

THE PROENGLISH Advocate

Attorney General to Small NY Town: “Rescind official English Law, or else!”

Jackson, NY – At the urging of the New York Chapter of the American Civil Liberties Union (ACLU), the small upstate New York town of Jackson (pop. 1700) was forced at its June 2, 2011 council meeting to rescind its official English statute after being threatened with legal action by New York Attorney General Eric Schneiderman.

The New York Attorney General’s office sent a letter ordering the town of Jackson to “cease-and-desist” enforcement of their official English language ordinance in what his office inflammatorily stated is “illegal” and “discriminatory.”

The Jackson Town Council voted 4-1 last year to establish Councilman Roger Meyer’s resolution establishing English as its official language. This ordinance simply designates English to “be used in all official meetings and business.” Similar ordinances have been defended successfully by ProEnglish when challenged by the ACLU and their allies in court. High courts have routinely ruled official English



Jackson Councilman Roger Meyer laws to be constitutional and not discriminatory.

According to the June 3rd *Bennington Banner*, “In May, [Arlington, VA based advocacy group] ProEnglish responded to the attorney general’s letter...charging that New York Attorney General Eric Schneiderman was abusing his office by ‘politically oppressing and threatening’ Jackson.”

“The town of Jackson has been conducting its [official] government business in English for nearly 200 years,” said Dave Loudon, executive director of ProEnglish. Loudon cited national polls that indicate the majority of Americans support official English laws, and said that the law addressed the “confusion of multilingualism” as well as protected the town from the

cost of translators and “printing documents in various languages.”

Cities and small towns across the country have been threatened with law suits for exercising their right to pass common sense official English ordinances. The ACLU recently sued Hazleton, PA for passing their official English language ordinance.

ProEnglish immediately came to the legal defense of Hazleton, PA by having their legal team at the Southeastern Legal Foundation submit a legal brief citing ProEnglish’s history of successfully defending official English laws at all levels of government. Facing certain defeat in court, the ACLU dropped this frivolous law suit.

The story of Jackson, NY is indicative of what supporters of common sense official English measures face across the country. Opponents of citizen supported measures to make English our official language at all levels of governments in America have repeatedly sought to malign, attack, and pressure local officials who wish to make English the official language of government in the United States.

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Missouri will be the state to watch in 2012



Sen. Brian Nieves

There has been a surplus of legislative activity in the states on the official English issue... The most common English legislation introduced would make English the sole testing language for driver's license exams. For the past decade, ProEnglish has been the national leader warning states that foreign-language driver's license tests threaten public safety by allowing non-English speaking drivers on the road. Drivers who cannot read and understand English are a threat to the safety of all motorists, including themselves. These drivers cannot understand traffic signs and directions, read highway warning signs or read hazard signs on other vehicles. They are also not able to communicate with police or public safety officials in the event of an accident or other emergency. Of course, English is the universal language of all U.S. road signs and roadways, so it is entirely appropriate to require, at a minimum, English proficiency for *all permanent residents* applying for a state driver's license.

Of all the driver's exam legislation that has been introduced in the state legislatures this year, the strongest bill was introduced in Missouri by two longtime official English champions, Rep. Jerry Nolte in the House and Sen. Brian Nieves in the Senate. In 2008, then-House Representative Nieves introduced the amendment to the state constitution to make English the official language of Missouri. Subsequently, the amendment was overwhelmingly passed by 86% of Missouri voters in the November 2008 election.

Although Missouri became an official English state in 2008, it continues to give driver's exams in 11 foreign languages including Bosnian, Chinese, French, German, Greek, Italian, Japanese, Korean, Russian, Spanish, and Vietnamese. Nolte and Nieves' bill, HB 167, would have helped to close this dangerous loophole in the law. The bill would have simply required that driver's written *and* skills exams be administered in no languages other than English. The original version also banned the use of interpreters for any portion of the exam, but it was stripped by the Senate General Laws Committee. "The bill allows

anyone seeking a driver's license to either take the test in written form or have it read to them, as long as the test is given in English. That will allow anyone who has trouble reading English, whether a native English speaker or not, to take the test," said Nolte. "We want to make sure everyone is treated equally," Nolte said.

