

# THE PROENGLISH Advocate

## Lawmakers battle to stop EEOC war on English

There is a new effort in Congress to stop the Equal Employment Opportunity Commission (EEOC) from prosecuting employers like the Salvation Army over their (legal) English language workplace policies.

For years the EEOC has abused its authority to enforce the civil rights law by accusing employers of illegal 'national origins' discrimination if they implement English-on-the-job rules. In the rare cases in which employers have been willing to fight the charges, courts have ruled against the EEOC.

In 1994 for example, the 9th Circuit Court of Appeals ruled in *EEOC vs. Spun Steak* that the EEOC was acting outside the scope of its authority. But in a chilling display of government arrogance, the EEOC has generally ignored the courts and continues to pursue its anti-English policy.

The agency's arrogance may prove its undoing. Last year it sued the Salvation Army, accusing the charity of illegal discrimination for firing two employees who refused



Sen. Alexander



Rep. Tom Price

to comply with an English-on-the-job policy at one of its stores in Massachusetts.

That got the attention of Sen. Lamar Alexander (R-TN). He attached an amendment to a Senate budget bill barring the EEOC from using taxpayer money to sue employers over their English-on-the-job policies. But Alexander's amendment enraged members of the Hispanic Caucus. They demanded that House Speaker Nancy Pelosi (D-CA) strip it out of the omnibus budget bill that Congress passed last December.

Now Sen. Alexander and Rep. Tom Price (R-GA) have introduced bills in Congress that would protect an employer's right to have an English-on-the-job policy without fear of

being sued by the litigious EEOC. Sen. Alexander's *Protecting English in the Workplace Act* (S. 2453), reaffirms court rulings that English-on-the-job rules do not constitute 'national origins' discrimination under the civil rights law.

Rep. Tom Price introduced a parallel measure, the *Common Sense English Act* (H.R. 4464) in the House. Price said, "[English] remains essential to productivity and success in America. Denying employers the right to promote our national language in the workplace only encourages division..." Rep. Paul Broun (R-GA) also has introduced a non-binding resolution in the House condemning the EEOC.

"Three-fourths (77%) of all voters agree employers should have the right to require their employees to speak English at work. We are working to make sure every congressman knows how their constituents feel about this issue and we are optimistic at least one of these bills will pass," said ProEnglish director of government relations Jayne Robtoy.

## On Capitol Hill » Senate Legislative Update



ProEnglish strongly supports two pending bills in the U.S. Senate.

The S.I. Hayakawa Official English Language Act of 2007, (S.1335), introduced by Sen. James Inhofe (R-OK) would make English the official language of the U.S. government.

The bill responds to the wishes of 87 percent of American voters who support making English the official language. Sen. Inhofe's bill also repeals multi-lingual ballots and requires that all naturalization ceremonies be conducted in English.

The Protecting English in the Workplace Act, (S. 2453) was introduced by Sen. Lamar Alexander (R-TN). The bill protects the right of employers to have English language workplace policies. Sen. Alexander introduced his bill in response to an Equal Employment Opportunity Commission (EEOC) lawsuit against the Salvation Army that accused the charity of "discrimination" for requiring its employees to speak English at work.

As *The ProEnglish Advocate* went to press, the following Senators had signed on as official co-sponsors of these bills:

<u>S.1335 (Inhofe)</u>	<u>S.2453 (Alexander)</u>
Sen. Bunning (KY)	Sen. Allard (CO)
Sen. Burr (NC)	Sen. Coburn (OK)
Sen. Chambliss (GA)	Sen. Conrad (ND)
Sen. Coburn (OK)	Sen. Corker (TN)
Sen. Dole (NC)	Sen. Gregg (NH)
Sen. Enzi (WY)	Sen. Inhofe (OK)
Sen. Isakson (GA)	Sen. McConnell (KY)
Sen. Sessions (AL)	Sen. Stevens (AK)

If your Senators have not yet co-sponsored S.1335 or S.2453, please call the Capitol switchboard at 202 224-3121 and ask them to do so. If you use the Internet you can also visit our website [www.proenglish.org](http://www.proenglish.org) (see Activism) to send them an email message.

