

# THE PROENGLISH Advocate

## ProEnglish Defends Student's "Right to English" in Court

This spring, a nursing student named Terri Bennett had just received a nine-month suspension from her school because she requested that students speak English in the classroom. When no one else would come to Terri's aid, she turned to ProEnglish.

Terri was attending nursing classes at Pima Community College (PCC) in Tucson, Arizona. During class lectures, non-English speaking students would often translate for each other in the middle of class—which was very distracting and made it difficult for her to learn.

When Terri was assigned to student projects and group laboratory projects, she was often the only English speaker in the group. She felt excluded from the rest of her class and found the learning environment hostile to English speakers.

She approached the director of the nursing program, David Kutzler, and explained to him her situation. He reacted with tremendous hostility to her, saying she was "discriminating against Mexican-Americans" and threatened to "write her up." He called her a "bigot" among other offensive names.

Terri was stunned by this treatment and requested a response from the school's administrators. On a Monday morning in April, as she headed to class, she received her response from the school: campus police served her with

suspension papers and then escorted her off campus.

It was a humiliating ordeal for Terri to go through in front of her fellow classmates. She appealed the school's decision, but the school refused to overturn her suspension.

Terri searched for organizations that



ProEnglish Board Member Phil Kent, Plaintiff Terri Bennett and Attorney John Munger

defend English, and that is how she found ProEnglish. We listened to her story and agreed to help. We found a top law firm in Arizona, Munger & Chadwick, which agreed to take the case with our assistance.

The school violated the Arizona state constitution, which requires official English for government. After all, PCC is a state school and must follow the state constitution. In addition to violating Terri's right to have English in the classroom, the school discriminated against, defamed, and harassed her among many other violations.

On July 15, 2013, Terri's lawsuit against PCC was filed in the Superior Court of the State of Arizona in Tucson. ProEnglish organized a press conference outside the courthouse to describe the case to the media. Terri was on hand for the press conference along with lead attorney John Munger and ProEnglish board member Phil Kent. (Video footage from the press conference can be found on the ProEnglish website).

"It's a sad day that we're here filing this lawsuit in Arizona, it's a sad day in the United States of America for this woman to be persecuted, insulted and discriminated against ... Justice must prevail here," Kent said.

In late August, the school filed a response to our lawsuit. PCC denied they had done anything wrong, and claimed that it was Terri who was at fault.

Unless the school changes its position, Terri's case will start to become ready for trial. We are relying heavily on Arizona's official English law in this case, which is further proof of why we need official English in all fifty states.

Ultimately, Terri has done nothing wrong and the law is on her side. To watch our press conference and to read more about this case, click on the "Justice for Terri" button on our homepage at [www.proenglish.org](http://www.proenglish.org).

# Taxpayers Footing the Bill for Health Care Translators in 180 Languages

On October 1, the new Obamacare health exchanges opened for enrollment all across the nation. Early that day, Health and Human Services (HHS) Secretary Kathleen Sebelius appeared on MSNBC for a TV interview. Sebelius, who is responsible for overseeing the implementation of the new law, openly admitted on air that interpreters in 150 different languages would be on hand at the 24/7 call centers to ensure that non-English speakers understand how to enroll in the program.



Secretary of HHS Kathleen Sebelius

Sebelius stated, "There's also a call center. People can call on the phone. And we have translators available in up to 150 languages to answer questions, help people understand some of the terminology."

The Secretary's statement doesn't quite come as quite a shock since HHS originally announced plans to provide translations in conjunction with the opening of the exchanges over the summer. However, the notice HHS posted in August listed exactly 180 foreign languages that had to be accommodated for both the Centers for Medicare & Medicaid (CMS) Services 24/7 contact center as well as CMS' Health Insurance Marketplace call center.

"This policy not only wastes taxpayer money, but it destroys incentives immigrants have to learn English, assimilate, and become self-sufficient," said ProEnglish Executive Director Bob Vandervoort.

