

TESTIMONY OF

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BEFORE THE

**UNITED STATES HOUSE OF REPRESENTATIVES
THE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION**

REGARDING

H.R. 997, THE “ENGLISH LANGUAGE UNITY ACT”

Hearing on
Thursday, August 2, 2012
2141 Rayburn House Office Building

*“A country has to have only **one** official language, if men are to understand one another...”*
-Ayn Rand

“This multicultural approach has failed, utterly failed.”

Angela Merkel, German Chancellor, October 17, 2010

Thank you, Mr. Chairman, for the opportunity to testify today in favor of H.R. 997, legislation that will make English the official language of the United States.

My name is Rosalie Pedalino Porter and I am the Chairman of the Board of ProEnglish, a national grassroots advocacy organization based in Arlington, VA. ProEnglish was founded in 1993 with the mission to preserve English as the common, unifying language of our nation by making it the official language of all levels of government—local, state and federal. I am here today to affirm the need for having one official language for the U.S. federal government, an urgent and long overdue national priority.

My professional career of four decades has focused entirely on the improvement of educational achievement for non-English speaking children in U.S. public schools. I have advised school districts and testified in court cases in Arizona, California, Florida, Massachusetts, Texas, and Washington. From 1985 to 1988, I served on the National Advisory and Coordinating Council on Bilingual Education that advised the U.S. Congress on education policy.

When I was brought to the United States from Italy as a 6-year old child, no one in my family knew a word of English. Immediately upon enrolling in the public schools of Newark, New Jersey, I was taught the English language, a skill that enabled me to quickly learn school subjects in English and become integrated in the life of school and community. The knowledge of English improved my chances of taking advantage of educational opportunities up to the level of undergraduate and graduate degrees from the University of Massachusetts at Amherst.

The English language is one of the strongest and most durable ties that unite us as Americans. The Founders of our nation recognized this fact, which is why President George Washington, in 1795, signed a law passed by Congress requiring existing and future federal statutes of the United States to be published solely in English. It is why President James Madison signed the Louisiana Enabling Act in 1811. The Act granted statehood to the largely French-speaking territory under the condition that the new state agree to conduct its official business in English. In 1906, Congress passed legislation—the Naturalization Act of 1906, which became law and was signed by President Theodore Roosevelt—that required people who want to become naturalized U.S. citizens to demonstrate English proficiency.

There is even a long history of Congress requiring English to be the language of government and schools for territories seeking to be admitted to the Union, e.g. Arizona, New Mexico, Oklahoma.¹ In all of these territories that had large non-English speaking populations, Congress announced before the territories voted on the question of statehood that a change in language policy would be a prerequisite for admission.

¹ Oklahoma Enabling Act, Sec. 5. Provision for Public School (1906), Arizona, New Mexico Enabling Acts, c. 310, 36 U.S. Stat. 557, 568-579 (1910).

I. Majority of the States Have Adopted Official English

More recently, state and municipal governments around the country have taken the initiative to pass laws and ordinances recognizing English as their official language. Thirty-one states—a large majority (62%)—have adopted laws making English the official language of government.² Oklahoma became the 31st state to approve an official English law last November, when an overwhelming 76% of Oklahoma voters approved a ballot referendum which amended the state constitution and made English the state’s official language.

In 2008, Missouri became the 30th state to make English its official language of government when voters approved an amendment to the state constitution with over 86% of voters’ support. In fact, every time official English has appeared on a statewide ballot, voters of all backgrounds and political affiliations have approved it overwhelmingly, by margins as high as 9 to 1.

II. Public Support for Official English Laws

As recently as May 2010, a Rasmussen Reports poll found that 87 percent of likely voters support making English the official language of the United States.³ That survey also found that support for official English remains high across all demographic groups and that voters reject by sizeable margins the idea that such a move is racist or a violation of free speech. Over 80% of whites, blacks and those of other racial and ethnic backgrounds agree that requiring people to speak English is not a form of racism or bigotry.