During the Senate committee hearing in April, Nieves countered the arguments of opposition witnesses by explaining that limiting driver's exams to the universal language of all U.S. roads, English, does not send an "unwelcoming" message to new immigrants. He explained, "The states are picking winners and losers." Some states may offer the test in German, Arabic, or Farsi, whereas other states discriminate against those languages by choosing to accommodate others, such as Italian, Greek, and Hindi. Nieves explained that the *current* system is discriminatory and that the only way to make it non-discriminatory is to offer the exam in every language under the sun — which is unfeasible, expensive, and dangerous — or to limit the test to

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1601 N. Kent Street, Suite 1100
Arlington, Virginia 22209
tel. (703) 816-8821 fax (571) 527-2813
Website: www.proenglish.org

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In the Courts



U.S. Senate confirms anti-English judicial nominee

In August 2009, President Barack Obama nominated Judge Edward Milton Chen to the U.S. District Court for the Northern District of California. As the nation's leading advocate of establishing English as the official language of the United States, ProEnglish sparred with President Obama on this nomination and began to have serious concerns as Judge Chen's background began to unravel.

For 16 years, Chen worked as a Staff Attorney and Member of the American Civil Liberties Union. During his time with the ACLU, Chen worked tirelessly to defeat official English laws. In 1986, Chen co-chaired the unsuccessful Californians United Against Proposition 63, the state's initiative to amend the state constitution and make English the official language of California. In 1987, according to *East Wind* magazine, Chen co-authored an article that claimed that those associated with the official English movement were "anti-immigrant and xenophobic in character" and he told *The New York Times* that official English laws are "based on false, xenophobic assumptions." A few years later, in *Garcia v. Spun Steak Co.*, Chen represented plaintiffs who challenged a private employer's English-on-the-job policy, but he ultimately lost his case before the Ninth Circuit for failing to show that the policy had a discriminatory impact.

In 1995, Chen testified before both the Senate and the House of Representatives in opposition to legislation to make English the official language of the United States and inaccurately argued that it would violate the First

Amendment, claiming that such a law was "unnecessary, patronizing, and divisive." In 1998, Chen filed a lawsuit seeking to invalidate California's Proposition 227, which had just passed overwhelmingly by 60% of California voters and required that English Learners in California schools be taught in English. This proposition was in-part written by ProEnglish Chairwoman Rosalie Porter, an Italian immigrant and author of three books, including *American Immigrant: My Life in Three Languages*.

Although Chen's nomination was initially sent back to the White House one year after he was nominated, President Obama defiantly re-nominated him in 2010. As Chen's nomination languished, ProEnglish urged the Senate to oppose Chen's confirmation by voting against him. Director of Government Relations Suzanne Bibby explained ProEnglish opposition: "Edward Chen has spent over a decade propagating a mis-information campaign in the courts about official English laws. For 16 years and counting, he has used his legal position with the ACLU to attempt to delute America's long English language heritage and worked to weaken the melting-pot tradition that is and always has been rooted in assimilation and learning and preserving our common tongue."

Unfortunately on May 10, 2011, the Senate finally brought Chen's nomination to the floor for an up-or-down confirmation vote and approved him by a vote of 56 to 42. All Democrats voted in favor of Chen's confirmation along with 4 Republicans—Sens. Collins (ME), Snowe (ME), Brown (MA), and Murkowski (AK).

"For too long, the federal government has shirked its duty by not passing English as the official language of the United States.."

— Jackson, NY town councilman, Roger Meyer quotes in NY Times column on why his town originally made English its official language.

Congress

More English bills introduced in 112th Congress

The 112th Congress is underway and three additional English bills have been introduced by Reps. Virginia Foxx (R-NC) and Peter King (R-NY). Although Rep. Steve King (R-IA) has a popular bill, the English Language Unity Act, that would make English the official language of the United States, Rep. Peter King has introduced a bill that would do the same, but it contains an added feature; it would also repeal multilingual voter ballots.

