

THE PROENGLISH Advocate

ProEnglish Fights for Lino Lakes' Official English Victory



Dave Roeser

July 26 marked a decisive victory for ProEnglish and for the taxpayers of the city of

Lino Lakes, Minnesota when City Council members voted 4 to 1 to declare English its official language of government. This vote made Lino Lakes the first city in the state to adopt official English.

The usual media critics naturally maligned the measure as "English-only" and "anti-immigrant." Some Minnesota newspaper headlines misleadingly charged, "English-only in Lino Lakes!" and "Lino Lakes Wants to be English-only!"

City Councilman Dave Roeser, who proposed the English ordinance, never wavered in his reasoning for pushing for official English. He effectively stressed that

the ordinance would save the city money by taking the burden of costly translation services away from the taxpayers. Refusing to accept the inaccurate "English-only" label or to be deterred by allegations of being racist or hostile to immigrants, Roeser cited only budgetary reasons for the ordinance.

Leading up to the Lino Lakes decision, ProEnglish Executive Director Jayne Cannava worked with Councilman Roeser on his proposed official English bill, advising him on messaging and on the necessary language for the law to withstand legal scrutiny. ProEnglish advisory board member Eddie Garcia also provided support, giving encouragement and reassurance to Roeser during the difficult days leading up to the city council's vote.

"I am very grateful that we had your organization to help with drafting language and offer support

as the media highjacked this issue into an immigration and racial agenda," Roeser emphasized in a thank you letter to ProEnglish.

The Lino Lakes victory, and the national media attention surrounding it, point to a broader trend. Over the past several months, there have been a number of cities and towns across America proposing and passing official English measures on their own because the current Congress refuses to do it. Other cities and states attempting to make English their official language this year include Jackson, NY, Forty Fort, PA and the state of Oklahoma.

In the midst of the worst economic recession to hit the United States since the Great Depression, more and more local governments are waking up to what Councilman Roeser identifies as a "common sense approach to controlling the ever-escalating cost of government."

"The borough can't be expected to provide 300 different interpreters for the 300 different languages people might speak."

— Councilman Robert Craig of Forty Fort PA
(supporting last month's failed ordinance to make English the official language of Forty Fort)

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ProEnglish Urges White House to Reject USCIS Amnesty Memo

On August 23, ProEnglish joined with 17 other grassroots organizations to release a letter urging the Obama Administration to reject the recommendations in the recent internal U.S. Citizenship and Immigration Services (USCIS) memo to bypass the legislative process and grant amnesty to an estimated 11 to 18 million illegal aliens under the premise of executive authority.

The 11-page memo entitled “Administrative Alternatives to Comprehensive Immigration Reform” was drafted by Denise Vanison, the Chief of Policy and Strategy for USCIS. Vanison explained that the memo is essentially an alternative plan to amnesty “in the absence of comprehensive immigration reform.” The memo states its purpose as providing “administrative relief options to promote family unity, foster economic growth, achieve significant process improvements and reduce the threat of removal for certain individuals present in the United States without authorization.”



Executive Director, Jayne Cannava, speaks at amnesty press club event

USCIS, however, responded to the joint letter by dismissing the memo: “*Internal draft memos do not and should not be equated with official action or policy of the Department. We will not comment on notional, pre-decisional memos.*”

During a packed August press conference at the National Press Club in Washington, D.C., ProEnglish Executive Director Jayne Cannava emphasized that her members oppose blanket amnesty because it grants legal status to millions of illegal aliens without requiring any specific steps to learn English.

“Giving legal status to millions of non-English speaking illegal immigrants would dramatically expand demands for taxpayer-funded multilingual government services, like multilingual voting ballots, driver’s license tests in multiple languages, translations for official documents, proceedings, and school textbooks, as well as costly interpreters,” said Cannava. “Blanket amnesty with no prerequisites to learn English would further erode English’s critical role as our unifying national language.”