In August 2010, Rasmussen Reports found that 83% of likely voters wanted a higher priority to be placed on encouraging immigrants to speak English as their primary language. Rasmussen also conducted a poll shortly after then-Senator and presidential nominee Barack Obama stated during a 2008 campaign stump: “instead of worrying about whether immigrants can learn English,” Americans “need to make sure their child can speak Spanish.” Poll numbers found that voters strongly disagreed with President Obama and felt that government documents should be printed exclusively in English.⁴ Broken down along party lines, 79% of Republicans and 59% of Democrats rejected the idea that all Americans should know multiple languages. Among unaffiliated voters, 68% say their fellow citizens do not need to know a language other than English.⁵

Three surveys conducted since 2005 all found that supermajorities of Americans support making English the official language. An April 2006 FOX News poll found 78 percent favored it, while the 2005 Zogby poll showed 79% for such a measure. More than two-thirds of Democrats in the Zogby poll and 79 percent of Democrats in a 2006 Rasmussen poll approved of the measure.

A 2005 poll conducted by the polling firm Zogby International found that support for making English the official language was even higher among first- and second-generation immigrants than among native-born

² The 50 States and Official English at a Glance: <http://www.proenglish.org/official-english/state-profiles.html>

³ Rasmussen: 87% Say English Should Be U.S. Official Language, May 2010
http://www.rasmussenreports.com/public_content/politics/general_politics/may_2010/87_say_english_should_be_u_s_official_language

⁴ Rasmussen: 58% Want English-Only Ballots, June 2011
http://www.rasmussenreports.com/public_content/politics/general_politics/june_2011/58_want_english_only_ballots

⁵ Rasmussen: Voters Reject Obama’s Call for Bilingualism, July 2008
http://www.rasmussenreports.com/public_content/politics/elections/election_2008/2008_presidential_election/voters_reject_obamas_call_for_bilingualism

U.S. citizens. An April 2007 McLaughlin & Associates poll found strong support for proposals in favor of immigrants learning and using the English language. Requiring that all students in public schools who cannot read English be enrolled in English immersion classes so that they can be taught to read and write in English at their grade level as soon as possible received 88% support among voters and Latino voters. Similarly, making English the official language of the U.S. was supported by 80% of voters and 62% of Latino voters.

In 2006, the people of Arizona took to the polls to vote on Proposition 106 to amend the state constitution to make English the official language. It passed by 74% of the vote, with 47% of Hispanics supporting the measure.

It is also clear that the U.S. Congress recognizes the American people's strong desire for a federal official English law. In 2007, the U.S. Senate overwhelmingly passed Senator Jim Inhofe's official English amendment to then-President George W. Bush's immigration reform bill by a vote of 64 to 33. That vote included 17 Democrats voting YEA (*Roll Call 198, S. Amdt. No 1151 to S. 1348, the Comprehensive Immigration Reform Act of 2007*).

III. *What Official English Means*

Official English legislation often presents many questions about its effects and consequences. Making English the official language simply makes it the standard language of government operations and communications. Contrary to what opponents claim, official English does not mean "English only," nor does it force anyone to speak English in their personal, daily lives. Establishing English as the official language of the United States means that for the federal government to act officially (or with legal authority), it must communicate in English. It means that the language of record is the English language and that no one has a right to demand taxpayer-funded services or documents in any other language. It also means that unless the government has a compelling public interest for using another language, it will use the official language alone. For example, if the CDC wishes to publish multilingual informational materials warning Americans about how to prevent diseases like HIV/AIDS, this is an excepted area for translation under this official English law.

Also, Official English laws also do not dissuade foreign companies from doing business in certain states or within nations with official languages. Corporations do not base multi-billion dollar investment decisions on whether state or federal governments publish documents and websites in one common language. Instead, they are motivated by things like access to markets, tax rates, incentives, transportation infrastructure, and the availability of a skilled and (English) literate workforce. English is the international language of business and foreign executives who relocate to the U.S. usually speak fluent English before they get here.

H.R. 997 also does not target any one group of people. It would apply to *all* residents of the United States, whether they are U.S. citizens, legal residents, or living there illegally. If someone is going to be communicating with the local government, it will have to be done in the English language, no matter what their legal status is. Remember, official English only applies to government, so private employers are free to use any language they'd like.

The law has really two main objectives which are: 1) restoring the incentives for immigrants to assimilate and learn English, and 2) increasing savings in federal expenditures by discontinuing automatic taxpayer-funded interpreters, translated documents, websites, etc. There are no immigration enforcement provisions in this legislation.

Quite simply, the main purpose of official English laws is to preserve English as the common, unifying language of the nation, the states, and of the individual counties, by codifying it into law.

