

A C L U American Civil Liberties Union Position Paper on

"ENGLISH ONLY"

From its inception, the United States has been a multilingual nation.

At the time of the nation's founding, it was commonplace to hear as many as 20 languages spoken in daily life, including Dutch, French, German and numerous Native American languages. Even the Articles of Confederation were printed in German, as well as English. During the 19th and early 20th centuries, the nation's linguistic diversity grew as successive waves of Europeans immigrated to these shores and U.S. territory expanded to include Puerto Rico, Hawaii and the Phillipines.

Just as languages other than English have always been a part of our history and culture, debate over establishing a national language dates back to the country's beginnings. John Adams proposed to the Continental Congress in 1780 that an official academy be created to "purify, develop, and dictate usage of," English. His proposal was rejected as undemocratic and a threat to individual liberty.

Nonetheless, restrictive language laws have been enacted periodically since the late 19th century, usually in response to new waves of immigration. These laws, in practice if not in intent, have punished immigrants for their foreignness and violated their rights.

In the early 1980s, again during a period of concern about new immigration, a movement arose that seeks the establishment of English as the nation's official language. The "English Only" movement promotes the enactment of legislation that restricts or prohibits the use of languages other than English by government agencies and, in some cases, by private businesses. The movement has met with some success, "English Only" laws having been passed in several states. And, for the first time in the nation's history, an English Language Amendment to the Constitution has been proposed.

The ACLU opposes "English Only" laws because they can abridge the rights of individuals who are not proficient in English, and because they perpetuate false stereotypes of immigrants and non-English speakers. We believe, further, that such laws are contrary to the spirit of tolerance and diversity embodied in our Constitution. An English Language Amendment to the Constitution would transform that document from being a charter of liberties and individual freedom into a charter of restrictions that limits, rather than protects, individual rights.

Here are the ACLU's answers to some questions frequently posed by the public about "English Only" issues.

Q: What is an "English Only" law?

A: "English Only" laws vary. Some state statutes simply declare English as the "official" language of the state. Other state and local edicts limit or bar government's provision of non-English language assistance and services. For example, some restrict bilingual education programs, prohibit multilingual ballots, or forbid non-English government services in general -- including such services as courtroom translation or multilingual emergency police lines.

Q: Where have such laws been enacted?

A: Sixteen states have "English Only" laws, and many others are considering such laws. In some states, the laws were passed decades ago during upsurges of nativism, but most were passed within the last few years. The "English Only" states are Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Nebraska, North Carolina, North Dakota, South Carolina, Tennessee and Virginia.

Q: What are the consequences of "English Only" laws?

A: Some versions of the proposed English Language Amendment would void almost all state and federal laws that require the government to provide services in languages other than English. The services affected would include: health, education and social welfare services, job training, translation assistance to crime victims and witnesses in court and administrative proceedings; voting assistance and ballots, drivers' licensing exams, and AIDS-prevention education.

Passage of an "English Only" ordinance by Florida's Dade County in 1980, barring public funding of activities that involved the use of languages other than English, resulted in the cancellation of all multicultural events and bilingual services, ranging from directional signs in the public transit system to medical services at the county hospital.

Where basic human needs are met by bilingual or multilingual services, the consequences of their elimination could be dire. For example, the Washington Times reported in 1987 that a 911 emergency dispatcher was able to save the life of a Salvadoran woman's baby son, who had stopped breathing, by coaching the mother in Spanish over the telephone to administer mouth-to-mouth and cardio-pulmonary resuscitation until the paramedics arrived.

Q: Do "English Only" laws affect only government services and programs?

A: "English Only" laws apply primarily to government programs. However, such laws can also affect private businesses. For example, several Southern California cities have passed ordinances that forbid or restrict the use of foreign languages on private business signs.

Some "English Only" advocates have opposed a telephone company's use

of multilingual operators and multilingual directories, Federal Communications Commission licensing of Spanish-language radio stations, and bilingual menus at fast food restaurants.

Q: Who is affected by "English Only" laws?

A: "English Only" campaigns target primarily Latinos and Asians, who make up the majority of recent immigrants. Most language minority residents are Spanish-speaking, a result of the sharp rise in immigration from Latin America during the mid-1960s.

While the overwhelming majority of U.S. residents -- 96 percent -- are fluent, approximately ten million residents are not fluent in English, according to the most recent census.

Q: How do "English Only" laws deprive people of their rights?