It's not yet known how much taxpayer funding HHS is spending to provide these translators, but a June report from the U.S. Government Accountability Office (GAO) states that CMS spent almost \$394 million from fiscal year 2010 through March 2013 through contracts to build the exchanges, including websites such as Healthcare.gov. Although the report shows that a majority of the \$394 million went to technology based expenses, a portion of it also went towards the call centers and collection services, which integrate multilingual features. In addition to these expenses, CMS also awarded contract money for both English and Spanish-language media outreach and paid to have education materials translated into 25 languages.

ProEnglish has filed a Freedom of Information Act (FOIA) request with CMS to find out the exact cost of these translations.

## The ProEnglish Advocate

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# In Congress

## U.S. Senate Holds Another Hearing on Puerto Rican Statehood

As the adage goes, "If at first you don't succeed, try, try again." In the case of the now four-time failed effort to make Puerto Rico the 51st U.S. State, the U.S. Congress certainly is trying again...and again...and again.

In August, the U.S. Senate Energy and Natural Resources Committee held its second hearing in three years to discuss the decades-long Puerto Rican statehood debate. The committee hearing was well-attended by the public, pro-statehood lobbyists and even ProEnglish staff, although few sitting committee Members aside from Chairman Ron Wyden (D-OR) and Ranking Member Lisa Murkowski (R-AK) were present.



Governor Alejandro García-Padilla

Hearing witnesses included the leader of the anti-statehood Popular Democratic Party, new Governor Alejandro García-Padilla, the longtime Resident Commissioner and leader of the pro-statehood New Progressive Party Pedro Pierluisi, and Ruben Bérrios, the president of the Puerto Rican Independence Party.

Although the results of the rigged 2012 Puerto Rican status referendum have been rejected by the White House because less than half of voters favored statehood, Del. Pierluisi has introduced a new bill in Congress to force yet another vote on the matter. The Puerto Rico Status Resolution Act (H.R. 2000) would authorize the State Elections Commission of Puerto Rico to provide for a ratification vote on the admission of Puerto Rico into the Union as the 51st State. The vote would be comprised of only one question: "Do you want Puerto Rico to be admitted as a State of the U.S.? Yes or No?"

H.R. 2000, which currently has 125 cosponsors, does not contain any provisions to require that Puerto Rico change its language policy to comply with all other 50 state governments—from de facto Spanish to de facto English.

Although Pierluisi has made statehood his number one priority, the Senate Committee did not seem convinced that the U.S. Congress should force this effort on Puerto Ricans. "It's long been my position that the process for determining Puerto Rico's preferred political status should come from Puerto Rico and not D.C.," stated Senator Murkowski.

## The Immigration Debate in Congress—Is it Dead or Alive?

Since the U.S. Senate passed its comprehensive immigration legislation at the end of June, the immigration debate has seemingly moved to the back burner in the U.S. House. ProEnglish is concerned that none of the proposed new immigration bills include strong English language requirements. Although other issues—such as the Obamacare law, the government shutdown, and the debt limit debate—have captured the national spotlight as of late, the immigration debate has certainly not disappeared.

Activists who favor amnesty for illegal aliens staged protests over the August recess. They even held a pro-amnesty rally on the National Mall while U.S. citizens and military veterans were locked out of the D.C. memorials.

Although the intense debate over funding the government has disrupted some of the momentum for immigration reform, official English champion Congressman Steve King continues to urge grassroots Americans to stay vigilant.

Rep. King recently advised constituents, "If I've heard anything, a little piece of information, is that leadership is looking to a date near Thanksgiving to try to move something," King said. "Stuff is working behind the scenes and if they can find any void in our agenda in a matter of a few days, then bring something to the floor, [they will]."

During a TV interview with Spanish-language television network Univision on October 16, President Obama promised that immigration was next on his list of top agenda items once the fiscal debate was over. Obama stated, "Once

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# ProEnglish News



## ProEnglish Featured on Eddie García Radio Show



Suzanne Bibby, ProEnglish Director of Government Relations, was recently featured as a guest on the new Thursday evening talk radio show "Speak Your Mind" with Eddie García. The show, which is broadcast out of La Grande, OR, airs weekly on Thursday evenings from 5pm to 6pm immediately following nationally syndicated host Lars Larson.

