

THE PROENGLISH Advocate

Census issues bilingual ballot coverage for 2012 election

In October the Census Bureau released a list of 248 counties in 25 states the agency says are required to make multilingual ballots and election materials available in time for the 2012 general election. The action drew a quick denunciation from ProEnglish.

“There is no justification for this arbitrary, divisive, and financially burdensome federal mandate,” said ProEnglish Executive Director Robert Vandervoort. “Immigrants have been required to know English to naturalize and vote since 1907.”

“Besides that, federal law specifically gives any citizen who can’t understand English the right to bring a translator into the poll to assist them,” he continued. “The allegation that people are being denied their right to vote due to their inability to understand English is completely false,” Vandervoort added.

Congress amended the Voting Rights Act in 1975 to add

bilingual voting assistance for four protected language ‘minority groups’— American Indians, Asian Americans, Alaskan Natives and citizens of Spanish heritage – due to their historically perceived unequal access to educational opportunities. As a result, states or counties are required to provide bilingual ballots and election materials if the number of U.S. voting age citizens they have in any one of the protected language groups tops 10,000, or exceeds five percent of all voting age citizens in that jurisdiction.

Led by its then-Democratic congressional majority, in 1975 Congress added the bilingual ballot provisions as a ‘temporary’ remedial measure to give the disadvantaged groups time to catch up in terms of educational access. The reality that the excuse used for multilingual ballots was a ruse became clear when Congress extended the life of the ‘temporary’ provisions in 1985, 1992, and then again for a 25-year

period in 2007. They are now scheduled to expire in 2032.

ProEnglish led the fight to block the renewal of the bilingual ballot provisions in 2006, testifying to Congress, organizing a coalition of groups opposed, and mobilizing an outpouring of grass roots opposition, and came close to succeeding in the House. But the effort ultimately failed in the face of determined support for renewal by the Bush Administration in alliance with the Democratic and Republican congressional leadership.

“Every election we see news reports that bilingual ballots are wasteful because they are expensive to provide and are hardly ever used,” Vandervoort said. “The question is why does the federal government continue to force bankrupt counties and states to spend money on them? If you want to know why more Americans than ever say they don’t trust their government, this is a prime example,” he added.

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Census plays politics with bilingual ballot coverage

Observers were caught by surprise when the Census Bureau released its updated list of counties and states required to provide multilingual ballots for the 2012 general election recently. Why? Despite a record increase in the number of voting age citizens with a right to language assistance, which rose 43 percent to 19.2 million persons from a decade earlier, the number of counties required to provide multilingual ballots inexplicably *fell* from 296 counties in 30 states to 248 counties in 25 states after the 2010 Census.

What is going on? According to the Census Bureau the explanation for the unexpected decline is that more second and third-generation immigrants are learning to speak English and no longer need voting assistance in their native language.

To put it mildly, that explanation does not add up. The suggestion that immigrants' rate of English acquisition has improved at a rate that more than offsets a decade of record naturalization among members of the protected language groups, is rubbish.

But the Census Bureau does not have to explain its numbers to anyone. When the bilingual ballot provisions were added to the Voting Rights Act in 1975 Congress made the Census Bureau's coverage determinations *immune to court challenge* – something Census is careful to mention every time it discusses bilingual ballots. The result is that only the president or his deputies can find out how Census arrives at its figures that impose hundreds of millions of dollars in added costs on local taxpayers every two years.

The real reason for the drop in the number of covered counties is politics. The Census Bureau is well aware that cities and counties already teeter on the brink of bankruptcy. Any increase in the number of covered counties and states was likely to produce “blowback” in the words of one Census Bureau consultant, and result in congressional demands to scale back or even eliminate bilingual ballots altogether. So Census Bureau officials wisely decided to “adjust” their estimates.

Although the coverage determinations cannot be challenged in court many legal experts think the constitutionality of bilingual ballots themselves could be. The problem is that the only plaintiffs likely to have standing to challenge them in court, are election officials in the affected counties.

Founding fathers' omission “Designating English as our official language fills the gap left by our founding fathers and helps to keep the wars, divisions and problems of Canada, Belgium, and the European Union away from our shores.”