U.S. Sen. Chuck Grassley, R-Iowa, was the first lawmaker to obtain and release the memo. He wrote a July 26 letter to Department of Homeland Security Secretary Janet Napolitano rightly demanding to know whether her department was planning a large-scale *de facto* amnesty. The letter was also signed by Sens. Thad Cochran, Johnny Isakson, Jim DeMint, Saxby Chambliss, Jim Inhofe, Tom Coburn, David Vitter, Orrin Hatch, Jim Bunning, Pat Roberts and Jeff Sessions.

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In the Courts



Justice Department sues Sheriff Joe Arpaio over English in jails

On the eve of Labor Day weekend, President Barack Obama's Department of Justice (DOJ) filed a lawsuit against Sheriff Joe Arpaio of Maricopa County, Arizona, for failing to cooperate and respond with information into an alleged pattern of "discrimination." In March 2009, the popular, no-nonsense lawman received a letter from the DOJ condemning him for supposed national origin discrimination, including failure to provide meaningful access to the multilingual services "for limited English proficient individuals." In addition, the Obama Justice Department is looking into allegations that the Sheriff's Office has an "English-only policy" for jail inmates, including a requirement that even bilingual detention officers "speak to inmates in English at all times, except in case of an emergency."

Arpaio refused to cooperate with the investigation until the Justice Department revealed what its lawyers were actually looking for. In the end, the crux of the DOJ lawsuit against the sheriff centered around "lack of cooperation," not "national origin discrimination." Attorneys for Arpaio argue that "lack of cooperation" was the only charge available to the DOJ when patterns of discrimination weren't revealed after an 18-month probe. The sheriff says the DOJ is flexing its muscles against him now because of national media attention over his repeated crackdowns on illegal human, drug, and arms trafficking within his Phoenix area jurisdiction.

"Courts have repeatedly found over the decades that national origin is not equivalent to language. But the Justice Department continues to sue localities and burden them with huge legal fees to try to prove they are," says ProEnglish Executive Director Jayne Cannava. "This time they were forced to go with Plan B against one of America's most popular law-and-order sheriffs."

Local courts strapped with the high cost of interpreters

Gwinnett County, Georgia, spent \$539,803 in 2009 on interpreters in its court system, according to the Atlanta Journal Constitution. The Cobb County Superior Court spent \$255,563 last year. The paper further reported that Atlanta area cities and counties are spending hundreds of thousands of dollars annually on interpreter services for defendants who don't speak English.

ProEnglish supports official English legislation in Congress and state legislatures, but there are

important exceptions included in those bills. One is for court interpreters, since due process requires a defendant to understand and respond to their charges.

However, the enormous cost associated with court interpreters highlight the rising cost of other translator services, especially driver's license examinations and election ballots. Georgia, for example, gives driver's license examinations in 13 different languages. In these difficult economic times, states are seeking to eliminate unnecessary spending. Multilingual driver's license tests are a prime target for elimination.

New Jersey Court rules breathalyzer test must be in suspect's native language

In July the New Jersey Supreme Court ruled that police must inform drunk driving suspects in their native language that they are legally required to take a breathalyzer test.

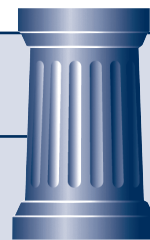
In 2007, German Marquez was involved in a two-car accident. New Jersey police suspected him of driving under the influence and read him a statement that explained he had to take a breathalyzer test. He didn't consent because he didn't speak English, so he was convicted of driving while intoxicated and refusal to take a breath test. Marquez appealed the conviction on refusing to take the breath test arguing that the explanation about the law should have been given in Spanish. He wanted the court to overturn his conviction and mandate translations of the breath test statement.

Lower courts had ruled against Marquez, but did recommend New Jersey make translations of the consent statement available in other languages—which the state did on its official website.