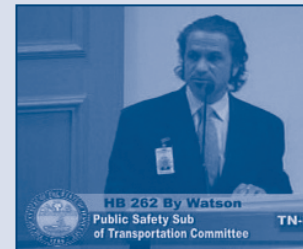
Host Eddie García is an advisory board member of ProEnglish and has been a longtime advocate for official English. He is a former resident of Tennessee, where he lobbied the state legislature to support a public safety bill that would require all driver's license exams to be administered in only English.



On the recent show, Eddie dedicated the full hour to one topic—English. He interviewed Suzanne about an array of English-related issues— from immigration legislation in Congress to making English the official language of Oregon to the ongoing lawsuit seeking to protect an English-only speaker in Arizona from discrimination.

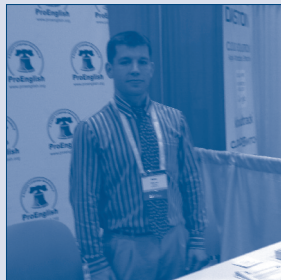
Check out ProEnglish's video channel on YouTube (ProEnglishOrg) to listen to the full interview.

To tune in to Eddie's weekly show, you can stream the show live from your computer at [supertalknews.com/stream](http://supertalknews.com/stream).



Eddie García

## ProEnglish Attends NACo Conference



Peter Lee at NACo

Over the summer, ProEnglish attended the National Association of Counties (NACo) Conference in Fort Worth, Texas. ProEnglish had a booth set up at the event, which lasted from July 19th through July 21st. At the conference, staff mem-

bers were able to make contact with various county officials from across the country, with whom we discussed official English legislation on the local level. ProEnglish is continuing to reach out to the county officials who expressed interest in official English issues. The NACo conference allowed ProEnglish to gain unique insights as to how the issue of official English is regarded by lawmakers who operate at the local level. Overall, we received mostly positive feedback, and support for our cause.

## ProEnglish Nets Pair of IMMI Awards at Writers Workshop

ProEnglish received two IMMI Awards at the 37th annual Writers Workshop, held by the Social Contract Press on September 29, 2013. ProEnglish won the 2013 IMMI for 'Best Radio Ad' with its South Carolina piece hitting Senator Lindsey Graham for his lies about including meaningful English requirements in an immigration overhaul. The 2013 IMMI for 'Best Print Ad' also went



Awards for ProEnglish Ads

to ProEnglish for the 'Gang of 8 is a Gang of Liars' ad that ran in the *Roll Call* newspaper in Washington, DC back in June.

"I am grateful that we received so many votes in favor of our hard-hitting ads."

— Bob Vandervoort  
ProEnglish Executive Director





# In the Courts

## US DOJ Wants Michigan to Pay for More Interpreters

In September, the Michigan Supreme Court ordered all state courts to provide interpreters for any resident. This new rule applies to any language, and for anyone before any judge in the state, whether civil or criminal. People making more than 25% above the poverty level would have to pay the cost for their interpreters.

For the U.S. Department of Justice (DOJ), this new rule does not go far enough. U.S. Attorney Barbara McQuade for the Eastern District of Michigan says she's concerned the new rule could have "a chilling effect on people who otherwise wouldn't access the courts if they're on the hook for an interpreter."

## Hawaii Lawsuit Seeks Multilingual Driver's Licenses



A class action lawsuit was filed in federal court seeking to add additional languages to the Hawaii driver's license exam. The Faith Action for Community Equity (FACE)

organization filed the lawsuit on behalf of two anonymous plaintiffs. They claim to represent thousands of people in Hawaii who are unable to pass the exam in English.

To their great credit, the State of Hawaii has filed motions to dismiss FACE's lawsuit. The State of Hawaii asserts, among other things, that there is a rational basis for Hawaii's policies. In their response to FACE, they stated:

"The rational basis for this distinction is obvious – traffic control signs in the State of Hawaii are written in English. It would be impossible to add traffic control signs throughout the State of Hawaii in the additional 12 languages the Plaintiffs are suggesting would be appropriate."