— Temple University Professor Jan C. Ting *Newsworks.org*, Sept. 7, 2011

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In the Courts



ProEnglish files Supreme Court brief in Alabama case

ProEnglish filed a brief in early September with the U.S. Supreme Court in support of an appeal by Alabama citizens, *Beason v. Bentley*, who seek to enforce a state constitutional amendment making English the official language and discontinue giving driver's license exams in foreign languages.

In 1990 Alabama voters approved Amendment 509 by a landslide 9-1 margin. The constitutional amendment made English the official language of Alabama and specified that, "The legislature and *officials of the state of Alabama shall take all steps necessary* to insure that the role of English as the common language of the state of Alabama is preserved and enhanced" (emphasis added).

The clear intent of Amendment 509 was demonstrated when Alabama stopped giving foreign language driver's tests soon after its adoption. But the state's action was blocked by a federal judge after the American Civil Liberties Union (ACLU) filed suit. However, in a landmark 2001 ruling, *Alexander v. Sandoval*, the Supreme Court overturned the lower court and ruled that Alabama had the right to discontinue the foreign language tests.

Although Alabama won its case, then-Governor Bob Riley bowed to pressure from big business interests and refused to restore the ban. So today Alabama continues giving driver's tests in thirteen other languages — in defiance of its own constitution. Amendment 509's authors had foreseen this danger, however, and it gave the broadest possible legal standing to ordinary citizens to sue to enforce the law.

When appeals to Gov. Riley fell on deaf ears, five Alabama citizens led by State Senator Scott Beason (R-17) filed suit to enforce Amendment 509. Unfortunately, the case

landed in the court of an openly hostile judge, who denied the plaintiffs' request for a trial citing procedural reasons. The Alabama Supreme Court then denied the plaintiff's appeal to reconsider the judge's ruling. In a last ditch effort to defend the rule of law the plaintiffs are now appealing that refusal to the U.S. Supreme Court and asking the Court to protect their right to a trial.

Inmate challenges prison rules on language

William Diaz-Wassmer, a 26-year-old immigrant from Guatemala and convicted murderer, filed suit to force officials at the Montana State Prison where he is imprisoned, to let him send and receive letters in Spanish.

Anything entering a prison, including letters from family and friends, is a possible threat to security, staff, and inmates. Prison personnel screen all letters to and from inmates. If letters are written in code, or if they are incomprehensible the letters are sent back to the sender or destroyed.

Like many corrections institutions across the country, the Montana prison system faces budget cuts and claims it cannot spare the money for a Spanish interpreter to read Diaz-Wassmer's letters. The American Civil Liberties Union (ACLU) of Montana who is representing the inmate said, "Prisoners do not lose their constitutional rights at the prison gate."

In rebuttal the prison said, "While it is true that prisoners do not lose all of their constitutional rights upon incarceration, some rights retained by free citizens are lost or necessarily diminished by imprisonment."

Diaz-Wassmer was convicted in 2007 for robbing and murdering a Livingston, Montana woman and setting her house on fire in an effort to cover up the crime. He was sentenced to 160 years in prison.

Congress

Rep. Peter King champions bilingual ballot repeal

Freshman Rep. Mike Coffman of Colorado made headlines in his home state this summer when he announced he was going to introduce a bill in Congress to repeal Section 203 of the Voting Rights Act – the section that mandates bilingual ballots in federal elections. When pressed however, Coffman clarified that he was not against bilingual ballots. He was mainly concerned about their fiscal impact if, as expected, up to 20 Colorado counties were covered after the Census Bureau updated its list of counties and states required to provide them for the 2012 election.

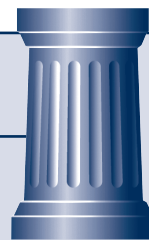
When Census released its list however, there were only 3 Colorado counties on it instead of 20, and Rep. Coffman seems to have lost interest in introducing his bill.

In contrast, New York Rep. Peter King has introduced a bill that not only repeals bilingual ballots it also makes English the official language. “I am committed to

reversing three decades of misguided policies that have divided our country by encouraging new immigrants to use their native languages at the expense of English,” announced King on introducing his bill. Named the National Language Act of 2011, H.R. 1164 currently has 19 cosponsors.