## Support for official English at all time high

An August 2007 survey of 1,000 registered voters by the Winston Group, an opinion research company, found an astonishing 87 percent favored making English the official language of the United States. The level of public support for official English was even higher than the 84 percent and 85 percent found by two previous polls done during the spring and summer of 2006.

The Winston poll also found that voters wanted ballots and other government documents printed exclusively in English 74 to 23 percent, and favored an employer's right to have English language workplace policies 80 to 17 percent. Poll respondents also came down strongly in favor of government helping immigrants learn English by making English as a second language classes more

widely available.

ProEnglish Chairman Bob Park said, "2008 is an election year. Everyone hoping to be elected or reelected to office should study these poll findings and understand that regardless of party, race, religion, income and every other category, the American people are united in their desire to be one nation with one official language, English."

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## In the Courts



### Alaska high court upholds official English

The Alaska Supreme Court ruled 4-1 that the official English law voters adopted by a landslide 69 percent margin in 1999 is constitutional.

When a lower court judge struck the law down in 2002, it was a major news story in the *New York Times*. But the news that the State Supreme Court reversed the judge's ruling this November received virtually no media coverage outside Alaska.

Although the high court upheld most of the law's provisions, it ruled that one sentence defining the law's scope was unconstitutional. The sentence reads, "The English language is the language to be used by all public agencies in all government functions and actions."

ProEnglish Chairman Bob Park said, "While we are generally pleased with the court's ruling, it is an ominous sign that unelected judges can overturn the express will of 69 percent of Alaska's citizens by stretching the meaning of words and reinterpreting laws to suit their personal desires and preferences."

The court left standing the section of the law saying that the English language had to be used in the preparation of all official public documents and records.

### Cradle of liberty has no tolerance for English sign

Philadelphia, known throughout the world as the 'cradle' of American liberty, has decided that the right to ask your customers to order in English is one liberty too many in today's intolerant political environment.

The city's Commission on Human Relations filed a complaint against Geno's Steaks, home of the famous Philly Cheese Steak sandwich. It charges owner Joey Vento with violating the city's fair practices ordinance for posting signs at Geno's take-out windows that say, "This is America. When ordering please speak English."

In December the Commission held a six-hour public hearing on its complaint against Vento, and argued that the signs were "discouraging patronage by non-English speaking customers, all because of national origin and / or ancestry." Commission witnesses testified the signs were insensitive and likely to discourage people from ordering because they would feel "excluded."

The Southeastern Legal Foundation (SLF), the group that also represents five ProEnglish Alabama members in a lawsuit aimed at upholding their state's official English law, is defending Mr. Vento. SLF President Shannon Goessling appeared before the Philadelphia Commission and stated the issue succinctly, "The question is: Do you want the freedom from being offended or do you want the freedom of speech? You can't have both," she added.

The complaint is a virtual carbon copy of a 2005 Ohio Civil Rights Commission complaint against a Cincinnati-area bar owner named Tom Ullum, who posted a sign saying "For Service Speak English" in his tavern window. In that instance ProEnglish and SLF joined in defending Ullum, and the complaint was later dismissed.

### Rep. King asks court to enforce Iowa law

Before his election to Congress in 2002, U.S. Rep. Steve King (R-IA) was almost single-handedly responsible for getting Iowa to adopt official English when he served in the state senate. Now he has gone to court to try and get Iowa officials to obey it.

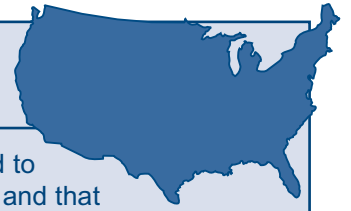
The law passed the Iowa legislature with strong bipartisan support and was signed by then Democratic Governor Tom Vilsack. But since its adoption state officials have openly flouted it. The Iowa Secretary of State's office, for example, continues to print and distribute voter registration information and forms in Spanish, Vietnamese, Laotian and Bosnian.

