem by penalizing those who are in the process of learning our common language, thereby penalizing all Americans and putting us at greater risk.

Thank you for your consideration.

Sincerely,

GRACE FLORES NAPOLITANO,
Chair, Congressional Hispanic Caucus.
CHARLES A. GONZALEZ,
Chair, CHC Civil Rights Task Force.

Mr. HINOJOSA. Now, Mr. Chairman, I wish to ask finally some questions. My first question is to Mr. John Trasviña.

The 1994 Improving America’s Schools Act required states to include limited English-proficient children in their Title I accountability system. It required that LEP students be assessed in a language and form most likely to yield results. It required that assessment results for LEP students be valid and reliable.

No Child Left Behind continued all of those requirements. However, the GAO report I referred to shows that we are nowhere near compliance with these requirements. My question to you is, what do you recommend that we do as we approach the reauthorization to ensure that the law is implemented as Congress intended?

Mr. TRASVIÑA. Mr. Hinojosa, with regard to the No Child Left Behind Act, it has not been effective for English language learners because of flaws in implementation. What we really need is for the 5 million or 6 million English language learning students in this country is greater attention on these assessment programs.

Without effective assessments, we are not going to be able to begin to determine in what particular districts the particular needs of the students are. So the lack of assessments, as the GAO report to be released today describes, it really confirms what we have been saying all along, and it is the first barrier to overcome in order to provide the prescriptive suggestions for curricula for these students.

Mr. HINOJOSA. Thank you.

Mr. Chairman, can I ask one question of the state senator?

Chairman CASTLE. Certainly.

Mr. HINOJOSA. Thank you.

Senator McKinley, what legislation have you passed to increase opportunities for limited English-proficient residents of Iowa to learn English?

Mr. MCKINLEY. We have passed legislation which established new immigrant centers to help new immigrants assimilate. We expanded that again this year. Plus, we have consistently funded community colleges across the state who offer these offerings. We have expanded English ELL legislation. So we have addressed this in a number of manners.

Mr. HINOJOSA. In the 10 years that I have been here in Congress, I have been amazed at how we have to fight to get the Federal appropriation for adult continuing education and these English programs because they are usually reduced or eliminated. And so we have to fight to get those funds.

I can tell you that right there in South Texas, I was there on Saturday morning and I went to visit the students who are learning English so that they could try to pass their test for the citizenship that they were applying for, American citizenship. And their complaint was that there were very few students there. There were 25, but that they just didn't have the money for the professors so that they could have larger classes.

So if you have all the money that you need in Iowa for these programs, you are very unusual, because in the state of Texas, we do not have enough money. And I blame myself and my Congress for not really putting the money forward to make that possible.

I yield back, Mr. Chairman.

Chairman CASTLE. Thank you, Mr. Hinojosa.

Mr. Souder is recognized for 5 minutes.

Mr. SOUDER. I have to say that anybody who is watching this, if the whole country watched it, you wouldn't see 85 percent for English as the official language. You would see 90 percent because in fact you have given no compelling reasons not to do it. And in fact, the world hasn't collapsed in Iowa.

One of the things I can't conceive of moving to another country and not learning their language before I moved there. It is one thing to visit for a couple of weeks or even study there as a student. Most people try to learn another language. It baffles me. We are watching huge immigration trends.

A lot of people think everybody in their area, including in my area, are illegal. They aren't. We have many refugees coming in. We have people with legal status who are there who are going through transition. But if we don't have an organized official language, we are going to descend into chaos.

I have one high school in my district, it is not San Francisco, but it is getting close at least in the aspect of language, that has 83 languages and dialects. At Fort Wayne, Indiana, it is not a coast. But all across America, this is a huge challenge. We have the largest population of dissident Burmese that have come into my area. They are people of Burma. Everybody calls them Burmese, but they are not.

The Mon and the Shan, for example, were killed by the Burmese, but they are people from Burma and they don't even speak their own language, if they don't have English as a common denominator. I was at one meeting with leaders from the African community in Fort Wayne, 23 different African nations in Fort Wayne with different languages. You are just going to have chaos.

The fire department doesn't know how to handle it. We have 1,800 Bosnians that have come in through refugee organizations. There is no way to do this if we don't have a certain amount of order. And anybody who thinks we are going to do work permits without English fluency, I don't know how you think that that could possibly pass Congress without English fluency and some kind of standard on work permits.

In trying to resolve the tremendous we have of all of the illegals in the United States, I mean, I didn't vote for making it a felony and deporting everybody, but there has to be some kind of a standard here of commonality, of commitment to be here, at least enough commitment to be here that you are going to learn our language.

I want to ask Mr. Mujica, it is astounding. In my district, I hear this all the time. Mexico has an official language. There are hundreds of thousands of Americans who live in Mexico, but they still have an official language; 27 nations I believe have English as their official language, in Africa and the Caribbean particularly.

Is there a big problem? Is it a huge crisis in those countries where English is an official language? Is it a crisis for the American citizens who are living in Mexico where Spanish is their official language?

Mr. MUJICA. It is no problem. Most countries have an official language. Some countries have two or three and they have problems. It costs plenty of money. The European Union right now I think has something like 21 languages and they are speaking seriously about just making English the official language so they could translate things in zero languages, just do it all in English instead of translating, I believe, in nine languages.

Mr. SOUDER. And you alluded to the commonality. English isn't just because of Americans, but because of the remnants of the British Empire in many places, the commonality for trade because India and China are the two biggest countries, and that is where the immigration real tide is going to come from, and they are very difficult languages with many dialects.

Mr. MUJICA. Right.

Mr. SOUDER. And when they travel around the world, as you see tourism, that the only way to deal with this is English. It just flabbergasts me with these kind of criteria that Iowa has found. I think it is a fair question to say, what exactly is covered under English as an official language, but to not say that at least this is

where we are headed just amazes me, because you see this huge trend nationally.

I come from, and I know, and I have said over and over, two of the four newspapers in Fort Wayne, Indiana were in German prior to Hitler taking rise in Germany. I understand people are going to do multiple languages, but I just don't understand this resistance to saying, look, this is our official language.

Come here. We are going to work out how we do this, but come here. If you want to be a citizen, for sure you are going to be fluent. If you want a work permit, for sure you are going to be fluent. If you are going to come to America, then learn our language. It is just such a basic question and fundamental thing to say it is our official language. The opposition just astounds me.

Would you like to comment?

Mr. TRASVIÑA. Mr. Souder, I guess even in English, we have difficulty being understood because I am astounded that you hear from this panel any resistance to English or any resistance to opening up the opportunities for English.

Mr. SOUDER. What is the opposition to it being the official language?

Mr. TRASVIÑA. The opposition to it being the official language and spending a lot of time and resources passing bills is that it takes away from the real core purpose of America which is to promote English opportunities.

Mr. SOUDER. I am sorry. It doesn't take a lot of time and money to pass a bill. You are spending more in opposing the bill. What is the substantive opposition to passing the English as an official language?

Mr. TRASVIÑA. Well, there are three. One is that it does absolutely nothing to help those people that you mentioned in your district. The Bosnian refugees, for example, we have cut over the past 10 or 15 years refugee resettlement.

Mr. SOUDER. I am sorry. Reclaiming my time. That is not a reason. The fact that you think it accomplishes nothing is not a reason to be against it. What harm does it do?