The high court agreed 4-3 with Marquez and overturned his conviction. Until this ruling, no state had required translation of the statement for non-English speakers.

"This ruling sets a bad precedent that all too many states may choose to follow. Some states give driver's license examinations in as many as 20 foreign languages, which forces government officials to spend taxpayer dollars to accommodate non-English speaking drivers, said Executive Director Jayne Cannava. If driver's license examinations were given exclusively in English, states could avoid a case like this by guaranteeing its drivers are English proficient on the rules of the road."

Congress



Senator Quizzed High Court Nominee on Official English

In early 2009 the Oklahoma legislature passed a resolution for a public referendum on whether to make English the official state language. The resolution, which will appear on the Nov. 2 election ballot, designates English as the governmental language of Oklahoma and requires all official actions to be conducted in English.

In this context, U.S. Sen. Tom Coburn, R-Okla., asked Supreme Court nominee Elena Kagan about the Oklahoma referendum in his written submitted questions. Coburn asked, *"If adopted, Oklahoma will become the 31st state to declare English as its official language. Do you believe states have the right under the 10th Amendment to declare English as their official language? Why or why not?"*

Kagan—now Supreme Court Justice Kagan—declined to answer directly and instead responded: *"If Oklahoma adopts this resolution and a challenge to it comes before the Court, I would fairly consider all the briefs and arguments presented."*

It is noteworthy, though, that during the Clinton administration, then-Judge Kagan refrained from filing an amicus brief on the Arizona court case surrounding Proposition 106—which amended Arizona's state constitution to make English its official language. Kagan's stance on official English is virtually unknown. Coburn nevertheless opposed the Kagan nomination. She was ultimately confirmed to be a Supreme Court justice by a Senate vote of 63 to 37 on August 5.

DOJ commemorates Executive Order 13166

On August 17, the U.S. Department of Justice released a statement commemorating August as the 10th anniversary of former President Bill Clinton's signing of Executive Order 13166, also known as *Improving Access to Services for Persons with Limited English Proficiency*.

EO 13166 says that government agencies must ensure that those entities receiving federal funds provide whatever services they offer in any foreign language requested in order to comply with Title VI of the Civil Rights Act of 1964. Executive orders do not carry the full force of congressionally-approved law, yet DOJ treats EO 13166 as if it did.

DOJ's civil rights division claims that failure to comply with EO 13166 constitutes discrimination

on the basis of national origin, even though numerous court decisions have rejected attempts to equate language with national origin. So in this vein, DOJ issued a letter to chief justices and administrators of state courts "clarifying" the obligation of courts that receive federal financial assistance to provide oral interpretation, written translation and other language services to people who are limited English proficient (LEP).

In the letter, Assistant Attorney General for the Civil Rights Division Thomas E. Perez states that "justice requires that all individuals have meaningful access to the critical services provided by the nation's state court systems, regardless of the individual's English language skills."

The results of a recent Rasmussen poll, however, found that a majority of Americans disagree. The August 17 poll revealed that not only do 84 percent of all likely voters think English should be made the nation's official language, but 83 percent said that a higher priority should be placed on encouraging immigrants to speak English as their primary language. Spending money on programs to help teach immigrants English would be vastly less expensive than mandating unlimited taxpayer-funded government multilingual services in the 300-plus languages spoken in the U.S., and it would help to reduce what Perez calls "persistent language barriers."

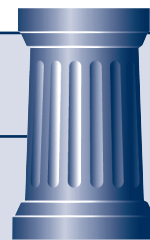
Rep. Peter King, R-N.Y., introduced a bill (H.R. 1228) at the beginning of the 111th Congress to revoke EO 13166 and to prohibit use of taxpayer funds for its purposes. The bill currently has 28 cosponsors.

English language threatened by "lame duck" session

There has been much talk about Congress postponing important votes until after the mid-term elections and attempting to jam through controversial legislation during the "lame duck" session.