On Dec. 21, there was a hearing in state district court on a lawsuit filed by King and a number of co-plaintiffs charging the practice clearly violated the law.

Among the co-plaintiffs were four county officials responsible for overseeing elections. Jefferson County Auditor Scott Reneker commented, "Voter registration and absentee ballot request forms are official government documents and therefore must be in English." Reneker noted that printing such forms in foreign languages was a waste because he had never had a single request for one.

Rep. King is continuing to lead the battle for official English. He introduced The English Language Unity Act, H.R. 997, which has 146 bi-partisan cosponsors in the House of Representatives.

# Around the Nation



## Language misunderstanding leads to tragedy

A Virginia man was killed in a fight caused by another man's inability to understand English.

Thirty-year old Christian Molina, a twice-deported illegal immigrant from El Salvador, strangled 51-year old Ronald Dean Hollingsworth to death in a brawl last September.

According to attorneys involved in the case the altercation broke out after a debate over evolution. Molina's attorney claimed that because Molina couldn't understand English, he thought he was being called a homosexual when the term "homo sapiens" was used.

The two men got into a wrestling match and Hollingsworth died from a choke hold. Molina pled guilty to charges of voluntary manslaughter.

## Texas student fights "Spanish-only" curriculum

Ashleigh Allison is a brave girl and a serious student. When the eleven-year old told her mother that she did not want to take the Spanish class her Ft. Worth area elementary school said was required in order to pass the fifth grade, her mother decided to act.

Leigh Allison asked the school to let Ashleigh study French on her own to satisfy the requirement. But the request was rejected by officials of the Grapevine-Colleyville school district where Ashleigh attends school. So Leigh kept her daughter out of the required Spanish class each day and sent notes to the school explaining that she was doing so to protest the school's "Spanish-only" policy.

Texas encourages its schools to offer foreign language instruction at the elementary and middle school levels "to the extent possible." Because Spanish is the most common second language spoken and bilingual teachers are widely available, most of the schools that offer language instruction at the elementary level, offer Spanish. But state law does not make it mandatory for students to study Spanish only, and in high school students can choose from various foreign language options.

In the last ten years the proportion of Hispanic students in the elementary school Ashleigh attends has skyrocketed from 13 percent to 54 percent of the total. Leigh Allison says she feels

strongly that immigrants need to learn English and assimilate, and that requiring children like her daughter to learn Spanish, undermines that goal.

Following widespread publicity Ashleigh had to endure harassment by Hispanic classmates who called her mother a "racist." But her courage paid off. Grapevine School officials have now agreed to let her substitute her self-study course in French for Spanish, and finish 5th grade.

## Oklahoma lawmaker pushes voter referendum

Last year Oklahoma State Rep. Randy Terrill (R-Moore) succeeded in getting one of the toughest anti-illegal immigration state laws in the country passed by the state legislature and signed into law. This year the hard-driving lawmaker hopes to follow up that success by putting the question of official English before the voters in a statewide referendum this November.

His bill, H.B. 3349, would amend Oklahoma's constitution and put the law beyond the reach of activist judges eager to replace the will of the people with their personal opinions. If Terrill succeeds in persuading the legislature to put it on the ballot, Oklahoma could become the 31st state with official English.

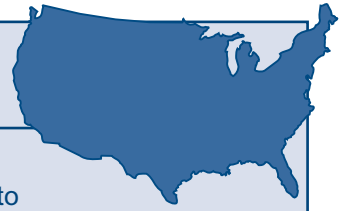
A statewide poll in the *Tulsa World* Feb. 7th found that 88 percent of Oklahoma voters favored making English the official language.

But getting the measure through the state legislature is far from assured. Stiff opposition is expected from big business and ethnic interest groups. In 2002 those same groups joined forces with then Governor Frank Keating (R) to oppose a citizen's initiative that would have made English the official language. They succeeded in getting anti-English judges on Oklahoma's Supreme Court to keep the measure from appearing on the ballot, even though the initiative had been certified as having the required number of signatures.