Mr. TRASVIÑA. The harm that it does is that while it does nothing to advance the English, what it does do is promote the divisiveness in the society so that for example it strengthens the argument and the vile nature of somebody who complains to the person standing in front of them in the grocery line, they see a Latino woman talking to her child in Spanish, saying oh, why don't you speak English; it is the official language.

We have seen instances where that has occurred, in Monterey Park when U.S. English went after the Chinese language business signs in the 1980's, or when there was an effort to try to get the FCC to take away licenses of Spanish-language broadcasters because U.S. English said, well, they crowded out the English-language stations.

It is that type of divisiveness that is raised in this country without any ability to promote English. English is something that the U.S. Government used to promote treasury bonds being sold in World War II. Languages other than English are used for many, many purposes.

So the concerns you have, I am sure they are valid concerns in Fort Wayne and other cities in your district about the fire department not being able to communicate with everyone. The way to get to that is to promote English classes and opportunities for English.

Mr. SOUDER. I just find it amazing that you would say that it is divisive. I understand how people can abuse it. Quite frankly, those people are probably already harassing people, not displaying a very Christian attitude. But I just find it amazing that the reason we can't promote what is self-evident in this country that English is our official language is because it is viewed as divisive.

Chairman CASTLE. Thank you, Mr. Souder.

Mr. Grijalva is recognized for 5 minutes.

Mr. GRIJALVA. Thank you very much, Mr. Chairman.

I also want to echo the comments that my colleagues have made regarding the balance of this panel. It is very much appreciated, and during this series of hearing we have had, very unique. And so I am very grateful for that.

Many of the questions that I had hoped to ask have been asked. I just want to comment briefly, and then a couple of quick questions. There is a whole insidious part of this whole discussion that we are having here today about official English and English-only.

And that is the presumption made by English-only legislation, and I think it promotes, and that is the insidious side, this racially tinged myth and false stereotypes that immigrants don't want to learn English, and that gets cemented into people's thinking they don't want to learn.

That is contrary to the reality out there. In my district, the waiting list to get into ESL classes under adult education is 2 years. In New York City, they have to have a lottery to see who can get into the English classes. We have underfunded Title III, and as a consequence cannot really assess where children whose primary languages are other than English, how they are doing under No Child Left Behind.

English-only mandates have not, and will not magically transfer and transition every non-English speaker into English speakers. That is not going to happen. The real effort to do that is going to require resources and not the kind of political resentments that we hear, not the phobias that are around us all the time on this issue about culture, language, ethnicity.

And so my questions are at two levels. First of all to Mr. Gonzalez and Mr. Trasviña individually and for the organizations that you represent, there was an earlier comment made by another panelist that your organizations are actively promoting the segregation of our society, the linguistic isolation of our society. If you could comment on that, to get that on the record.

And then the other issue that I would like both of you to comment briefly if you could, on the commonality of commitment to rights in this country, which this also talks to that issue, and if you could as briefly as you can deal with those two issues.

Mr. GONZALEZ. Sure, thank you, Congressman.

First of all, the National Council of La Raza, as I mentioned in my statement, is in the business of helping people learn English. We have 300 community-based organizations that are affiliated with our organization. About half of those provide some ESL serv-

ices. We have 96 charter schools in our network which provide services to a variety of students, including English language learner students. We are in the business of helping people learn English.

I think there is a disconnection that is kind of coming through this hearing. On the one hand, people are talking about how immigrants support official English. They supported it in Iowa and there are those folks, immigrants, who are part of Mr. Mujica's organization. But then they are also arguing that we need to coerce people to learn English through official English laws.

That is an important disconnection that I think we should explore because that, in the case of Iowa, we could have had people learn English without their official English law. Could we have had people learn English without all the ESL services they later provided to help them learn English?

So I think that is the critical question as policymakers. What is our goal? Is it our goal to help people learn English or is it our goal to approve symbolic measures that have no impact on people's lives? So I think those are the things that I think are important to consider.

The other thing, going to Mr. Souder's question, I am sorry I didn't answer your question, but there is a real danger in official English policies, of government policies of official English. We have to realize that we are in a real world here where we have a severe budget deficit, and if we have a government-as-official-language, English as the official language of government, with limited resources, at some point someone is going to make a decision not to provide translation services.

If it becomes at a point where there is a natural disaster, an avian flu pandemic or a mass transit accident, and people have limited resources, they are going to choose, because of that ability, not to provide services. They are going to choose not to. It is a real world we are working in. The U.S. considers symbolic measures, but they have real-world implications that affect people who are English-proficient, people who are non-English-proficient, immigrants and non-immigrants.

And going back to the issue that this is a policy that is being attached to an immigration bill that doesn't fix the immigration system, but also harms U.S. citizens. And that is I think the bottom line for the policymakers in addressing this in the area of immigration.

Chairman CASTLE. Thank you, Mr. Grijalva.

Mr. Osborne is recognized for 5 minutes.

Mr. OSBORNE. Thank you very much, and thank you all for being here today. We appreciate your attendance.

My daughter is an ESL teacher, so I know some of the problems of which we speak. I am going to try to hit every one of you, so I would appreciate it if you would give me a relatively brief answer. I am sorry to be here late, so if some of these things have been discussed before, disregard them. Just say we have already answered that.

First of all, Mr. Mujica, what do you believe the practical effect of Executive Order 13166 has been? Has it been difficult to execute and enforce? Do you have any thoughts as to why the president has not rescinded the order?

Mr. MUJICA. Well, presidents typically do not rescind executive orders signed by another president. We are of the opinion that he should rescind it. We think it is very much of a problem to try to make this country multilingual, to try to provide translators for every language that one needs. We have 322 languages. How are we going to have 50 translators in a hospital? How are we going to have 25 translators in the doctor's office or whatever?

It is impractical. It sounds pretty good. It sounds like it makes sense, but in practical terms it is extremely expensive, and if there is something divisive, that is divisive. It is sending the wrong message, saying it doesn't matter what you speak, we will be there; we will translate for you.

Mr. OSBORNE. Thank you for your answer, and thank you for being concise.

Mr. McKinley, has the Iowa law had any overall detrimental impact? Is there any downside to what Iowa has done?

Mr. MCKINLEY. We have seen no detrimental impact at all. As a matter of fact, through a series of meetings we held last fall across the state dealing with immigration issues, the English-as-the-official-language law was not even brought up but once, and that wasn't by an immigrant, but by a political activist. So it is has not been a problem at all.

Mr. OSBORNE. OK, thank you.

Now, I am going to ask a question of Mr. La Raza and also Mr. Trasviña. Maybe this is a question that would apply to both of you. In your testimony, you state that there is no need to enact a law declaring English as the official language because English is already believed to be the common language used in America. If this is true, then why oppose legislation that just reaffirms this common belief?

Mr. TRASVIÑA. We oppose it for the reasons that German parents in Zion County, Nebraska, vociferously opposed the official English law of Nebraska in 1921. It denied the parents the ability to speak to their children and teach them their religious lessons, those Lutheran lessons because of the bar against teaching German at the lower levels, and English as the official language in Nebraska. It removes the issue from advancing English into making getting rid of English the price tag for admission into this country.

The laws have practical consequences. Now, you can have a Swiss cheese kind of law where everything is listed in the exceptions and there is nothing left to it, but it takes us away from the promoting of English. And that is really the only way to promote English, to get this country together on the language basis, it is through real efforts on English, not on these statutes.