A Government Accountability Office (GAO) report on multilingual ballots found they are rarely used in practice and a waste of taxpayers’ money. Yet the federal government continues to impose the costs on state and county taxpayers who have to foot the bill for translating and printing not only bilingual ballots but all associated election materials, as well as pay the cost to recruit and hire bilingual poll workers.

A June 2011 Rasmussen Reports survey found that 58 percent of likely voters including 60 percent of independent voters oppose bilingual ballots. Congress should respond to voters and eliminate this costly and divisive mandate for good.



ProEnglish News

Vandervoort assumes helm at ProEnglish



ProEnglish Chairman Dr. Rosalie Porter announced the Board’s selection of Robert M. Vandervoort, an attorney, to serve as executive director following a search. “The Board’s choice to recruit Mr. Vandervoort is a tribute

to his broad background and record of accomplishment as a legislative aide working both in Congress and the state legislative level, his experience as a practicing attorney, his work in the non-profit world and also as a political campaign consultant.”

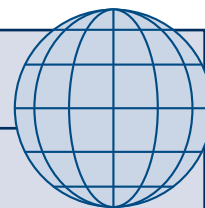
Mr. Vandervoort first started working as a congressional aide to former U.S. Sen. Phil Gramm of Texas and later for U.S. Rep. Robert Aderholt of Alabama. He practiced law for four years with a Chicago-based law firm he co-founded, Perez and Vandervoort.

He left the practice of law to serve as legislative director for Maryland Delegate Neil Parrott and later worked for the campaign consulting group Jackson-Alvarez.

Vandervoort graduated from Boston University with a Bachelor of Arts in History and International Relations in 1995, and holds a law degree from DePaul University College of Law, where he was an active member of the Federalist Society and Phi Alpha Delta legal fraternity.



Around the World



UK moves to abolish foreign language driver's tests

The United Kingdom's (UK) *Daily Mail* reports UK cabinet ministers are drawing up plans to eliminate foreign-language driver's license tests following a dramatic spike in car accidents involving non-English speaking drivers.

Like many U.S. states, the UK gives written driver's tests in numerous foreign languages including Urdu, Polish, and Albanian. For the road test, drivers who cannot speak English are allowed to use interpreters. About 90,000 such tests, including bus driver's tests, are given annually at taxpayer expense. The UK is an exception since other European nations do not allow foreign language driver's exams.

"I find it incredible that the Labour Party thought it was a good idea to let people without a basic grasp of English loose on our roads," said Transport Minister Mike Penning. Mr. Penning said that he was trying to formulate a ban on foreign language driver's tests that won't draw accusations of "racial discrimination."

The reality is that the UK already discriminates for the self-evident reason that not all languages are accommodated under its current policy. To do so would be chaotic and prohibitively expensive. The only way not to discriminate is to make all applicants take their exams in the national language. In any case government's first duty is to protect public safety – a duty that seems to be forgotten by government officials on this side of the Atlantic.

Puerto Rico rejects ProEnglish bid to testify on statehood bill

The Speaker of Puerto Rico's House of Representatives, Jennifer Gonzalez, turned down a formal request by ProEnglish to appear and testify on a proposed statehood referendum now under consideration in Puerto Rico's legislature. ProEnglish was allowed to submit written testimony.

Last year the U.S. House of Representatives passed legislation calling for a statehood referendum in Puerto Rico. But it stalled in the Senate. Frustrated, leaders of Puerto Rico's pro-statehood New Progressive Party (PNP) who control the Commonwealth's government, decided to hold a statehood referendum themselves.

ProEnglish Director of Government Relations Suzanne Bibby said, "The Puerto Rican government should not try to hide what statehood would mean for language until the referendum is over. Puerto Rico is Spanish-speaking nation and its government operates in Spanish on a day-to-day basis, whereas all fifty U.S. states conduct their business in English," Bibby noted. "The U.S. Congress is unlikely to admit a new state without requiring it to operate in the same language as all other states and PNP leaders need to be honest with the Puerto Rican people from the beginning," she added.