ProEnglish Chairman Bob Park said, "This is one of the best state official English constitutional amendments we have seen yet. I commend Rep. Terrill and urge all ProEnglish members in Oklahoma to contact their state legislators and ask them to support H.B. 3349."

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# Around the Nation (Continued)



Continued from the previous page

## ProEnglish testifies for Georgia constitution change



*ProEnglish Adv. Bd. Chairman Phil Kent*

In 1986 Georgia adopted a statute making English the state's official language. But as often happens, state officials continue to issue official state forms and documents in other languages. Georgia, for example, allows driver's license exams to be taken

in up to eleven other languages.

Now Georgia State Rep. Tim Bearden (R-Villa Rica) is trying to close those loopholes. He introduced House Res. 413 to add official English to the state constitution. H.R. 413 specifies that, except for things like protecting public health and safety, promoting tourism, etc. all documents and forms issued by state agencies would have to be printed exclusively in English.

ProEnglish national advisory board chairman Phil Kent testified for H.R. 413 at hearings held by the Georgia House of Representatives' Judiciary Non-Civil Committee in February. Kent said, "Allowing people who cannot read and understand highway warning signs in English is a direct threat to public safety. It also makes it a lot easier for illegal aliens to get driver's licenses. State Rep. Bearden is to be commended for his leadership in trying to close these loopholes," he added.

Despite overwhelming public support for the measure, H.R. 413 faces an uphill battle. As a constitutional amendment it requires the approval of two-third of both houses in the Georgia legislature. Then the measure has to be approved by the voters in a statewide referendum to become law.

Georgians are encouraged to contact their elected officials to express their views on H.R. 413.

## Alabama legislature mulls driver's license challenge

Members of the Alabama legislature plan to challenge an Alabama Supreme Court ruling that driver's license exams can be given in foreign languages, notwithstanding a provision of the state constitution making English the state's official language.

State Sen. Scott Beason (R-Gardendale) and State Rep. Greg Canfield (R-Vestavia Hills) plan to introduce a referendum clarifying that Amendment 509 to the state constitution that Alabama voters adopted by a 9-1 margin in 1990, covers state driver's license exams.

The lawmakers' actions came in response to a 5-4 State Supreme Court ruling last fall on a case brought by five Alabama members of ProEnglish. That lawsuit sought to reinstate Alabama's policy of giving driver's license exams exclusively in English, which state officials originally put in place to implement the amendment.

The English language policy for driver's tests remained in force for seven years until a federal judge intervened to nullify it. But when the judge's decision was overturned by the U.S. Supreme Court, Alabama Gov. Bob Riley (R) flip flopped on the issue, and kept the multilingual testing policy.

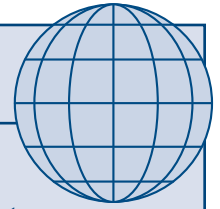
As a result Alabama continues to give driver's license exams in fourteen languages including Arabic, Russian, Vietnamese, and Farsi. If Sen. Beason and Rep. Canfield succeed in getting their resolution through the legislature, Alabama voters will have the opportunity to express their will on the issue for a second time in a statewide referendum this November.

## Linguistic ghetto living

"I feel like an outsider. It's difficult to get to know your neighbors."

— Mia Bonavita, a dental office administrator who recently relocated to Monterey Park, California, where most people speak Chinese.  
*The Los Angeles Times*, Sept. 13, 2007.

## Around the World



### France halts funding for newscast in English

“With taxpayers’ money, I am not prepared to broadcast a channel that does not speak French,” said French President Nicolas Sarkozy. The recently elected French leader made the comment last fall when announcing his government’s decision to stop funding the English-language version of France 24, the country’s round-the-clock news channel.

Sarkozy’s predecessor, Jacques Chirac, launched France 24 in 2006 to challenge the worldwide dominance of the English-language news services BBC World and CNN.

Some U.S. taxpayers wish President Bush was as concerned about the use of U.S. taxpayer money as President Sarkozy is of France’s. Instead, the Bush Administration has continued to implement Executive Order 13166, originally issued by President Clinton. The order distorts the meaning of civil rights in order to force government agencies in the U.S. to spend taxpayer dollars to provide services in foreign languages.