Such a session is when either chamber of Congress reconvenes in an even-numbered year following the November general elections to consider business. Some lawmakers who return for this session will not be in the next Congress, so they are informally called "lame duck" members because there will be no electoral consequences for their votes.

Congress



Blocking a lame duck session will eliminate the risk of Congress attempting to jam through stealth legislation—such as a comprehensive immigration reform bill that could contain the language of *The Puerto Rico Democracy Act* (H.R. 2499). That bill passed the House in April, but awaits action in the Senate after stalling there in May.

On August 10, the House voted on a privileged resolution offered by Rep. Tom Price, R-Ga., to bar Congress from convening a lame duck session. But the Democrats moved to table the measure, which passed by a vote of 256 to 163, effectively killing the resolution. All Republicans but one voted in support of the resolution, and all Democrats but six voted to kill it.

That same month, Puerto Rico Gov. Luis Fortuno began advocating that congressional immigration legislation include the Puerto Rican statehood bill language. Of course, when the House passed the Puerto Rico bill back in April, it did not include any amendments that would require the Spanish-speaking island to adopt English as its official language prior to being admitted as the 51st state. Several political pundits have also been pushing this idea in hopes of scoring political points among Hispanic voters in November.

Lending support to this statehood scheme could be the release of a report on the status of Puerto Rico by The Presidential Task Force on Puerto Rico, a project of the Obama administration. The task force must deliver its report to President Obama and Congress before October 31. Furthermore, Pedro Pierluisi, Puerto Rico's non-voting representative in Congress, says that whatever the results of the report might be, there must first be a request for a change in status from the Puerto Rican people that is then backed by Congress.

In response, Price made a second attempt to offer a privileged resolution to limit the sorts of issues that could be debated and voted on during a lame duck session. Price's resolution would have blocked Congress from convening a lame duck session except in the case of an "emergency" which does not include any changes to "legislation pertaining to the Immigration and Nationality Act."

Anti-English provisions as well as Puerto Rican statehood language could easily be added to a bill that proposes changes to the Immigration and Nationality Act during a lame-duck. But once again, the Democrats moved to kill the Price resolution, and the motion passed by a vote of 236 to 172 on September 23.

Ways to help win the battle for official English online

- 1. Join ProEnglish's online action alert network:** Make your voice heard on official English, bilingual ballots, bilingual education and similar issues. Sign up to receive email alerts when things are happening 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 elected representatives:** 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:** Tell your friends about our fight to preserve English as the unifying language of our nation. Send them a link to our website at www.proenglish.org. Mention ProEnglish in every email you send by adding information about ProEnglish to your email signature.
- 4. Write letters to the editor:** Write letters in support of making English our official language. Or respond to news stories about English-on-the-job, English in schools, or the use of English by government agencies.

Around the Nation



DOJ forces Ohio County to provide bilingual ballots

The U.S. Justice Department ordered Cuyahoga County, Ohio, to provide bilingual ballots for the November mid-term elections. The DOJ threatened to sue the county if it did not comply, and the county sadly caved.

On July 29, five DOJ attorneys arrived for a meeting with the Cuyahoga County Board of Elections. If the provision for the bilingual ballots was not made, they thundered, the county would be violating Section 4e of the Voting Rights Act requiring that anyone educated in an American school in a language other than English be accommodated at the polls in that language. However, the only such schools are in Spanish-speaking Puerto Rico (a U.S. commonwealth), and recent census figures show that Cuyahoga County has approximately 34,000 Puerto Ricans— which constitute about 0.5 percent of its 1 million registered voters.

DOJ told the county that it must provide both English and Spanish ballots and demanded additional requirements for translators, community outreach, additional staffing, and printing— all of which would double the county's election costs. Naturally, the county was initially hesitant to comply, especially since Justice was unable to provide any written documentation on a possible minimum threshold of non-English-speaking voters to trigger an enforcement action. DOJ would not provide the county with any documents regarding its concerns because it "didn't want to create a public record," as DOJ's stance on bilingual ballots conflicts with that of a majority of American voters.