IV. *Official English is Legal and Constitutional*

The courts have held that official English laws are valid and constitutional. In 1988, a state employee challenged Arizona's newly enacted Official English initiative, Proposition 106, claiming that she had a First Amendment right to speak any language on the job. A federal judge agreed and overturned it. When the State of Arizona refused to appeal, ProEnglish intervened to defend the constitutionality of the official English initiative in the well-known case *Arizonans for Official English v. Arizona* (1997). After a long series of appeals over the trial judge's ruling that the initiative violated the First Amendment, Arizonans for Official English prevailed at the U.S. Supreme Court, upholding the right of states to have official English laws. So today, we have 31 states with official English, none of which are facing legal challenges.

A more recent victory for official English took place in 2006 when the American Civil Liberties Union (ACLU) filed a complaint in federal court challenging an official English ordinance adopted by the city of Hazelton, PA. ProEnglish had helped Hazelton Mayor Lou Barletta (now a Member of Congress from PA-11) draft the city's amended English ordinance, which mirrors the language of H.R. 997. Subsequently, we helped the city write its initial brief in response to the ACLU complaint. After reviewing the briefs, the ACLU dropped its complaint against the English ordinance. This victory indicates that similar city ordinances and laws are likely to withstand legal attack.

V. *Opposition Arguments*

A common tactic used by the opposition to intimidate and threaten voting legislators is to claim that an official English law would violate existing federal civil rights law. This claim, which is routinely made by multiculturalists and opponents of official English laws in every state or locality where such laws are proposed, is false.

When Congress debated and passed the Civil Rights Act of 1964, language (or the impact of English fluency) was never discussed or included in the meaning of "national origin" discrimination, and rightfully so. The law simply states: "*Sec. 601. No person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*"

Language, unlike national origin, is not an immutable characteristic. It is self-evident that a person can choose to learn a new language, but they can never change their national origin, and as we all know, a person's inability to speak English does not always mean that person was not born in the United States. The courts have held that national origin and language are not the same and cannot be treated as if they are (*Garcia v. Spun Steak* 998 F.2d 1480 (1993)). Except for narrow requirements in education, the Supreme Court in *Sandoval v. Alexander* (2001) rejected attempts to equate the failure to provide services in languages other than English with national origin discrimination.

VI. Why Congress Should Pass H.R. 997

Mr. Chairman, the American people have good reasons to support making English the official language of the federal government.

First, making English the official language of the United States would reaffirm the melting pot ideal and provide a powerful incentive for new immigrants to learn English. Throughout our nation's history, we have expected new immigrants to assimilate into our common, American culture, and the most important pillar in the assimilation process is learning English. This is the American melting pot—generations of immigrants coming to this country to partake in all of the opportunities of American life, all the while making great sacrifices to learn English. President Theodore Roosevelt said, “We have one language here, and that is the English language, and we intend to see that the assimilation crucible turns our people out as Americans.”⁶

Government played an important role in encouraging the assimilation of these new immigrants by communicating with them in English. But today, instead of encouraging immigrants and their children to learn English, many government agencies—specifically at the federal level—are making it their policy to communicate with non-English speakers in their native language. These kinds of policies represent a total reversal of the melting pot tradition. H.R. 997 would end the practice of taxpayer-funded, unofficial multilingualism, while allowing for common sense exceptions for things like promoting trade and tourism, engaging in international business or commerce, and where public safety is an issue.

Contrary to what opponents claim, official English laws do not send an “unwelcoming” message to immigrants; rather, they convey the message that there are responsibilities, as well as rewards, that accompany the privilege of immigration to the U.S. Making English the official language of the United States will help to foster the melting-pot principle inherent in the United States' original motto (until 1956) “E Pluribus Unum” (out of many; one) which has helped make the U.S. the most successful multi-ethnic and multi-racial nation on earth.

Making English the primary spoken language has enabled generations of Americans to realize and achieve the American Dream. H.R. 997 will ensure that Americans are being honest with new immigrants by conveying the message that the surest path to economic, social, and educational prosperity in this country is to learn English. English is the undisputed language of success in the United States, and it has been found that the number of English Learner families living in poverty is about *twice* the national rate.⁷

It has also been estimated by the Washington, D.C.-based Lexington Institute that approximately \$65 billion a year in missed wages can be attributed to workers', both legal and illegal, lacking proper and sufficient English skills.⁸ Lacking fluency in English unfortunately traps non-English speakers in low-skilled, low-wage jobs and keeps them heavily reliant on taxpayer-funded government programs, driving up demands for costly multilingual services.