The State of Hawaii explained further:

"Issuing driver's licenses to persons unable to read and comprehend traffic control signs would clearly be irresponsible, and would place other motorists and pedestrians at risk from drivers unqualified to use a motor vehicle on public roads."

ProEnglish applauds this refreshing display of common sense by Hawaii. We hope the court agrees and dismisses this lawsuit.

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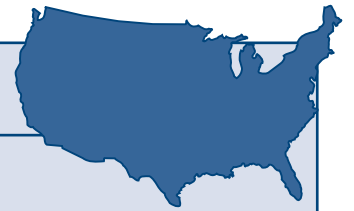
that's done, you know, the day after, I'm going to be pushing to say, call a vote on immigration reform." President Obama also blamed House Speaker John Boehner for preventing a vote on the Senate-passed bill. "The only thing right now that's holding [the bill] back is, again, Speaker Boehner not willing to call the bill on the floor."

Of course, the President neglected to mention that Senate Majority Leader Harry Reid has still not transmitted the Senate bill to the House due to constitutional issues. According to Article 1, Section 7 of the U.S. Constitution, all bills that raise revenue must originate in the U.S. House. This immigration bill originated in the Senate and raises revenue. It is thus unconstitutional and would have problems in court if challenged.

Amidst all the talk of immigration and legalization, the English language continues to decline in the U.S. The Census Bureau just released new statistics last week that showed that foreign language speaking in the U.S. has tripled over the past decade, with approximately 60 million residents reporting that they speak a language other than English at home.

ProEnglish believes that Congress should be trying to reverse this Balkanization of the country instead of seeking to legalize millions of non-English speakers without any requirement for them to attain English proficiency. Don't you agree?

## Around the Nation



### Wisconsin Rep. Introduces Official English Legislation



Rep. Andre Jacques

lish as its official language.

AB 340 requires both the state government and local governments to produce "all written expression" in the English language. This includes such written materials as official documents, applications for public assistance programs, and constituent mailings. The bill does permit foreign language translations under eight excepted areas, including the teaching and studying of foreign languages in schools and to protect the rights of criminal defendants.

As with most official English proposals, AB 340 has its share of vocal opponents. Among them is illegal alien advocacy group Voces de la Frontera. The group released a statement painting official English as a tool to "disenfranchise New Americans and pro-

Could Wisconsin become the next state to adopt an official language law? In August, Rep. Andre Jacques (R-2nd district) introduced a bill to make English the official language of the state of Wisconsin. If passed and signed into law, Assembly Bill 340 would make Wisconsin the 32nd state to establish Eng-

lish as its official language. mote artificial divisions in communities across Wisconsin." Another group that has registered its opposition to the bill is the National Association of Social Workers.

Rep. Jacques argues that the legislation will benefit Wisconsin residents of all ethnicities and refutes allegations that the bill seeks to limit foreign language speaking. "This isn't saying that English is the only language," said Jacques. "It's saying that English is the official language."

Jacques introduced this legislation during the 2009 legislative session, but it fizzled out despite support from the leaders in both chambers. Political pundits in the state are predicting failure for the bill this time around, but ample public outcry could turn the tide. With enough constituent support and with national polling for the issue at 84%, it would be hard for the party leaders and Gov. Scott Walker to ignore it.

Currently, the bill has been referred to the Assembly's Committee on State Affairs, but has not yet received a hearing. Governor Walker has not made a statement on the measure, but a spokesman with the Governor's office has said he would evaluate the bill if the legislature passes it and sends it to his desk.

### Pew Study Highlights Growing Importance of Spanish in USA

According to a recent study by Pew Research Center, the number of Spanish speakers in the United States will increase from just over 37 million in 2013 to somewhere between 39 million and 43 million in 2020. The study projects the portion of Hispanics

(ages 5 and up) who speak Spanish to fall from 75% to 66% over the same time period. However, a 2012 Pew report showed that 95% of Hispanic adults, including those born in the U.S., said it is important for future generations of Hispanics to speak Spanish.