After two executive sessions between the Justice attorneys and the county election board in August, the board voted unanimously to provide bilingual ballots in the 71 precincts where Puerto Rican residents are concentrated for both the primary and general elections, and subsequently expand it to all precincts next year.

Steven Dettelbach, U.S. Attorney for the Northern District of Ohio, said that DOJ's threat to sue was "an issue about the rights of citizens of the United States of America— citizens of Cuyahoga County— to have full and equal access to the vote." Cuyahoga County board member Rob Frost, however, was blunt in his response: DOJ is taking "a meat cleaver when a sharp scalpel is needed."

An August Rasmussen telephone survey found that a large majority of Americans oppose bilingual

ballots, with 58 percent of likely voters favoring English-only ballots. Thirty-eight percent of likely voters think that ballots should be printed in both English and Spanish.

Oklahoma poised to become 31st state to adopt official English

In early 2009, the Oklahoma state legislature passed state Rep. Randy Terrill's *English is the Official Language of Oklahoma Act* into law. His bill effectively placed State Question 751 on the November 2010 state ballot. If the question passes on Nov. 2, the state constitution will be amended so that all official state government communications would be issued in English only, and then subsequent legislation will be considered to decide how the new law will be implemented.

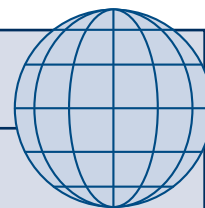
Rep. Terrill is kind in his praise of ProEnglish's extensive educational efforts in his state. "Thanks to ProEnglish, Oklahoma voters will have the chance to vote in a referendum that I am confident will make Oklahoma the 31st state to adopt English as its official language."

A January 2010 poll found that 83 percent of Oklahomans support making English the official language. SoonerPoll.com conducted the scientific telephone survey between January 2 and 5 of 621 likely voters registered in the state. The poll included 325 Democrats, 267 Republicans, 28 Independents and one Libertarian. The poll found that only 14 percent of Oklahomans opposed the official English ballot question.

Although the question is expected to pass overwhelmingly, opponents filed a lawsuit to have the question removed from the ballot. But the ballots had already begun being printed and changing them would have created havoc and risked disenfranchising hundreds if not thousands of military voters who must receive their ballots weeks before election day.

James C. Thomas, the Tulsa attorney who filed the lawsuit, represents plaintiffs that include the League of Women Voters and the Coalition of Hispanic Organizations. He argued that State Question 751 violates the state constitution because it is tantamount to an "infringement of free speech," but an agreement was reached with the state attorney general's office to dismiss the current suit and delay its filing until after the election when the measure is enacted into law.

Around the World



Small Belgian Town divided over official language

On the outskirts of Brussels lies the small French-speaking town of Wemmel. Although a majority of the town speaks French, the official language of the region is Flemish. All authoritative actions must be done in Flemish from voting materials to police reports.

Belgium is suffering from complications of an ailment known as a bilingual nation. It has no government and after years of trying to settle the language dispute, Prime Minister Yves Leterme quit for the third time in April.

After the June elections, there was some hope that a new strong government was on its way. But four months later, Belgium remains without a government. Tensions between the two halves of Belgium, separated by language, have risen over the last few years and have brought leaders to their knees. Language literally divides this country. Flanders is in the north, French-speaking Wallonia in the south and Brussels, official bilingual.

In the November 2007 John Hopkins newsletter, Fabian Bauwens, a Fulbright Fellow, writes "why can't Belgians get along with each other anymore? The truth is that we have grown apart over a long time and that we literally don't understand each other. French-speaking Belgians often choose not to learn the Dutch language of the majority...Dutch-speaking Belgians increasingly refuse to speak French out of frustration with the others' inability to speak Dutch, and younger generations don't see the point in learning the language of Dumas and Duras anymore."