As Senator Jim Inhofe (R-OK), sponsor of the Senate counterpart to the English Language Unity Act of 2011 in the Senate (S. 503) has said, “The need for official English appears in our newspapers every day—injuries in the workplace, lawsuits over miscalculations in hospitals, people who are unable to support their families—all because they can't speak English.”

⁶ TR to Richard Melancthon Hurd, January 3, 1919, *ibid.*, VIII, 1422.

⁷ The Value of English Proficiency to the United States Economy. The Lexington Institute. Don Soifer, April 2009.

⁸ Improving Federal Adult English Learning Programs, by Don Soifer, Lexington Institute, September 3, 2009.

Over the past decade, the United States has experienced a rapid increase in the number of residents who have reported an inability to speak English. According to the 2010 Census, 59 million U.S. residents reported being able to speak English “less than very well” or not at all. With trends like this, the amount of taxpayer dollars needed to provide translation services for non-English speakers will only increase unless Congress decisively acts to cut off the endless spigot of language dependence and isolation and finally renews the call for English language assimilation.

Second, making English the official language would end the practice of forcing American taxpayers to subsidize unlimited and unnecessary translation and interpreter services. According to the most recent tabulation by the U.S. Census Bureau (American Community Survey, 2007), 303 foreign languages other than English are spoken in U.S. homes.⁹ It would be costly, divisive, and impractical for the state to communicate in all of them, but it would also be inherently unfair to operate in only some of them. ProEnglish believes that the *current* system of government-sanctioned multilingualism, where some foreign languages are accommodated and others are not, is discriminatory. The only way to make it non-discriminatory is for state government to communicate in one, unifying language—English—to avoid the all-too-common practice of favouring a select few immigrant languages over others.

The Office of Management and Budget (OMB) estimated in a 2002 report to Congress entitled, *Assessment of the Total Benefits and Costs of Implementing Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency*, that the total national cost of providing language assistance services to LEP individuals could be as high as \$1 to \$2 billion annually. However, the size of the federal government today is approximately twice as large as it was in 2002 and limited-English proficient (LEP) individuals have increased to approximately 59 million in 2010.

This year, the Fraser Institute released a study that revealed that Canada, a country with roughly *one-tenth* the population of the United States, spent \$2.4 billion annually to provide taxpayer-funded government services in just *two* languages, French and English.¹⁰ In the U.S., over 303 languages are spoken, so we can extrapolate our cost to be ten times Canada’s. ProEnglish believes that the burden to subsidize immigrants and non-English-speaking Americans who avoid learning English should not fall on American taxpayers.

A recent example of such costly and unnecessary government foreign language communications that would be disallowed under a federal official English law was the discovery by *The Daily Caller* on July 12, 2012 that the U.S. Department of Agriculture (USDA) was funding a 10-part radio advertisement series exclusively in Spanish to promote the Supplemental Nutrition Assistance Program (SNAP), also known as “food stamp,” among the Spanish-only speaking population.¹¹

ProEnglish criticized the USDA along with the public outcry over this revelation and asked the program be suspended immediately, which it subsequently did. In 2002, OMB estimated translations for the food stamp program to be approximately \$1.86 million per year, but these USDA Spanish-language TV ads had been running since 2008, and food stamp enrolment is currently at an all-time high at 22.2 million recipients.

At the very least, American citizens have a fundamental right to know how much of their money is being spent to provide translations and interpreters for people who refuse to learn English. Federal agencies

⁹ Language Use in the United States, 2007. American Community Survey Reports. U.S. Census Bureau, <http://www.census.gov/prod/2010pubs/acs-12.pdf>

¹⁰ Federal and provincial bilingualism requirements cost Canadian taxpayers \$2.4 billion annually; provinces spend \$900 million to provide dual-language services, January 16, 2012. <http://www.fraserinstitute.org/publicationdisplay.aspx?id=2147484098>

¹¹ USDA buckles, removes Spanish food stamp soap operas from website, July 13, 2012, *The Daily Caller*. <http://dailycaller.com/2012/07/13/usda-removes-spanish-food-stamp-soap-operas-from-website/>

currently refuse to report how much they spend on these services every year, so they are covering up the true costs of multilingual dependency. An official English law for the federal government will help us correct this and end these unnecessary translation costs.