Mr. OSBORNE. Well, the only counter I would have to that is that I don't believe that making English the official language would prevent a parent from speaking their native tongue to their children or having them conversant in that tongue. I don't see that being a practical outcome of the law. But apparently you do. I don't see it that way.

Let me move on to my last question to Mr. Ellison. Why do you believe that there is such a long waiting list for ESL programs? Has this been a long-term problem or is it just something that you have seen in recent years?

Mr. ELLISON. I think the reason for the waiting lists are the fact that there are not enough resources for the programs. It has been a problem over the years, but it has been growing and growing and growing. There are a couple of parts to that. The waiting list numbers are huge in some states.

What happens when you have a waiting list is you also have people who don't go into register because you are not going to try to get into a program when you know that program already has a waiting list of a year or two. So there is another unmet need out there that goes even beyond the official numbers who are on the waiting list.

Mr. OSBORNE. Well, I am a strong proponent of the ESL programs, and certainly believe in more funding. Also, I might just say that if I were to move to another country and was going to seek citizenship in that country, I would learn that language, and I would not necessarily rely on the government to teach me or the schools. I mean, there are ways to learn a language without having some formal program.

So with that, I yield back, Mr. Chairman. Thank you.

Chairman CASTLE. Thank you, Mr. Osborne.

We have reached the end of this hearing. I would just like to thank each of our witnesses for the logistics of getting here and being here and sharing your thoughts with us. I think it is helpful to build in terms of what we may have to do sometime in the future, but I just want to offer my thanks to you and to Ms. Woolsey and to Mr. Osborne, who is still here.

With that, we stand adjourned.

[Whereupon, at 2:10 p.m., the subcommittee was adjourned.]

[Supplemental materials submitted for the record follow:]

AMERICAN LIBRARY ASSOCIATION,
WASHINGTON OFFICE,
Washington, DC, July 25, 2006.

Hon. MICHAEL CASTLE,
Chairman, Subcommittee on Education Reform, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CASTLE: On July 26, the House Subcommittee on Education Reform will hold a hearing "Examining Views on English as the Official Language." On behalf of the 69,000 members of the American Library Association (ALA), I write to share with you the American Library Association's views on English Only policies.

ALA opposes all language laws, legislation, and regulations that restrict the rights of citizens who speak and read languages other than English, and those language laws, legislation, and regulations which abridge pluralism and diversity in library collections and services. ALA works with state associations and other agencies in devising ways to counteract restrictions arising from existing language laws and regulations, and encourages and supports the provision of library resources and services in the languages in common use in each community in the United States.

Libraries around the country serve the needs of culturally diverse communities. In 2000, 47 million people reported they spoke a language other than English at home. Libraries provide free family literacy programs for non-English-speaking patrons. In addition, hundreds of librarians across America lead outreach programs that teach citizenship, conduct career workshops and offer GED classes. Libraries also develop multilingual and multicultural materials for their patrons.

The American Library Association recognizes the importance of the English language in American society. However, current proposed English Only laws don't increase access or provide additional resources for English-language instruction programs. Thousands of immigrants are on waiting lists to get into ESL classes because these programs are not adequately funded.

The American Library Association believes that enacting laws that would discriminate against non-English speaking or limited English speaking individuals would limit their freedom of expression and access to information and services.

Please contact me if you have any questions.

Sincerely,

EMILY SHEKETOFF,
Executive Director.

ENGLISH FIRST,
8001 FORBES PLACE,
Springfield, VA, July 25, 2006.

Hon. MICHAEL CASTLE,
Chairman, Subcommittee on Education Reform, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CASTLE: My name is Jim Boulet, Jr. I have served as Executive Director of English First since 1995 and joined the organization as its research director in 1988.

The last hearing on official English was held in 1996. I testified at that hearing. The legislation in question, "The English Language Empowerment Act," would go on to pass the House by a vote of 259 to 169. We thought the fight for official English would soon be over. But that bill died in the U.S. Senate and here we are again today.

I share this brief history lesson to remind this Subcommittee that it is a challenge to pass any legislation through both the House and the Senate. It is for this reason alone that Congress does not eagerly revisit any issue upon which it has worked its will in the past.

For this reason, English First is always encouraging any Representative or Senator who wishes to take a lead on official English matters to fight for legislation which accomplishes the maximum possible at that time toward solving the American language crisis.

I make this same recommendation today to this Subcommittee: Please pass the strongest, most explicit, self-executing official English bill you possibly can.

Time is not our friend, given that there are those who seriously propose to grant amnesty to twelve to twenty million illegal aliens. Any language problems which currently exist in America at this moment will only be exacerbated in the wake of any amnesty or guest worker program.

I fully realize that the Senate's amnesty bill (S.2611) is not before us today. But I must note that the English requirements imposed by S.2611 upon illegal aliens are so weak that the same authors of that bill eagerly demanded (and enacted) a reauthorization of mandatory multilingual voting for the next twenty five years.

Allow me to turn to a few quick thoughts about what this Subcommittee should seek to accomplish.

Today's hearing is designed to give the House of Representatives some understanding of the most effective way to address the question of an official language. It is the belief of English First that by following certain principles, this Subcommittee will ensure that the most effective official English bill possible emerges from its deliberations.

Principle 1: Understand that our opponents will oppose any and all official English bills. Time and time again I have seen groups like MALDEF and the National Council of La Raza attack even the most modest official language effort as needlessly draconian and probably racist.

The reason is for their vehemence is that they are playing symbolic politics with language issues.

Symbolic politics has nothing to do with whether the program in question accomplishes anything useful. It is well known that bilingual ballots are full of translation errors which hinder, rather than help, people cast an informed vote. Presented this evidence, the anti-English lobby demanded not only the reauthorization but the expansion of multilingual voting mandates.

This past Sunday, we learned via David Broder's Washington Post column that Senator Mel Martinez (R-FL) believes bilingual ballots are a symbol of respect. During the 1970's, a former Washington Post reporter who investigated the matter declared that bilingual education was the Hispanic equivalent of affirmative action.

Congressmen and Senators can expect to be called racists no matter what their official English legislation actually does about America's language problem.

Accordingly, English First urges you to enact the strongest official English bill you possibly can and make all the name-calling you will suffer for your effort worthwhile

Principle Two: The language the federal government chooses to speak to all immigrants matters far more than the language American citizens speak to each other.

The United States government neither can nor should force anyone to learn English against his will. Opponents of official English do not seem to understand this basic fact.

Example: E. J. Dionne publicly fretted in the Washington Post ("Divisive in any Language," May 23, 2006) that Senator Inhofe's "English First" amendment to the immigration bill amendment might somehow prevent him from praying in French over his children. Fear not, Mr. Dionne. Pray away.

No official English law will forbid people from bring their own trusted translator to a government office. The purpose of an official English law is to preclude people from bringing a lawyer with them ready to enumerate their right to demand an official translation into any language spoken upon plant Earth.

Believe it or not, a policy of unlimited translation upon demand is America's current language policy, thanks to Clinton Executive Order 13166.

E.O. 13166 was signed on August 11, 2000, as most of the Washington press corps was on their way to the Democratic National Convention. E.O. 13166 declared that language choice was part of a person's national origin and thus protected by the 1964 Civil Rights Act.

The legal underpinning of E.O. 13166 rested upon just one case out of dozens, the Alabama English case (Sandoval), at that time on appeal to the Supreme Court. In 2001, the Supreme Court overturned the lower court's Sandoval ruling. Yet E.O. 13166 remains the law of the land.