Puerto Rico House Bill 3648 calls for a two-stage referendum process very similar to that proposed in last year's bill that failed to pass Congress. In the first round of voting, August 12, 2012, Puerto Ricans would have to choose one of two options: (1) the existing status of a U.S. Commonwealth or (2) an alternate 'permanent' status described as a "non-colonial, non-territorial" political status.

If a majority votes for the "non-colonial" option, there will be a second round of voting during the 2012 general election, Nov. 6. Then voters will have three choices: (1) U.S. Statehood (2) Full independence as a sovereign nation or (3) 'Sovereign Commonwealth' – an undefined "non-colonial" status whose terms would have to be negotiated with the U.S.

"We know from the enormous cost and frequent conflicts that bilingual government causes in countries like Canada, that it would add to our budget deficit and be extremely divisive here," Bibby said. "The American people will never go down that path."

Around the Nation



New York Gov. Cuomo orders multilingual government

New York's governor Andrew Cuomo issued an order to government agencies in the empire state to start translating documents and providing interpreters in six foreign languages in addition to English. The languages are Spanish, Chinese, Creole, Russian, French and Italian.

Cuomo justified his move by saying that New York had made immigrants responsible for learning enough English to apply for welfare and benefits on their own for too long. Instead, "It's government's responsibility to figure out how to communicate with the person," he said.

ProEnglish Chairman Rosalie Pedalino Porter denounced Cuomo's action. "New York faces a \$2 billion deficit, yet Gov. Cuomo is willing to spend millions of dollars to promote immigrant dependency and multiculturalism in callous disregard to the interests of both taxpayers and immigrants. It not only wastes money that New Yorkers can ill afford, but destroys incentives immigrants have to learn English, assimilate, and become self-sufficient instead of being perpetual wards of the state," Porter said.

"Governor Cuomo is pandering to activist-led ethnic interest groups who have a political stake in keeping immigrants isolated, alienated, and poor, while in the process diluting America's English language heritage and weakening the melting pot tradition that is and always has been rooted in assimilation and learning our common tongue," Porter added.

Cuomo noted that immigrants would not be asked about their legal status when applying for benefits. Previous governors had rejected similar proposals by Hispanic legislators as being too expensive to implement.

ProEnglish testifies before Pennsylvania legislature

On Sept. 14, the Pennsylvania House Committee on State Government held a hearing on two bills that would make English the state's official language. Committee Chairman Rep. Daryl Metcalfe, R-Butler County, known as the legislature's most outspoken foe of illegal immigration, presided at the hearing. ProEnglish Director of Government Relations Suzanne Bibby was one of three witnesses invited to testify in favor of the bills.

The bills' sponsors—Rep. Rose Marie Swanger, R-Lenape, who introduced H.B. 361, and Rep. Scott Perry, R-Dillsburg, who introduced H.B. 888—also testified for their bills and urged the committee to send them to the House floor for a vote in the coming weeks.

In her testimony Bibby said, "H.B. 361 and H.B. 888 are good for Pennsylvania because they would not only encourage immigrants and their children to learn English and promote their successful integration into American life, but they will ultimately save taxpayer dollars."

Bibby fielded a number of hard-hitting questions from the committee members opposed to the measures, such as Ranking Member Babette Josephs, D-Philadelphia, who began her first question in Spanish.

Josephs was persistent in her questioning. "If a constituent of mine calls my office and she only speaks Russian, would I be allowed to talk to her on the phone or have one of my staffers who knows Russian talk to her?" Josephs asked. "Of course," Bibby responded. "That would be allowed, because official English does not address *informal* communications." Bibby went on to say that going so far as to hire an interpreter at taxpayers' expense to communicate in Russian would violate the English law.

Continued ►

Around the Nation



When the legislature debated a similar official English bill back in 2006, a Mason-Dixon poll found 77 percent of likely voters in Pennsylvania favored the measure. Unlike most states, Pennsylvania has a long legislative session that lasts from January to December. Also legislation “carries over,” that is bills that have not yet made it to the Governor’s desk have a full two years to be passed by the legislature. Observers think there is a good chance that Pennsylvania could become the 32nd official English state.