A: The ACLU believes that "English Only" laws are inconsistent with the Equal Protection Clause of the Fourteenth Amendment. For example, laws that have the effect of eliminating courtroom translation severely jeopardize the ability of people on trial to follow and comprehend the proceedings. "English Only" laws interfere with the right to vote by banning bilingual ballots, or with a child's right to education by restricting bilingual instruction. Such laws also interfere with the right of workers to be free of discrimination in workplaces where employers have imposed "speak English only" rules.

In 1987, the ACLU adopted a national policy opposing "English Only" laws or laws that would "characterize English as the official language in the United States...to the extent that [they] would mandate or encourage the erosion" of the rights of language minority persons.

Q: What kinds of language policies were adopted with regard to past generations of immigrants?

A: Our nation was tolerant of linguistic diversity up until the late 1800s, when an influx of Eastern and Southern Europeans, as well as Asians, aroused nativist sentiments and prompted the enactment of restrictive language laws. A 1911 Federal Immigration Commission report falsely argued that the "old" Scandinavian and German immigrants had assimilated quickly, while the "new" Italian and Eastern European immigrants were inferior to their predecessors, less willing to learn English, and more prone to political subversion.

In order to "Americanize" the immigrants and exclude people thought to be of the lower classes and undesirable, English literacy requirements were established for public employment, naturalization, immigration and suffrage. The New York State Constitution was amended to disfranchise over one million Yiddish-speaking citizens. The California Constitution was similarly amended to disfranchise Chinese, who were seen as a threat to the "purity of the ballot box."

Ironically, during the same period, the government sought to "Americanize" Native American Indian children by taking them from their families and forcing them to attend English-language boarding schools, where they were punished for speaking their indigenous languages.

The intense anti-German sentiment that accompanied the outbreak of World War I prompted several states, where bilingual schools had been commonplace, to enact extreme language laws. For example, Nebraska passed a law in 1919 prohibiting the use of any other language than English through the eighth grade. The Supreme Court subsequently declared the law an unconstitutional violation of due process.

Today, as in the past, "English Only" laws in the U.S. are founded on false stereotypes of immigrant groups. Such laws do not simply disparage the immigrants' native languages but assault the rights of the people who speak the languages.

Q: Why are bilingual ballots needed since citizenship is required to vote, English literacy is required for citizenship, and political campaigns are largely conducted in English?

A: Naturalization for U. S. citizenship does not require English literacy for people over 50, and/or who have been in the U. S. for 20 years or more. Thus, there are many elderly immigrant citizens whose ability to read English is limited, and who cannot exercise their right to vote without bilingual ballots and other voter materials. Moreover, bilingual campaign materials and ballots foster a better informed electorate by increasing the information available to people who lack English proficiency.

Q: Doesn't bilingual education slow immigrant children's learning of English, in contrast to the "sink or swim" method that was used in the past?

A: The primary purpose of bilingual programs in elementary and secondary schools, which use both English and a child's native language to teach all subjects, is to develop proficiency in English and, thus, facilitate the child's transition to all-English instruction. Although debate about this approach continues, the latest studies show that bilingual education definitely enhances a child's ability to acquire the second language. Some studies even show that the more extensive the native language instruction, the better students perform all around, and that the bilingual method engenders a positive self-image and self-respect by validating the child's native language and culture.

The "sink or swim" experience of past immigrants left more of them underwater than not. In 1911, the U. S. Immigration Service found that 77 percent of Italian, 60 percent of Russian, and 51 percent of German immigrant children were one or more grade levels behind in school compared to 28 percent of American-born white children. Moreover, those immigrants who did manage to "swim" unaided in the past, when agricultural and factory jobs were plentiful, might not do so well in today's

"high-tech" economy, with its more rigorous educational requirements.

Q: But won't "English Only" laws speed up the assimilation of today's immigrants into our society and prevent their isolation?

A: In fact, contrary to what "English Only" advocates assume, the vast majority of today's Asian and Latino immigrants are acquiring English proficiency and assimilating as fast as did earlier generations of Italian, Russian and German immigrants. For example, research studies show that over 95 percent of first generation Mexican Americans are English proficient, and that more than 50 percent of second generation Mexican Americans have lost their native tongue entirely.

In addition, census data reveal that nearly 90 percent of Latinos five years old or older speak English in their households. And 98 percent of Latinos surveyed said they felt it is "essential" that their children learn to read and write English "perfectly ." Unfortunately, not enough educational resources are available for immigrants -- over 40,000 are on the waiting list for over-enrolled adult English classes in Los Angeles. "English Only" laws do not increase resources to meet these needs.

The best insurance against social isolation of those who immigrate to our nation is acceptance -- and celebration -- of the differences that exist within our ethnically diverse citizenry. The bond that unites our nation is not linguistic or ethnic homogeneity but a shared commitment to democracy, liberty, and equality.