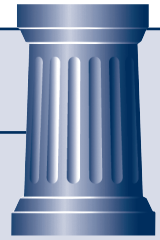
H.R. 1164, or the *National Language Act*, would repeal Section 203 of the Voting Rights Act of 1965. There are a number of reasons why H.R. 1164 should be passed by Congress and signed by the President. The U.S. is an English-speaking country in which almost all citizens speak, read, and understand the English language. Since 1907, the United States has required immigrants to learn English in order to naturalize and acquire the rights of citizenship, including the right to vote in federal elections. This is appropriate for a nation whose constitution and founding documents are written *entirely* in the English language, so the federal government has no business forcing state and local governments to print foreign-language ballots for citizens who are *already* required to read and understand English. Not only are foreign-language ballots redundant and incredibly expensive—Cuyahoga County, OH spent over \$80,000 alone printing Spanish-language ballots for the 2010 mid-term election—but they facilitate voting by non-citizens, a violation of federal law. Foreign-language ballots debase the meaning of citizenship, encourage voter fraud, and undermine the integrity of the naturalization process by eliminating an incentive for immigrants to learn English.

“I am committed to reversing three decades of misguided policies that have divided our country by encouraging new immigrants to use

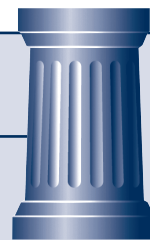
their native languages at the expense of English,” stated Rep. Peter King upon speaking about his bills. Just last month, Rassmussen Reports released a poll that supported what King has been telling us for so many years—that a majority of likely voters, 58%, favor repealing bilingual voter ballots and making English the sole voting language. This marks the second consecutive year that a decisive majority of American voters support eliminating the federal mandate to provide foreign-language ballots.

In fact, King is so committed to the cause that he introduced a *second* English bill, H.R. 1307, that would repeal President Bill Clinton’s decade-old Executive Order (EO) 13166 that mandates all federal government agencies and recipients of federal funds to provide translations into any language requested. This Executive Order can be repealed by President Obama with the stroke of his pen **or** Congress can pass King’s bill to declare it “null and void. Not only does this regulation—which is not law and was never approved by Congress—put a tremendous burden on taxpayers, but it also divides the country by language and leaves immigrants dependent on language translation services. The order directs federal funds recipients to pay for the enormous cost of providing translation and interpreter services from their own funds. There is no federal reimbursement and it covers tens of thousands of state and local government agencies as well as government contractors. It affects schools, libraries, hospitals, unemployment offices, fire and police departments, public health clinics, and countless private agencies that receive direct or indirect support from the federal government. The order says that compliance is not limited to written translations, meaning that oral interpreter services have to be made available unless there were compelling

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Congress Continued



reasons not to do so. This means hiring tens of thousands of additional employees as translators and interpreters. The order's cost to taxpayers at all levels of government could easily total tens of billions of dollars.

This brings us to Rep. Virginia Foxx's (R-NC) H.R. 1715, the *Multilingual Services Accounting Act*, which would simply require the federal government to report how much money it is spending each year on the multilingual services it's providing because of EO 13166. Virginia Foxx's bill is the compliment to Rep. King's bill to repeal the Executive Order. The purpose of Foxx's bill is quite simple: Americans deserve to know how their money is being spent.

In 2009, **the Fraser Institute released a study that revealed that Canada, a country with roughly one-tenth the population of the United States, spent between \$1.6 billion and \$1.8 billion in 2006 to provide taxpayer-funded government services in French and in English.** In the U.S., over 300 languages are spoken, so we can extrapolate America's 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. "The American people want to know where their tax money is going. As a result, a growing number of states have passed laws requiring their government agencies to account for spending on multilingual services. The federal government should follow this example," stated Rep. Foxx.

Although EO 13166 requires federal agencies to ensure funds recipients are compliant, the agencies themselves do not report how much this unfunded mandate costs federal funds recipients each year, so Rep. Foxx introduced a bill that would force the federal government to be accountable and shed light on the true cost of its current *de facto* unofficial multilingualism. Rep. Foxx's bill would require the Office of Management and Budget (OMB) to include multilingual services accounting information in its report which is submitted to Congress by January 31 of each year.