### Texas Medical Facility Tells Employees to Use English Only



In Farmers Branch, Texas, a kidney dialysis facility made a bold statement by posting a sign to company employees that reads: "English Speaking only

beyond this point: Unless you are translating for a patient." The company spokesman, Jon Stone, said the measure was taken in order to improve "safety, patient care, efficiency, and supervision." Hispanics make up over 37% of the population in Farmers Branch, TX.

## CA Governor Vetoes Translation Mandate Legislation



Gov. Jerry Brown

On October 11, California Gov. Jerry Brown vetoed a bill that would have required petitions being circulated for the purposes of a referendum, initiative, or a recall election in the state to be translated into foreign languages.

SB 654, introduced by Sen. Mark Leno (D-San Francisco), would have forced petition signature gatherers to, at all times, carry the initiative or referendum in various foreign languages and they would run the risk of penalties if they failed to comply.

Sen. Leno argued that his legislation “would empower limited English proficient voters and increase language access and voter participation in the initiative process,” but Brown disagreed.

In his veto message, Brown stated: “Imposing translation obligations at the circulating stage would add substantial burdens to the initiative process. I remain

unconvinced that the benefits outweigh the costs.”

Of course, ProEnglish would have liked the Governor to reference the blatant unconstitutionality of the proposal in his veto message. “English has been the official language of California for over 20 years,” said ProEnglish Director of Government Relations Suzanne Bibby. “Article III, Section 6 of the California state constitution was added in 1986 after Proposition 63 was passed by 60 percent of voters.”

This is not the first time language mandate bills have passed the California state legislature and been rejected once they reached the Governor’s desk. Gov. Arnold Schwarzenegger vetoed two different bills during his time in office that would have attempted to reinstate bilingual education in California. Brown also vetoed a bill in 2011 that would have added “language discrimination” to the state Civil Rights Act as a protected class. Clearly, lawmakers of both political parties can see the folly of attempts to weaken the role of English as the common language.



## Around the World

### English Around the World

A study by the British Library and the British Council emerged out of the United Kingdom, and provided some interesting facts about the use of English around the world. According to the study, one in four people in the world can speak English on some level of competence. English has official or special status in at least 75 countries, although the United States is not one of those countries. About 375 million people on the planet speak English as a first language, and about 750 million speak it as a foreign language.

### English Has Become the Common Tongue on the European Continent

A recent report by the European Union determined that English is the most popular foreign language in all but five European countries, and two of those five are very small nations. Two out of every three people in Europe have at least a working knowledge of English. The European Commission in Brussels has three common languages: English, French, and German. Out of European countries where English is not the number one language, it was most well known in Denmark (where 94% of the population speaks it) and least known in Italy (60% of the population speaks it.)

### Controversial Bilingual Signs Torn Down in Croatia



In the Croatian border town of Vukovar, bilingual signs were ripped off of the facing of numerous Croatian state office buildings. The signs were written in both Latin and Cyrillic, and were supposedly torn down in protest, although the authorities are having trouble figuring out exactly who tore them down. Croatia’s laws state that bilingual signs are to be put up in places where minorities (in this case Serbs) constitute at least one third of the local population.

# 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](http://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.

## How to Put ProEnglish in Your Will

ProEnglish is a tax-exempt organization. Thus under IRS rules, any size bequest made to ProEnglish is deductible from the taxable portion of a person's estate. That can reduce a person's estate taxes under certain circumstances. A gift to ProEnglish can be made by simply including the following language in your will, "I hereby give, devise, and bequeath to ProEnglish, a project of US, the sum of \_\_\_\_\_dollars" [or "I hereby give devise, and bequeath to ProEnglish, a project of US, \_\_\_\_\_percent of my residual estate"]. Anyone interested making a gift to ProEnglish in their will should first check with their attorney or tax-advisor.

Keep up the good work. Here is my donation:

☐ \$25 ☐ \$50 ☐ \$100 ☐ Other: \_\_\_\_\_

☐ I would like to become a member of ProEnglish

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