Third, almost every developed country in the world has an official language of government. According to the Central Intelligence Agency (CIA), in 2012, 199 countries (or sovereignties) have an official language.¹² Forty-seven of those nations have English as their official language. The United States leads the world in the number of immigrants it admits each year—the U.S. welcomes a greater total number of immigrants and refugees every year than all the rest of the countries of the world combined. It is of paramount importance for our country to maintain one language as the central communication vehicle of official government business.

VII. Conclusion

Mr. Chairman, in the midst of a rapidly growing population with diverse languages, ethnicities, religions, and cultures, it is more urgent now than ever before to maintain a central means of communication for the official business of our country. We at ProEnglish value all Americans' ability to acquire and speak different languages freely. Most of our board members are fluent in various languages, including Spanish, Italian, Russian, Turkish, French, and Japanese.

In my view, as an advocate and educator of children and their families who have not yet learned English, promoting a national language is the most effective means of insuring these new members of our society will achieve their highest goals—it is an act of inclusion. Promoting the false notion that each newcomer can maintain his or her native language as their only language at taxpayers' expense is a snare and a delusion, a cruel deception.

Mr. Chairman, I urge the passage of H.R. 997. This legislation is essential to the unity of our country. It will promote the successful integration of immigrants and their children into American life, and it will ultimately save taxpayer dollars.

For these reasons, I respectfully request that the subcommittee bring H.R. 997 to a mark-up and take all necessary steps to allow an up-or-down vote on the House floor before the end of the 112th Congress.

Thank you, Mr. Chairman, for the opportunity to testify before the committee today.

[W]hen men cannot communicate their thoughts to each other, simply because of difference of language, all the similarity of their common human nature is of no avail to unite them in fellowship.

(St. Augustine, in "The City of God," circa 420 AD)

¹² The Central Intelligence Agency, The World Factbook, Languages. <https://www.cia.gov/library/publications/the-world-factbook/fields/2098.html>

Appendix

(1) Common Myths About Official English: <http://www.proenglish.org/data/myths.html>

Myth: In 1776, German came within one vote of becoming America's official language instead of English.	Fact: Congress never voted on a proposal to make German the official language. On January 13, 1795, Congress considered a proposal to print the federal laws in German as well as English. This proposal was not to give German official status. During the debate, a motion to adjourn failed by 1 vote. There was never a vote on an actual bill.
Myth: Official English is merely symbolic and has no effect.	Fact: Official English affects all government documents, proceedings, and actions. Official English gives no person the right to demand government services in a language other than English and more importantly, if there is a conflict between an English version of a document and the same document in another language; the English version controls.
Myth: Official English would deny criminal defendants of their right to an interpreter.	Fact: Any official English bill promoted by ProEnglish would provide a specific exception for "actions that protect the rights of ... criminal defendants."
Myth: An informational form regarding the outbreak of the bird flu or another disease would violate official English.	Fact: Any official English bill promoted by ProEnglish would provide a specific exemption for "actions ... that protect the public health."
Myth: Official English would prohibit the teaching of foreign languages in schools.	Fact: The enactment of official English would not affect the teaching of foreign languages. ProEnglish encourages the teaching of foreign languages in the education system. All official English legislation that ProEnglish promotes provides an exception for the teaching of languages.
Myth: Official English would prohibit the speaking of languages other than English in homes and religious settings.	Fact: Official English refers only to government actions and not the language spoken in the home or in places of worship. The Constitution guarantees free speech and religious freedom. That would not be affected by official English.
Myth: Most nations have not declared an official language.	Fact: Ninety-two percent of the world's countries have at least one official language.
Myth: Most immigrants oppose official English legislation.	Fact: 91% of foreign-born Latino immigrants agree that learning English is essential to succeed in the U.S. and more than 2/3 of Hispanics favor making English the official language of the U.S.
Myth: At the Constitutional Convention, the Founding Fathers debated and decided against making English the official language.	Fact: The Founding Fathers did not enact English as the official language because they didn't need to. All 55 delegates to the Convention spoke English and an overwhelming majority of the American population did as well. They just took it for granted that English was the official language and saw no need for legislation.

(2) You can find Dr. Porter's complete *Curriculum Vitae* here:
<http://proenglish.org/images/stories/sources/rpresume.pdf>