Texas Doctor Elected to Irving School Board Strong Advocate for English Language Teaching

In late March Dr. Steven Jones contacted ProEnglish for advice on good programs for non-English speaking students in U. S. schools. Dr. Jones had decided to run for a position on the School Board in his home town of Irving, Texas. His three goals for improving the local schools: 1. Emphasize academic excellence; 2. Hire more teachers and fewer administrators, and 3. replace the bilingual program with a serious English Immersion model.

ProEnglish enlisted Dr. Rosalie Porter to the rescue. Porter gave

Jones solid arguments in favor of English language help to students from the day they enroll in school. Her work as a teacher, researcher and advisor confirms these important points that Jones put to good use in his campaign:

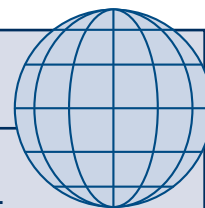
- starting English at age 4 or 5 gives children the best opportunity to speak and understand, and later to read and write the language most effectively for school use
- bilingual programs using the students' native language for a large part of the school day for several

years segregates students from their English speaking classmates and does not lead to better learning of school subjects

In his appeal for votes, Jones stated, "As your Trustee, I will do everything in my power to make English the language of the Irving Independent School District and ensure we give every student the number one tool to succeed in the United States of America—a mastery of the English language."

Bravo Steven Jones, and congratulations on your election.

Around the World



Canada Considers Bilingual Requirement for Judges



To most Americans it comes as no surprise that Canada officially recognizes French and English as its language of government. What may raise some eyebrows is that French-speaking politicians have recently introduced a bill (C-232) that would make it mandatory for future judges on the Canadian Supreme Court to be bilingual in both French and English.

The Canadian Supreme Court is appointed by the Prime Minister and presides over both English and smaller Francophone populations groups across Canada.

Proponents of the legislation contend that with two official languages of government those sitting on the Supreme Court in Canada should have a firm grasp of both English and French in order to be effective jurists on the bench.

Critics have blasted the proposed bilingual requirement for future Supreme Court justices, citing that the pool of qualified applicants would be drastically reduced. According to Jean-Pierre Corbeil, chief of language statistics for StatsCan, only 5.4 million Canadians or 17% of the population claim fluency in both French and English, leaving approximately 83% of the rest of Canada ineligible to serve on the high court.

As a result, many argue that the quality of future judges on the bench could be

significantly lacking if the proposed legislation were enacted.

Canada has long had to deal with the expensive and administrative ramifications behind being an officially bilingual government. Now, with the recent controversy surrounding the proposed requirements for Supreme Court justices, Canada will have to deal with a new set of problems.

Teaching English is Big Business in China

When President Richard Nixon visited China in 1972 the English language was spoken very little and generally viewed with contempt as a potentially harmful and contaminating source of influence from the West.

The times have changed.

In the past 30 years China experienced an economic and cultural revolution, transforming from a largely isolated rural agrarian culture to a mass producer of goods and technology and a driving force in the international community.

As a result, learning English has become a top priority China. In 2011, the number of Chinese studying English far exceeded the population of the United States. According to the China Education Daily, more than 400 million Chinese, or approximately a third of the total population, are studying English.

Consequently, teaching English in China has become a thriving and lucrative business involving foreign companies, private academies,

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the one common language, English, so that certain immigrants' languages are not favored over others.

After passing the House easily by a vote of 102 to 56 in March, HB 167 moved to the Senate in April, where the Committee on General Laws approved the bill by a vote of 6 to 2.

When the legislative session started to approach its final day, ProEnglish learned that a group of Republican senators vowed to filibuster if the driver's bill came to the floor vote a final vote. Despite ProEnglish's last ditch efforts to sway targeted senators, the session ended without a vote on HB 167. Unfortunately, a few

weak GOP lawmakers also killed good English driver's license bills in Georgia and Tennessee.

Of all the bills in all of the states this year, HB 167 cleared the most legislative hurdles and sets up the 2012 session as the perfect time to try again and finally pass this popular bill during a Presidential election year.

Around the World



universities from many English speaking countries, and the Chinese government.

While rates vary depending on the region of China, according to a recent CNN report, English language teachers from abroad can often expect to make between \$1200 - \$1800 per month with many of their expenses, such as room and board, travel, and medical costs covered.