### Language divide fuels Kenyan violence

The world has watched with sadness as the East African nation of Kenya, once one of the most promising and democratically oriented countries in Africa, succumbed to widespread violence in the wake of a close-fought presidential election. Large areas of the country have been subject to ethnic cleansing and balkanization.

Writing in the *New York Times* recently, Simiyu Barasa, a Kenyan who lives in the country’s capital of Nairobi, reported how tribal languages were being used by the members of one tribe to identify, attack, and kill members of rival tribal groups. He bemoaned the fact that neither of the two languages Kenyans had hoped would transcend ethnic divides and unite the country, English and Swahili, were enough to avoid a bloodbath.

Barasa wrote that in the murderous environment Kenyans found themselves locked in, speaking the right language had become a matter of life and death for people like him who are of mixed tribal ancestry. “We must gauge what sort of street or village we are in and, like a chameleon, speak the ‘correct’ tongue.”

ProEnglish executive director K.C. McAlpin commented, “Kenya is a tragic reminder, like Belgium, Ukraine, India and many other countries, that nations can be either united or divided by language. It is a warning about the fate the United States could face if it exchanges its historic unity in the English language for the divisions inherent in a linguistically divided society.”

### Philippines may make teaching in English mandatory

A Philippine lawmaker says that he and others in the national legislature intend to make teaching all classes in English mandatory throughout the country’s schools, “not because we particularly like the language, but because it has become a necessary tool for us Filipinos to stay competitive, here and abroad.”

Rep. Eduardo Gullas made the comment after introducing a bill that was quickly endorsed by more than 85 percent of the Philippine House of Representatives. The legislator’s action came in response to a report by U.S. State Department that warned that the Philippines was in danger of losing the comparative advantage in English it once held over other Asian nations.

Gullas noted that Filipinos without English skills were mired in poverty and are being left behind. He pointed to countries like India where people who can speak English were the ones cashing in on the nation’s economic boom. Surveys show that even though 65 percent of the Filipino population can speak and understand English, the number has declined by 10 percent since the mid-1990s.

## Bilingual ballot fantasies

“In fact, since 2003, the number of minority voters has actually decreased, with 8.4 percent voting in 2003, to only 5.1 percent in 2007.”

— Worcester County, MA Sheriff Guy Glodis, rebutting claims by bilingual ballot proponents that bilingual ballots helped increase minority voter turnout, as quoted in the *Waltham MA Daily News Tribune*, Sept. 30, 2007.

## Presidential candidates may differ little on language

Regardless of who wins the Democratic Party's nomination for president, an issue on which the two major contenders appear to disagree with John McCain – the probable Republican nominee – is official English.

Sen. McCain said he supported official English during a GOP presidential primary debate. Both Sen. Barack Obama and Sen. Hilary Clinton said they were opposed during a similar Democratic debate. These positions are backed up by the candidates' vote records in the Senate. In 2006 and 2007, Sen. McCain voted for amendments to immigration bills sponsored by Sen. James Inhofe (R-OK) declaring English the national language of the United

States. Both Democratic challengers voted no.

But critics question McCain's commitment to official English. They note that on both occasions mentioned above, McCain led a group of Republican senators who, after voting for the Inhofe amendment, turned around and voted for a competing amendment by Sen. Ken Salazar (D-CO). The Salazar amendment contained a meaningless statement that English was the country's "common and unifying language," and was backed by anti-English special interest groups. They planned to substitute it for the Inhofe amendment if either one of the immigration bills had made it to conference.

Critics also point out that in 2006 McCain opposed a ballot referendum to make English the official language in his home state of Arizona. Despite his opposition the referendum passed in a landslide, winning 74 percent of the vote and almost half the Hispanic vote according to exit polls.

Recent surveys have found public support for official English between 84 to 87 percent. Nevertheless, it remains to be seen if official English will become an issue in the presidential campaign.