Accordingly, Senator Tom Coburn (R-OK) and Congressman Peter King (R-NY) have introduced legislation flatly repealing Clinton Executive Order 13166 (S.557 and H.R. 136, respectively).

The Inhofe "English First" amendment to the immigration bill does a considerable amount of heavy legal lifting on the language front and also deserves this Subcommittee's support.

Specifically, the Inhofe amendment says that "unless otherwise authorized or provided by law, no person has a right, entitlement or claim to have the government of the U.S. or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English."

The Inhofe amendment, if passed and signed into law, would not forbid translations offered as a courtesy should a government employee happen to know another language, but would eliminate any legal entitlement to demand such translations from any federal employee.

The Inhofe amendment also says that "if any forms are issued by the federal government in a language other than English * * * the English language version of the form is the sole authority for all legal purposes."

This provision of the Inhofe amendment is based upon U.S. patent law. A patent application may be submitted in any language, but an English translation must be included and that English translation is considered the sole controlling legal authority.

Errors in translation are inevitable. Once the Inhofe amendment is signed into law, a translation error in, say, a tax form, will not mean two different tax rates.

Much of the Senate debate revolved around whether the Inhofe amendment would, if passed and signed into law, overrule Clinton Executive Order 13166. It would.

Principle Three: "Don't You Always Seem to Know You Don't Know What You've Got 'Til It's Gone."

The person who sang this line from "Big Yellow Taxi" had trees in mind. But there are so many other things, like a common language, which America has taken for granted but now stands to lose.

The United States is a big country which used to be united by one language. A person looking for work or a company looking for customers could travel from Maine to California without knowing any language but English.

By contrast, the nations of Western Europe, and their many languages, would fit roughly between Pennsylvania and Texas. Geographic necessity has driven many Europeans to become multilingual, while language study in the United States has always been more of a hobby for the linguistically gifted.

While no one is against learning other languages, just like no one is against children learning about math or science, it would seem reasonable to avoid placing the perfect ahead of the good by insisting that every American become a linguist.

English First considers Congressman Steve King's "English Language Unity Act (H.R. 997) to be a worthy platform upon which this Subcommittee can build by incorporating some of the specific self-executing provisions of Congressman Peter

King's National Language Act (H.R. 4408) or H.R. 4408's Senate counterpart, the Inhofe amendment to S.2611.

Furthermore, the Subcommittee should consider including an explicit repeal of E.O. 13166, such as Congressman Peter King's H.R. 136 or Senator Tom Coburn's S.557 in its own official English bill.

English First urges you to reject the Salazar approach to official English as added to S.2611. The Salazar amendment would lock into place every multilingual mandate any federal bureaucrat has ever dreamed of, whether Congress ever agreed to the idea or not.

Thank you for your time. I look forward to your questions.

Sincerely,

JIM BOULET, JR.,
Executive Director.

NATIONAL COUNCIL OF LA RAZA,
August 14, 2006.

Hon. RAÚL GRIJALVA,
*Subcommittee on Education Reform, Committee on Education and the Workforce,
Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN GRIJALVA: On behalf of the National Council of La Raza (NCLR), the largest national Hispanic civil rights and advocacy organization in the U.S., I write to thank you for the opportunity to fully answer a question you posed at the Subcommittee on Education Reform hearing, "Examining Views on English as the Official Language," held on July 26, 2006. Specifically, you asked in response to a comment made by another witness whether or not NCLR is "actively promoting the segregation of our society."

As an American institution founded nearly 40 years ago, our mission at NCLR is to help open the door to the American Dream to all Latinos. Inherent in that mission is our work to help integrate Hispanic immigrants into American society. We have more than 150 community-based organizations which are helping people learn English, acquire job skills, buy a home, and become citizens so they can contribute as much as they can to the well-being of this great nation. In addition, NCLR's network of more than 90 charter schools serves a diverse group of students, including English learners. Critics of NCLR's policy agenda and proponents of English as the official language are either unaware of NCLR's work or choose to ignore these facts.

Proponents of English as the official language and opponents of NCLR's policy agenda sometimes claim that NCLR is not interested in the full integration of Latinos or immigrants in American society. They sometimes cite our organization's name, "National Council of La Raza," as proof of our support for segregation. For example, they incorrectly translate our name as "the race." In Spanish, as in English, words have multiple meanings, and the term "La Raza" is translated in this context as "the people" or "the community." Since Hispanics are an ethnic group whose members include all races, this is clearly the more accurate translation, as noted on our website and in all our materials.

Thank you for the opportunity to present NCLR's views. I look forward to working with you and your staff on this and other issues critical to the Latino community.

Sincerely,

RAUL GONZALEZ,
Legislative Director.

**Prepared Statement of Kent Williamson, Executive Director,
National Council of Teachers of English**

The National Council of Teachers of English is a non-profit, non-partisan membership organization serving more than 50,000 English language arts teachers who are committed to improving the teaching and learning of English. We are grateful that the Subcommittee is collecting testimony on English as the official language of the United States, and we are eager to assist by providing a perspective on how the proposed legislation may affect the scope and quality of efforts to provide high-quality English instruction to English Language Learners (ELLs).

NCTE's mission is to "promote the development of literacy, the use of language to * * * achieve full participation in society, through the learning and teaching of English and the related arts and sciences of language." We are keenly aware that the nature of the literacy challenge in our schools is growing in scale and complexity at an accelerated pace, and we take responsibility for helping to meet this challenge.

The National Clearinghouse for English Language Acquisition (NCELA) recently estimated that there are more than five million English language learners in U.S. schools, a number that has grown by 65% over the past decade.¹ If we are to serve these students and their families well by expediting their English language proficiency, we need a full complement of learning, assessment, and professional development tools. Establishment of English as the official language would deprive English teachers of resources that research has shown to be critical in advancing English language learning.

The No Child Left Behind Act has cast a bright light on the tested performance of English language learners, making districts, schools, and teachers accountable for steady, significant progress in math, reading, and (soon) science. The intent of the law is to ensure that ELL students receive the benefit of a rigorous education, and are prepared for success in academic, work, and civic contexts. Thus far, NCLB has given states the right to choose whether to use native-language assessments for ELL students; this flexibility is consistent with research that shows that second language acquisition is a gradual developmental process and is built upon students' knowledge and skill in their native language.² If all NCLB-mandated assessments were in the English language only, not only would students' actual learning in math, science, and reading be mistakenly estimated by the tests (where language competence performance would confound measures of actual growth in subject-matter knowledge), there would be pressure to force every student into English-immersion programs immediately. This, in turn, could actually delay fluency in English for all but a few students who had already acquired content knowledge and sophisticated reading and writing skills in their native language.

There is little evidence to suggest that immigrant students or their families are inadequately motivated to learn English, a putative rationale for legislation to make English our official language. On the contrary, there is ample evidence that the key problem in advancing English language learning today is one of supply, not demand. A recent national staffing survey suggests that while more than 41% of public school teachers have ELL students, only 2.5% of all teachers who instruct English language learners possess a degree in English as a Second Language instruction or bilingual education, and only 12.5% of teachers who work daily with English language learners have recently received any professional development in teaching these students.³

As an organization, NCTE recently strengthened its commitment to supporting English teachers in educating ELLs.⁴ But volunteer and professional societies cannot do the job alone. NCLB recognizes the key roles that families play by mandating parental involvement in decisions regarding which language instruction program is best for their children. The choice becomes a hollow one under English as the Official Language legislation, if legal provisions that currently require advisory notices to parents “* * * in a language that the parent can understand” (Title 3, No Child Left Behind Act) are eliminated.