Similar to the narrative taking place across China, Chen Lu, a 19-year-old junior at Peking University recently told CNN in the same report, that learning English, "gives me an advantage in a very competitive environment."

English Requirement for Australian Taxi Drivers

Adelaide, Australia, is considered to be one of that country's most beautiful cities. Located 500 miles northwest of Melbourne along Australia's southern coastline, Adelaide has a population of well over one million residents and a thriving tourism industry. That's why city officials have begun to take notice of a serious issue facing the tourism and transportation industry in the city.

According to recent report by the Transport Department of Australia, each year 49%, or fewer than half of those wishing to become taxi drivers in Adelaide, are able to pass the English language test required for employment by taxi companies.

Despite the fact that anyone wishing to be a taxi driver in Adelaide must hold an Australian driver's license for six months before they can apply, one in four fail a road theory test and one in three fail a driving practical test specifically designed for taxi drivers.

Wally Sievers, the Taxi Council Executive Director of Adelaide, said the figures were proof that new English proficiency requirements implemented in 2008 were working to weed out bad applicants.

The applicants are allowed to take the English language test three times, with 86% eventually passing the requirement.

The taxi industry, according to Sievers, "is the gateway to the state, so it is incredibly important that they speak English, know where to go and how to get there safely."

ProEnglish News



ProEnglish names Dave Loudon as executive director



Dave Loudon

In April the ProEnglish Board of Directors announced that Dave Loudon of Arlington, Va., was picked to succeed Jayne Cannava as executive director.

ProEnglish Board Chairman Dr. Rosalie Porter said, "That the Board unanimously voted to hire Mr. Loudon is a tribute to his skills as a longtime political activist, campaign

strategist and legislative aide in California and Connecticut. It should also be noted that he also served with distinction in the 1990s as a non-commissioned officer in the U.S. Marine Corps."

Louden received his Bachelor of Arts Degree in Political Science from UCLA in 1997. He was also a founding member and chairman (2008-2010) for the Republican Chiefs of Staff Association, a social organization comprised of senior GOP California Capitol staffers.

Big business lobbies slow progress on English

In state after state legislators who hoped to pass bills making English the official language of their state or else strengthen official English laws already on the books, have seen their hopes dashed because of opposition from the well heeled business lobbies, most often represented by the Chamber of Commerce. The Chamber's opposition was a major factor blocking legislation in states like Arkansas, Georgia, Tennessee, Montana, Oklahoma, and Indiana.

The question is "Why?" Polls consistently show an overwhelming 80-85 percent of all Americans support English as the official language, including a majority of business executives and majorities of every ethnic group.

The reasons include "political correctness" and pressure from U.S. based special interest groups. But another little known reason is that U.S. multinationals are becoming less "American" every year as they increasingly shift work forces, products, sales, and profits overseas. A recent article in *The Wall Street Journal* ("Big U.S. Firms Shift Hiring Abroad," April 19) revealed that almost a third of all US multinationals' employees are now overseas. And the trend is accelerating. In 2000 for example, 46 percent of GE employees worked abroad. Today that figure is 54 percent. GE now does 60 percent of its total business abroad compared to just 30 percent in 2000. Financial giant Citibank now gets 72 percent of its profit from overseas operations. And the list goes on.

As a result U.S. multinationals are increasingly sensitive to the perceptions and desires of foreign governments who can pressure U.S. companies that do business in their countries to lobby on issues such as U.S. immigration policy. Although the U.S. Chamber of Commerce has hundreds of thousands of small business members across the country, the dues that fund Chamber operations are scaled according to size. That insures that big multinationals provide the lion's share of Chamber revenues and call the shots on policy decisions at the state and national level.

Despite opposition from big business interests, official English continues to make progress due to overwhelming public support. The number of states with official English laws now stands at 31.

"It gets down to the issue of picking winners and losers... We as a state have said, 'If you speak one of these 11 languages, we like you a whole lot better.'"

— Missouri State Senator Brian Nieves, whose parents immigrated from Puerto Rico, explains the reality of offering driver's license exams in multiple languages.

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