[As a tax-exempt organization ProEnglish is prohibited from endorsing candidates for public office. Nothing in this article should be interpreted as an endorsement of any candidate.-ed.]

## Study show fewer Hispanic immigrants speaking English

Seventy-one (71) percent of Mexican immigrants say they speak little or no English according to a recent study of Hispanic immigrants by the Pew Hispanic Center. The study also found that among all Hispanic immigrants less than a fourth (23 percent) of first generation adults say they can carry on a conversation in fluent English.

The good news is that nine out of ten (89 percent) of all Hispanics recognize that speaking English is important to their hopes of succeeding in the U.S. That finding

is borne out by Census data that shows immigrants who speak fluent English earn on average almost twice as much as those who don't.

As expected, the Pew study showed that the longer Hispanic immigrants had been in the U.S., the more their fluency in English rose. But the huge increase in the size of Spanish-speaking communities in the U.S. in recent years, coupled with the proliferation of Spanish-language services at businesses and government offices, is certain to

slow the transition to English. The only question is, how much? And can the trend toward an America divided by language be stopped, and hopefully reversed?

"That is why government policies on language and passing an official English law are so important," said ProEnglish Executive Director K.C. McAlpin. "Government must stop providing services in Spanish and other languages, and start expecting immigrants to speak our national language, English."

# How to help win the battle for English

- 1. Join ProEnglish’s Online Action Alert Network** to make your voice heard on critical issues like official English, bilingual ballots, English-on-the-job, and bilingual education. Sign up to receive email alerts when important things are going on in Congress. You will get up-to-the-minute information on upcoming votes, talking points, and contact information you can use to email or call your congressmen. To sign up, visit <http://capwiz.com/proenglish/mlm/signup/>.
- 2. Contact your state and federal representatives** to express your support for laws to make English the official language, stop government sponsored multilingualism, or expand incentives for immigrants to learn English. To send emails to your elected representatives at no cost, visit our Legislative Action Center online at <http://capwiz.com/proenglish>.
- 3. Help ProEnglish grow** by telling your friends about our work to preserve English as the unifying language of our nation. Send them a link to our website at [www.proenglish.org](http://www.proenglish.org), or mention ProEnglish in every email you send by adding information about ProEnglish to your email signature. To find out how to add ProEnglish to your email signature, visit us online at [www.proenglish.org/howyoucanhelp/emailsignature.html](http://www.proenglish.org/howyoucanhelp/emailsignature.html).
- 4. Write letters to the editor** of your local newspaper in support of making English our official language. Or write letters in response to local news stories about English-on-the-job, English in schools, or the use of English by government agencies. For tips on writing effective letters to the editor, visit our tips page online at [www.proenglish.org/howyoucanhelp/letterstotheeditor.html](http://www.proenglish.org/howyoucanhelp/letterstotheeditor.html).

## ‘Racist’ Spaniards?

“Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it.”

— translation of Article 3 of Spain’s constitution, ratified in 1978. (In 2006 Senate Majority Leader Nevada Harry Reid said he thought making English the official language of the U.S. was ‘racist.’)

<p>Keep up the good work. Here is my donation:</p> <p><input type="checkbox"/> \$25   <input type="checkbox"/> \$50   <input type="checkbox"/> \$100   <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> I would like to become a member of ProEnglish</p> <p><input type="checkbox"/> Please send a \$25 gift membership to:</p> <p>_____ Name</p> <p>_____ Street</p> <p>_____ City State ZIP</p> <p>_____ Email</p>	<p><b>IMPORTANT:</b></p> <p>If this is a gift membership, please print your name here:</p> <p>_____</p> <p><input type="checkbox"/> Check                      <input type="checkbox"/> AMEX</p> <p><input type="checkbox"/> MasterCard                <input type="checkbox"/> Visa</p> <p>_____ Card No                                      Exp. Date</p> <p>_____ Authorization Signature</p> <p><b>Send to: ProEnglish • A Project of US</b> 1601 N. Kent #1100, Arlington, VA 22209</p> <p>All contributions are tax deductible.</p>
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