Arizona becoming magnet for non-English speaking drivers

Arizona, one of the few states that require driver’s license applicants to take their exams in English, ironically is becoming a magnet for foreigners with limited or no English ability to obtain a driver’s license.

The problem came to the attention of state officials in Massachusetts when 124 Somali refugees who had failed to pass their driver’s license exams were later found trying to exchange Arizona licenses for a Massachusetts’ license, and had their licenses suspended.

At first glance it would seem that Massachusetts, which offers its driver’s license tests in 25 languages, would be an easier state for immigrants and refugees to get a license. But even though Arizona restricts its tests to English, it allows non-English speaking applicants to use interpreters, and lets tests be administered by privately owned, state-licensed driving schools.

In addition, once issued, Arizona licenses are valid until age 65. And Arizona is the only state that readily issues licenses to out-of-state residents. The result has been an influx from the East Coast as word has spread about Arizona licenses in immigrant communities.

Arizona Department of Transportation officials deny their system is being abused, pointing

out that they only issued 3900 licenses to out-of-state residents during the last fiscal year.

But Phoenix Immigration and Customs spokesman Vincent Picard said, “Nationally, it is common knowledge ...that Arizona’s system can be manipulated.” He also noted there was a problem with the privately-owned driving schools regarding criminals and potential terrorists. “[The schools have] a financial incentive to be less diligent than they should be about document security,” said Pickard.

Which Side Are You On?

Blog post Oct. 7, 2011

NBC reports that New York Governor Andrew Cuomo ordered state agencies Thursday to translate documents and provide interpreters in six languages for immigrants seeking public services.

According to the story, Cuomo said state government for too long made immigrants responsible for learning enough English to apply for public services. “It’s government’s responsibility to figure out how to communicate with the person,” Cuomo declared.

“This is the problem with government today,” countered state Conservative Party chairman Michael Long. “We try to do everything for everybody. When immigrants came here at one time, they focused on learning English as fast as possible so they could assimilate into the American culture. This is only enabling people to not try to assimilate because the government will take care of them, which is only increasing the cost of government,” Long said.

Well, there you have it in a nutshell, folks. Which side are you on?

Roger Clegg in *National Review’s* online blog, “The Corner,” (nationalreview.com/corner).

In Memoriam: Joey Vento, American Hero

The movement to preserve English as our common language lost a friend and America lost a devoted patriot when Joey Vento, the owner of Geno's Steaks Restaurant, the birthplace of the Philadelphia cheese-steak sandwich, died unexpectedly of a heart attack August 23, age 71.

Vento made headlines in 2006 when Philadelphia's Human Relations Commission, a gaggle of politically-correct arbiters of acceptable behavior, investigated him. His "crime": Posting a sign at his restaurant take-out window that read, "This Is America, When Ordering, please speak English."

The grandson of Italian immigrants, Vento soon found himself being denounced as a "nativist," a "xenophobe," and a "racist." For exercising his First Amendment right of free speech, Vento was dragged before the Human Relations Commission. In an all day hearing he endured the testimony of sometimes hysterical

witnesses who compared his sign to "Jim Crow laws" in the old South and accused him of being "anti-immigrant."

A plain-spoken businessman, Vento fought back with the kind of common sense that seems increasingly rare in modern-day America. "If you can't read, if you can't say the word 'cheese' how can I communicate with you – and why should I have to bend? I got a business to run," he said.

ProEnglish helped rally public support for Vento who was represented by the Atlanta-based Southeastern Legal Foundation. Vento stood his ground. Letters of support and donations to his defense poured in from across the country. In a humiliating retreat, the Human Relations Commission eventually dropped its complaint, and Geno's Steaks kept its "when ordering please speak English" sign. Joey Vento, American Hero, R.I.P.

Truth in testing

"We can assume Mexican truck drivers will not be required to read and speak English as U.S. law requires. The previous [Bush] administration secretary of transportation ...stated... that if [the] drivers respond to test questions in Spanish ...the test taker checks the box that they are 'English proficient.'"

— Eagle Forum founder Phyllis Schlafly *Townhall.com*, Apr. 12, 2011

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