Bauwens' article strikes a chord with the current situation in the U.S. "We have people in this country that literally don't understand each other. There are hosts of linguistic ghettos across the country. And with policies focused on multilingualism rather than assimilation, those divided areas will remain and grow with each generation." said Bob Park, Chairman of the ProEnglish Board.

Britain requires English test for new immigrants

Starting on November 29, Great Britain will require all non-European immigrants to take an English language test in order to join or marry their partner in Britain. The test will ensure applicants can speak and understand English at the same level required for skilled workers.

Even if you apply for citizenship while in Britain, the British Border Agency said the English test is required.

This latest effort by Britain to get immigration under control has been in the works for over a year. Last

fall Labor Government Home Secretary Alec Johnson announced that immigrants joining their spouses would be denied visas with "indefinite leave to remain" unless they learned English. Without the indefinite leave status they will also lose the right to child benefits and welfare. The announcement was seen as a way to prevent abuse of the system by those who have yet to assimilate. But there wasn't an English test in place until now.

The United States has long required English proficiency as a citizenship requirement. The specific English test has been criticized over the years for lacking substance and letting some who do not speak English at all slip through the cracks. "English is essential for those who wish to live and work in the U.S. That is why polls continue to show that a large majority support making English the official language of government, so immigrants will no longer be stifled by anti-assimilation policies," ProEnglish Executive Director Jayne Cannava says.

Canada mandates English proficiency for new immigrants

Canadian Citizenship and Immigration Minister Jason Kenney is taking heat for the new English test that Canada is requiring new immigrants to take. In August, he announced that visa applicants who haven't shown they are English proficient will be denied admission. If you are an immigrant hoping to move to Canada, you must now take an English test. Canada is following suit with countries like Australia, New Zealand and the United States that require an English proficiency test in order to be naturalized.

A Canadian lawyer, however, has filed a lawsuit challenging the new rules in the federal courts. Kenney's decision is being challenged because it requires native English speakers, maybe even applicants with a PhD in English Literature, to take it. The United Kingdom and Australia have similar requirements but exempt people whose mother tongue is English. Critics of the new test say Canada should do the same.

The immigration department argues that mandating a uniform English proficiency test for all immigrants regardless of their native language is a necessary move. "We felt that going to a language test option was the most fair, transparent, objective, consistent and accurate way to evaluate different applicants' language skills." said the Canadian immigration department spokeswoman.

ProEnglish News



ProEnglish Adds New Staff and Website

ProEnglish has recently undergone significant changes to strengthen the organization and solidify its position as the nation's leading English language advocate.

We are proud to announce the addition of two new staff members, Suzanne Bibby and Gabriel Schaefer.

Suzanne Bibby is the new Director of Government Relations; one of her prime duties is to interact with public officials and their staffs at the federal, state and local level. She previously served as the Legislative Director of Eagle Forum in Washington, D.C., where she handled a variety of policy issues including official English, immigration, and national sovereignty.

Gabriel "Scooter" Schaefer is ProEnglish's new Director of Communications. He previously served as the Director of Programs at the Patrick Henry Center for Individual Liberty, where he specialized in social media development.

In addition to staff changes, ProEnglish is making significant strides in its political and educational advocacy efforts through online communications.

ProEnglish recently unveiled a new user-friendly website, which you can visit at www.proenglish.org and has stepped up social media activities, such as blogging and the



Suzanne Bibby (L) and Gabriel Schaefer (R) pose with Executive Director Jayne Cannava.

establishment of a new Facebook page. The Facebook page features articles and feedback from users – all designed to increase our nationwide support, outreach, and name-recognition. Go to www.facebook.com/proenglish to become a fan.

"As we have more diversity of languages in the country and there may be some question about how are official documents going to be created...I think it may be helpful to make it clear that (they) will be English."

— Gov. Tim Pawlenty of Minnesota

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