If Congress sincerely wishes to preserve and enhance the role of English in our society, there are many constructive actions that can be taken. Programs designed to accelerate English language literacy can be supported in more communities, and targeted funds can be made available to defray the costs of teacher training and professional development so that the educational equity goals underlying No Child Left Behind can be met. Voluntary organizations like ours and others serving ELLs and their families can be supported and encouraged. Passage of the English as the Official Language Act will do more in the long run to undercut the development of English language skills by depriving teachers, learners, and their families of critical native language resources needed to accelerate progress down the path to full, fluent English usage.

¹NCELA. (2006). The growing number of limited English proficient students 1991-2002. Washington, DC: U.S. Department of Education.

²Gibbons, P. (2002). Scaffolding language, scaffolding learning: Teaching second language learners in the mainstream classroom. Portsmouth, NH: Heinemann.

³U.S. Department of Education, National Center for Education Statistics (2002). Schools and Staffing Survey, 1999-2000: Overview of the Data for Public, Private, Public Charter, and Bureau of Indian Affairs Elementary and Secondary Schools (NCES 2002-313). Washington, DC: Author. Table 1.19, pp 43-44.

⁴NCTE Position Paper on the Role of English Teachers in Educating English Language Learners (ELLs), adopted April 2006 (<http://www.ncte.org/about/over/positions/category/div/124545.htm>)

**Prepared Statement of Hon. James Inhofe, a U.S. Senator
From the State of Oklahoma**

Chairman Castle and members of the Subcommittee, today's hearing on "Examining Views on English as the Official Language" could not be more timely.

As the primary author of the official English amendment to the Senate immigration bill, S.2611, I hope to shed some light on why I believe that my approach should be adopted by any House-Senate conference committee charged with drafting a final immigration bill.

In the course of drafting my amendment, my staff and I looked into the impact of various state official English laws. We determined that the problem has never been overzealous enforcement of these laws but rather ensuring any enforcement whatsoever.

The people who drafted these state laws simply underestimated the hostility of state bureaucrats to enforcing any official English policy, be that policy a product of the state legislature or enacted by the people via a referendum.

Accordingly, I determined that my amendment should be as specific as possible and crafted in such a way to preclude unreasonable subversion of Congressional intent by federal bureaucrats.

After considerable thought, I also felt that the approach taken by the Senate's original immigration reform bill on the language question was precisely backward.

Rather than mandating that immigrants prove they have enrolled in an English class and invite more abuses similar to those exposed regarding U.S. citizenship, I realized the issue is not so much which language any immigrant chooses to speak but in which language the various federal agencies address all immigrants.

The message sent by a government office in which signs are in English and staff are speaking English is that in America, English is our national language. By contrast, a government office that looks and sounds like an outpost of the United Nations, with signs in a host of languages and staff sounding like a modern-day Tower of Babel, sends a very different message.

My legislation was modeled after Congressman Peter King's National Language Act (H.R. 4408). Congressman King has been involved in this issue in Congress for many years. I found his bill to strike a reasonable balance on this issue, as well as address some of my own concerns about ensuring that any final legislation that reaches President Bush's desk would be as specific and self-executing as possible.

Mr. Chairman, I'm sure you would agree that we already have too many lawsuits in this country without making a federal case about language complaints.

Accordingly, my amendment makes clear that nobody has a right or entitlement to sue federal workers or the federal government for services or materials in languages other than English.

My amendment contained certain exceptions for language rights enacted by Congress and signed into law, such as the Voting Rights Act, which provides for bilingual ballots, and the Court Interpreters Act of 1978, which provides for translation services in the federal courts.

What about Clinton Executive Order 13166, which declared that civil rights protection for national origin be applied to any person's choice of language?

There is no support in the legislative history or judicial interpretations of Title VI for the right or entitlement to federal government services or materials in languages other than English. Executive Order 13166 purported to interpret Title VI of the Civil Rights Act, but it was written before the United States Supreme Court's decision in *Sandoval*.

Federal courts have rejected the attempts to equate a person's language with their national origin in dozens of court cases and court decisions going back more than 30 years. Therefore, any expansion of the concept of national origin to encompass a theory repeatedly rejected by the federal courts must come explicitly from Congress. It must be a law. It must be something that Congress proposes and passes and not be imposed by a flawed or arbitrary interpretation of the law.

By passing my amendment, the Senate stated that there is no right, entitlement or claim to services and materials in any language other than English. Here we are making clear that there is no legal basis for Executive Order 13166 that purported to direct services and materials in languages other than English.

The Supreme Court has never held that the language a person chooses to speak can be equated to the person's national origin. Though this issue was briefed and discussed in *Hernandez v. New York*, 500 U.S. 352 (1991), the Court did not make a holding on this question. "Petitioner argues that Spanish-language ability bears a close relation to ethnicity, and that, as a result, it violates the Equal Protection Clause. * * * We need not address that argument here." 500 U.S. at 360. The Circuits, on the other hand, have rejected such an equation. See, e.g., *Soberal-Perez*

v. Heckler, 717 F.2d at 41: “A classification is implicitly made, but it is on the basis of language, i.e., English-speaking versus non-English speaking individuals, and not on the basis of race, religion or national origin. Language, by itself, does not identify members of a suspect class.” See, also, *Toure v. United States*, 24 F.3d at 446 (affirming *Soberal-Perez* and rejecting request for multilingual forfeiture notices). “A policy involving an English requirement, without more, does not establish discrimination based on race or national origin.” “*An v. General Am. Life Ins. Co.*, 872 F.2d 426 (9th Cir. 1989) (table).

The oldest administrative interpretation linking language and national origin is the Equal Employment Opportunity Commission’s arbitrary presumption against English language workplace rules. 29 C.F.R. Sec. 1606.7. The Supreme Court has never reviewed those purely administrative interpretations. But many other courts have reviewed the EEOC guidelines and have rejected them and their underlying equation of language and national origin. See, e.g., *Garcia v. Spun-Steak*, 998 F.2d 1480, 1489-90 (9th Cir. 1993), cert. den. 512 U.S. 1228 (1994) (EEOC Guidelines equating language and national origin were ultra vires); *Vasquez v. McAllen Bag & Supply Co.*, 660 F.2d 686 (5th Cir. 1981) (upholding English-on-the-job rule for non-English-speaking truck drivers); *Garcia v. Rush-Presbyterian St. Luke’s Medical Center*, 660 F.2d 1217, 1222 (7th Cir. 1981) (upholding hiring practices requiring English proficiency); *Long v. First Union Corp.*, 894 F. Supp. 933, 941 (E.D. Virginia, 1995) (“there is nothing in Title VII which protects or provides that an employee has a right to speak his or her native tongue while on the job.”), affirmed, 86 F.3d 1151 (4th Cir. 1996).

A few cases indicate that if the language policy is a pretext for intentional discrimination, a language-related rule might violate national origin rules. In addition, two recent lower court decisions have adopted the EEOC’s interpretation equating language and national origin. See, e.g., *EEOC v. Synchro-Start Products*, 29 F.Supp.2d 911, 915 n. 10 (N.D. Illinois, 1999) (on advice of law clerk, Judge Shadur was “staking out a legal position that has not been espoused by any appellate court.”); *EEOC v. Premier Operator Services*, 113 F.Supp.2d 1066 (N.D. Texas, 2000) (Magistrate Judge Stickney, rejecting appellate cases against EEOC Guidelines and relying on *Synchro-Start Products* and Judge Reinhardt’s dissent from denial of rehearing en banc in *Spun Steak*, found disparate treatment of Hispanic employees in the promulgation of an English-workplace rule; the defendant company was bankrupt and did not present a defense).

But almost all cases, including all Circuit decisions, have rejected the equation of language and national origin. See, e.g., *Gloor*, 618 F.2d at 270 (“The EEO Act does not support an interpretation that equates the language an employee prefers to use with his national origin.”); *Nazarova v. INS*, 171 F.3d 478, 483 (7th Cir. 1999) (permitting deportation notices in English); *Carmona v. Sheffield*, 475 F.2d 738 (9th Cir. 1973) (permitting English benefit termination notices); *Frontera v. Sindell*, 522 F.2d 1215 (6th Cir. 1975) (civil service exam for carpenters can be in English); *Garcia v. Spun Steak*, 998 F.2d 4 1480, 1489-90 (9th Cir. 1993), cert. den., 512 U.S. 1228 (1994) (rejecting EEOC guidelines); *Gonzalez v. Salvation Army*, 985 F.2d 578 (11th Cir.) (table), cert. den., 508 U.S. 910 (1993) (rejecting employment discrimination claim); *Jurado v. Eleven-Fifty Corp.*, 813 F.2d 1406 (9th Cir. 1987) (permitting radio station to choose language an announcer would use); *Vasquez v. McAllen Bag & Supply Co.*, 660 F.2d 686 (5th Cir. 1981) (upholding English-on-the-job rule for non-English-speaking truck drivers); *Garcia v. Rush-Presbyterian St. Luke’s Medical Center*, 660 F.2d 1217 (7th Cir. 1981) (upholding hiring practices requiring English proficiency); *Long v. First Union Corp.*, 894 F.Supp. 933, 941 (E.D. Virginia, 1995) (“there is nothing in Title VII which protects or provides that an employee has a right to speak his or her native tongue while on the job”), affirmed, 86 F.3d 1151 (4th Cir. 1996); *Gotfryd v. Book Covers, Inc.*, 1999 WL 20925, §8 (N.D. Ill. 1999) (rejecting attempt to use EEOC guidelines to establish hostile workplace); *Magana v. Tarrant/Dallas Printing, Inc.*, 1998 WL 548686, §5 (N.D. Texas, 1998) (“English-only policies are not of themselves indicative of national origin discrimination in violation of Title VII”); *Tran v. Standard Motor Products, Inc.*, 10 F.Supp.2d 1199, 1210 (D. Kansas, 1998) (“the purported English-only policy does not constitute a hostile work environment”); *Mejia v. New York Sheraton Hotel*, 459 F.Supp. 375, 377 (S.D.N.Y. 1978) (chambermaid properly denied a promotion because of her “inability to articulate clearly or coherently and to make herself adequately understood in * * * English”); *Prado v. L. Luria & Son, Inc.*, 975 F.Supp. 1349 (S.D. Fla 1997) (rejecting challenge to English workplace policy); *Kania v. Archdiocese of Philadelphia*, 14 F.Supp. 2d 730, 733 (E.D. Penn. 1998) (surveying cases: “all of these courts have agreed that—particularly as applied to multi-lingual employees—an English-only rule does not have a disparate impact on the basis of national origin, and does not violate Title VII”).

Executive Order 13166 is based on the equation of a person's language and that person's national origin. There is no legal basis for Executive Order 13166. Neither is there any legal basis for federal regulations based on Executive Order 13166, including, but not limited to those federal regulations in the following list: Index of Federal Regulations on Executive Order 13166 Cabinet-Level Departments Commerce Department of Commerce: "Guidance to Federal Financial Assistance Recipients on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (March, 2003). (reaffirmed on July 29, 2003). Energy Department of Energy: Ensuring Access to Federally Conducted Programs and Activities by Individuals with Limited English Proficiency (LEP) Plan DRAFT. EPA EPA Factsheet. HHS REVISED Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (August 8, 2003). Strategic Plan to Improve Access to HHS Programs and Activities by Limited English Proficient (LEP) Persons (December 14, 2000). "Policy Guidance: Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency," U.S. Department of Health and Human Services, Office for Civil Rights (September 1, 2000). Guidance Memorandum, Title VI Prohibition Against National Origin Discrimination—Persons with Limited-English Proficiency, U.S. Department of Health and Human Services, Office of Civil Rights (January 29, 1998). Proposed HHS Regulations as published in the Federal Register (August 30, 2000). Fact sheet "Language Assistance to Persons with Limited English Proficiency (LEP)" U.S. Department of Health and [[Page S4755]] Human Services, Office for Civil Rights (September 26, 2000). Appendix A: "Questions and Answers" (August 29, 2000). Appendix B: "Selected Federal and State Laws and Regulations Requiring Language Assistance," U.S. Department of Health and Human Services Office for Civil Rights (August 29, 2000). Justice Bush Justice Department issues reaffirmation of E.O. 13166 and a new set of Questions and Answers (October 26, 2001). Justice Department Policy Guidance Document: "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency" (LEP Guidance) (August 16, 2000). Commonly Asked Questions And Answers Regarding Executive Order 13166, Department of Justice (November 13, 2000). Civil Rights Forum (Summer-Fall, 2000). EO 13166 Implementation Plan (January, 2001). Labor REVISED Department of Labor Policy Guidance (May 29, 2003). Department of Labor Policy Guidance. Transportation DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries (document undated—appeared in January, 2001). Treasury Department issues EO 13166 regulations (March 7, 2001). Department of Veterans Affairs Guidance to Federal Financial Assistance Recipients: Providing Meaningful Access to Individuals Who Have Limited English Proficiency in Compliance With Title VI of the Civil Rights Act of 1964 Subcabinet agencies Corporation for National and Community Service Plan. Consumer Product Safety Commission's Plan for Agency Compliance With Executive Order 13166. REVISED General Services Administration (2003). General Services Administration. FINAL Institute of Museum and Library Services (August 7, 2003). REVISED Institute of Museum and Library Services (April, 2003). Institute of Museum and Library Services. Legal Services Corporation (January, 2003). National Aeronautics and Space Administration Language Assistance Plan for Accommodating Persons with Limited English Proficiency in NASA-Conducted Programs and Activities. National Council on Disability Implementation Plan for Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency (Dec. 12, 2000). National Credit Union Federation (undated). National Science Foundation plan. Office of Special Counsel's Plan for Agency Compliance With Executive Order 13166. Pension Benefit Guaranty Corporation's Plan for Agency Compliance With Executive Order 13166.

What the Senate did was make a declaration that English is the national language for the United States of America.

English remains the language of opportunity in America. Our President said not long ago that an ability to speak and write the English language allows newcomers to go from picking crops to opening a grocery, from cleaning offices to renting offices, from a life of low-paying jobs to a diplomatic career and a home of their own. This is an opportunity.

As recently as March of 2006, a Zogby poll found that 84 percent of Americans, including 77 percent of the Hispanics, believe English should be the official language of Government operations.

In 2002, the Kaiser Family Foundation poll, which I don't think anyone is going to question, found 91 percent of the foreign-born Latino immigrants agreed that learning English is essential to succeeding in the United States.

In 2002, there is also a Carnegie/Public Agenda poll that found by a more than 2-to-1 margin, immigrants themselves say that the United States should expect new immigrants to learn English.

My favorite poll is this one. In 2004, the National Council of La Raza found that 97 percent, strongly 86.4 percent or somewhat 10.9 percent, agreed that the ability to speak English is important to succeed in this country.

In 1988, G. Lawrence Research showed 87 percent favored English as an official language with only 8 percent opposed and 5 percent not sure. That was 1988. Very consistent; about the same numbers.

A 1996, national survey by Luntz Research asked, "Do you think English should be made the official language of the United States?" and 86 percent of Americans supported making English the official language and only 12 percent opposed and only 2 unsure. That was 1996.

In 2000, Public Opinion Strategies, showed 84 percent favored English as the official language, with only 12 percent opposed and 4 percent not sure.

In 2004 another Zogby poll, that was a different one than the one I quoted, but 92 percent of Republicans, 76 percent of Democrats, and 76 percent of Independents favored making English the national language. Again, that was a March poll of Zogby.

You have 27 States, you have 51 other nations accepting English as the national language, you have all the polling data showing this is what people want.

Let us do the people's business, Mr. Chairman and make English our national language.

**Prepared Statement of Charles S. Amoroso, Jr., Executive Director,
Teachers of English to Speakers of Other Languages, Inc. (TESOL)**

Thank you for the opportunity to provide written testimony on the issue of English as the official language in the United States. Teachers of English to Speakers of Other Languages, Inc. (TESOL), is a global education association representing over 13,000 English language educators. With its mission to ensure excellence in English language teaching to speakers of other languages, TESOL and its network of over 90 affiliates represent more than 42,000 English language educators working at every level worldwide.

TESOL supports language learning and multilingualism for all—both native and nonnative English speakers. Likewise, TESOL supports the right of all individuals to preserve and foster their linguistic and cultural origins, whether their native language is English or another language.

TESOL has historically opposed policies that seek to restrict language and communication as stated by its Resolution on Language Rights (1987) and its Position Statement on Language Rights (2000). In TESOL's view, official English or English-only policies in the United States are restrictive measures that will place limits on government communication and will do little to promote and foster the learning of English.

In discussing the merits of English-only, proponents have used a number of erroneous arguments to mislead the public on the nature and goals of such policies.

Myth 1: English-only promotes unity

Proponents of English-only suggest that a linguistically and culturally diverse country is a divided one, and that divisions along linguistic lines contribute to racial and ethnic conflicts. They claim that the English language, then, is a common bond that holds a country together. Citing conflicts over language in other countries such as Canada, proponents of English-only suggest an official language in the United States will prevent such conflicts by unifying the nation and promoting assimilation by immigrants.

Reality

Linguistic diversity is rarely the cause of conflict in other countries, but rather is often used as a symbol to reflect social inequalities, as is the case in Canada. More importantly, however, the argument above assumes that those who speak a language other than English are monolingual, and therefore cannot communicate in English.

The 2000 Census revealed that although the U.S. population is diverse, only 4% of the U.S. population speaks little or no English (U.S. Census Bureau, 2003). Moreover, the diverse population that speaks a language other than English is not a distinct group that is geographically or culturally isolated, but rather, is spread throughout the country. As this population is tremendously diverse, there is no dan-

ger of some kind of unity within this population to challenge English-language speakers. Therefore comparison to situations in other countries is inaccurate.

Myth 2: English-only will empower immigrants

According to proponents of English-only, conducting all government business in English-only will empower immigrants because they will understand that they must know English to fully participate and succeed in the United States. This myth would have people believe that providing multilingual government services sends a mixed signal and creates a dependence on linguistic welfare, isolating immigrants from mainstream society and encouraging the growth of linguistic enclaves and ghettos.

Reality

There is no arguing against the value of learning English in the United States; English is already recognized worldwide as the de facto language of this country. Immigrants fully understand that the ability to speak English is the key to success in the United States. Immigrants and those with limited English skills generally do want to learn English, but often there are few opportunities to do so. Government funding for adult education, language, and literacy programs is much more limited than for elementary and secondary education. In many major urban areas, the demand for affordable adult English as a second language (ESL) programs far outpaces the supply, and thousands of adults are on waiting lists to attend available ESL programs.

Furthermore, if the aim of English-only policies were truly to empower immigrants, they would be matched by increasing the opportunities for immigrants to learn English. English-only provisions have only focused on the language of government, and not on opportunities to learn English. For example, the two English-only bills introduced at the start of the 109th Congress—H.J.RES. 43 and H.R. 997—offer no provisions to expand resources and funding for ESL programs.

Myth 3: English-only will promote efficiency and fairness in government by conducting all official business in a single language

Offering multilingual government services is costly and inefficient, according to proponents of English-only. Supposedly, thousands of dollars spent on multilingual services would be saved if government business were to be conducted only in English. Furthermore, if government services cannot be provided in all languages, they claim that it would be fairer to provide them only in a single language.

Reality

Very little money is spent federally on translation of documents and multilingual services. In fact, when government agencies choose to provide multilingual services, it is almost always to promote more efficient operations, such as in law enforcement, informing the public of their rights and responsibilities, safeguarding public health and safety, and providing greater access to government and the political process. In the case of the Internal Revenue Service, the primary reason multilingual services are provided is for cost-effectiveness: The amount of taxes collected as a result of such services far exceeds the cost.

Furthermore, by providing government services in a single language, English-only provisions in fact penalize English language learners by limiting their access to public services. Any law that makes it more difficult for certain segments of the population to access services is by its nature discriminatory and cannot be either fair or efficient. Moreover, limiting access to public services and opportunities that could help immigrants better integrate into the country is illogical, as it would further stigmatize and disenfranchise English language learners rather than help them acquire the language.

Myth 4: English-only will help protect the English language in the United States, which is in danger of being replaced by Spanish

Many proponents of English-only fear that the growing Hispanic population and visibility of Spanish-language media in the United States threatens the status and use of English. Declaring English the official language, the argument goes, will protect its status as the historical and national language of the United States.

Reality

According to the 2000 Census, 82% of the population speaks only English, and 96% speak English well or very well (U.S. Census Bureau, 2003). Although the Spanish-speaking population has grown dramatically in the United States since 1990, English clearly remains the dominant language of the country. Moreover, studies have shown a rapid language shift to English among immigrants and their

children in the United States (Portes & Hao, 1998.) Further, the demand for English language teaching has grown dramatically around the world, and English has become a common language of global communication. The notion that somehow the English language is endangered and is in need of protection is a fallacy.

Myth 5: Bilingual education and bilingualism prevent immigrants from effectively learning English and integrating effectively

Furthering the argument that multilingual government services are a kind of linguistic welfare that only encourage the growth of linguistic enclaves, proponents of English-only single out bilingual education as one of the main causes of this problem. They are against bilingual education, saying this discourages and hinders young limited English speakers from learning English, further segregating them from mainstream society. Moreover, the proponents argue, the language spoken at home is a private family matter, and its teaching and maintenance is not the responsibility of the government.

Reality

Bilingual education, which uses the native language of its students to aid in academic achievement, can take many different forms. Regardless of the methodology used, effective bilingual education programs develop high levels of proficiency in the students' native language and English, as well as content knowledge. The cognitive, linguistic, social, and academic benefits of enrichment bilingual contexts have been well documented (Payne & Collier, 1998). Research on second language acquisition has consistently shown that the use and development of the students' native language while they are acquiring English has no detrimental effect on learning English and in fact aids second language development and academic learning (Payne & Collier, 1999).

With regard to government involvement in language development, the U.S. Department of Defense and other security agencies spend millions annually training native English speakers to speak a foreign language, and the Department of Defense has even gone so far as to develop an action plan for building the nation's language capacity (U.S. Department of Defense, 2005). Meanwhile, little money is spent to develop the existing resources in this country's linguistically and culturally diverse communities. Moreover, as the ability to communicate in more than one language provides greater access to opportunities in this increasingly interdependent world, the language diversity in the United States should be viewed as a rich resource that should be fostered, rather than as a deficit that needs to be countered.

Although proponents of English-only declare the intention of such legislation is to help unify the country and assist immigrants, the reality of English-only is that it will do the exact opposite. English-only policies will polarize and divide rather than unify; they will exclude rather than include immigrants and other English language learners from civic life and hence further marginalize this group.

Like many nations that encourage multilingualism for all, the United States should treat linguistic and cultural diversity as an asset for all individuals in the United States. Policies should create services and opportunities for English language development as well as competence in other languages. Rather than create exclusionary and restrictive language policies, lawmakers should focus their efforts on creating more resources and opportunities for English language development for English language learners, as well as fostering bilingualism and multilingualism for all Americans.

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**Prepared Statement of State Representative Dwayne Alons,
Iowa's Fourth District**

Four years ago the state of Iowa became the 27th state in the nation to adopt English as the Official Language legislation. The Iowa Senate approved the measure by a vote of 27 to 23 in 2001 and the Iowa House of Representatives did so on February 25, 2002 by a 56-42 vote. Governor Tom Vilsack signed the English as the Official Language bill into law on March 1, 2002.

Iowa's law declares English as the state's official language and requires all state and local official government documents, proceedings and publications to be in English. The law reaffirms this declaration for official documents, proceedings and publication as a preventative measure for government at all levels to keep publishing costs to a minimum by making it unnecessary to print these items in multiple languages.

Iowa has long welcomed immigrants to this state. An overwhelming number of immigrants choosing to live within Iowa borders bring with them the desire to be good citizens and a vibrant part of the fabric of their community. Along with that comes their desire to learn the English language. Proof of Iowa immigrants' desire to be part of their community and this country shows in that according to the U.S. Census Bureau's most recent reporting year, from 2003 to 2004 the number of foreign-born, naturalized citizens living in Iowa grew by 10,000.

Our immigrant population continues to see growth. Today Iowa's K-12 public and nonpublic schools have 1,300 more English Language Learners enrolled than the state did in 2002. This represents a 9.6 percent increase. Three out of every four English Language Learners identifies Spanish as their primary language.

Just this year, in May 2006, the Iowa Legislature responded to the need for additional English language skill development by approving a fourth year of state funded eligibility for this growing number of students.

Other statistics show that Iowa's English as the Official Language law has not had the detrimental impact as some had feared. For example, according to the most recent reporting year by U.S. Census Bureau, from 2003 to 2004, Iowa saw a 7 percent growth in the number of foreign-born persons living in the state. This law has nothing to do with speaking in another language in public or in our homes; it just defines the terms for doing official governmental business in our state in a single language for efficiency and unity.

I close these brief remarks by repeating a previous statement. Iowa has long welcomed immigrants to this state. There is very little evidence to show that our status as a welcoming state ended with the passage of an English as the Official Language law.

Thank you for the opportunity to tell you about Iowa's experience.

Frequently Asked Questions About Official English

By JAMES CRAWFORD, Director, Institute for Language and Education Policy

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 estab-

lished 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 Villere (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 lan-

guages. 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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**Prepared Statement of James Crawford, Director,
 Institute for Language and Education Policy**

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,¹ 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

¹Except in a few shameful cases, such as the Chinese Exclusion Act of 1882.

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.²

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.

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

Category	Number	Percentage
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%
Speaks English “well”	10,333,556	3.9%
Speaks English “not well”	7,620,719	2.9%
Speaks English “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

²For more details, see “Frequently Asked Questions about Official English,” an attachment to this testimony.

national-language amendment in particular would instruct federal courts to disregard language as a factor in national-origin discrimination.³

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.⁴

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 Repub-

³ 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.

⁴ In 1997, federal district and appeals court decisions in *Yniguez 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.

lican 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.⁵ 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.

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.

⁵ 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.

AMERICAN LIBRARY ASSOCIATION,
WASHINGTON OFFICE,
Washington, DC, July 25, 2006.

Hon. MICHAEL CASTLE,
*Chairman, Subcommittee on Education Reform, Committee on Education and the
Workforce, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN CASTLE: The undersigned broad coalition of organizations writes to echo its support and commitment to comprehensive immigration reform. Collectively we call on Congressional leaders to focus on the substance of the issue and on the economic and national security needs of our nation. As evidenced by the calls to action made by the American people, business and labor communities, unions, religious organizations, immigrant rights groups and others, the time to act and repair our broken immigration system is now and the way to do it is comprehensive in nature. Republicans and Democrats from both Chambers of Congress should work together towards a practical compromise that is responsive to our country's needs. Moreover, we urge leaders to remain committed to finding a procedural path that will result in a piece of legislation that addresses the real issues and realities.

We recognize that the House and Senate approach this debate from different perspectives and come to the table with two very different pieces of legislation. Undeniably, negotiations during a conference committee will be difficult. However, it is imperative that this process continue to move forward and not be derailed by partisanship or politics. The undersigned groups remain committed to the comprehensive reform principles below and stand ready to work with Members of Congress to address these issues:

- Improve national security through smart and targeted enforcement, combined with workable and realistic immigration reform measures that would create disincentives for illegal immigration;
- The implementation of an efficient, practical and accurate employee verification system. This system should be rolled out in a reasonable manner so as not overly burden employers or employees either financially or functionally;
- A future guest worker program that will help to meet the employment needs of our economy when U.S. workers are not available and ensures appropriate workplace and wage protections while providing these contributing members of society the opportunity to earn legalization and citizenship; and
- A path to earned legalization and citizenship for undocumented workers who meet qualifying criteria. This program should include also a fix to the employment and family based immigrant visa process and numerical limitations.

The opportunity before us is a unique one. We must all work together to reform our immigration policies so that we can enhance our security, protect our economy, and continue our heritage as a country of immigrants. The alternative, to do nothing or worse, to do more harm, is not and should not be an option. We urge you to work with leadership towards a solution that Congress and the American people can be proud of.

Sincerely,

ESSENTIAL WORKER IMMIGRATION COALITION.
U.S. CHAMBER OF COMMERCE.
NATIONAL RESTAURANT ASSOCIATION.
AMERICAN IMMIGRATION LAWYERS ASSOCIATION.
NATIONAL IMMIGRATION FORUM.

TAMAR JACOBY,
Senior Fellow at the Manhattan Institute National Council of La Raza.

ASIAN AMERICAN JUSTICE CENTER.
SERVICE EMPLOYEES INTERNATIONAL UNION.
NEW AMERICAN OPPORTUNITY CAMPAIGN.
AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
ESPERANZA USA.

GROVER NORQUIST,
President of Americans for Tax Reform Coalition for Immigration Security.

