

THE PROENGLISH Advocate

Health care reform bill poison: “culturally appropriate?”

There is good news and bad news in the massive Senate health care bill (2,074 pages) now being debated in the Senate. Unlike the bill that narrowly passed the House of Representatives 220-215, the Senate bill has no mandate requiring Medicare providers to furnish free translation services for non-English speaking patients (see Oct. '09 issue of *The ProEnglish Advocate*).

But there is something that may be a lot worse. The Senate bill says that certain kinds of health insurance information must be provided in a “culturally and linguistically appropriate” manner. And Section 399W says that local health care workers are required to provide guidance to patients in “culturally and linguistically appropriate ways.”

The bill clearly attempts to mandate the use of interpreters when treating non-English speaking patients. But the phrase “culturally

appropriate” is also very troubling. What does “culturally appropriate” mean? The House passed bill also mandates that communications be “culturally” as well as “linguistically appropriate.”

Does the phrase mean that translators should have taken courses in cultural sensitivity? Surely someone fluent enough in a second language to be a competent medical interpreter is likely to be sensitive to cultural differences that may exist between speakers of that language and native-born Americans.

Or are the words “culturally appropriate” meant to mask the kind of discrimination that would be blatantly illegal if it was openly stated i.e. race, religion, or national origin? In other words will federal bureaucrats interpret the phrase to mean that Muslims have to translate for Muslims, Hispanics for Hispanics and so forth, so that the

government mandated demand for medical interpreters can be transformed into an immigrant jobs program?

ProEnglish believes the threat of such a discriminatory interpretation is real. Department of Justice bureaucrats already ignore thirty years of court rulings in order to redefine the meaning of “national origin discrimination” to include discriminating against someone’s language in Executive Order 13166.

And they use that illegitimate interpretation to threaten federal fund recipients if they fail to provide multilingual assistance. Why would they hesitate to apply the same multicultural doublespeak to health care?

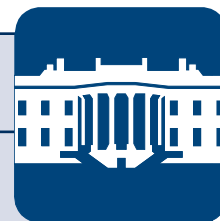


**It's no
joke...** “You’ve got to be kidding...We speak English here”

— Bakersfield California Arvin High School parent reacting to a parents’ orientation session being given entirely in Spanish with English translation. www.bakersfieldnow.com Sept. 18, 2009

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Administration



Justice Department backs off threat to Oklahoma official English law

As reported in the last issue of *The ProEnglish Advocate* the U.S. Department of Justice (DOJ) provoked outrage from Oklahoma's entire congressional delegation this summer over DOJ's threat to deny federal funding to the state if it put a constitutional amendment making English the official language on the ballot next year.

Now DOJ has backed down from its heavy handed interference in the state's legislative affairs.

The controversy started last spring when the acting head of DOJ's civil rights division wrote Oklahoma's Attorney General and threatened to cut off federal funds to the state if the referendum measure then being debated in the legislature was adopted. Unaware of the threat, the legislature proceeded to pass the legislation by an overwhelming margin.

DOJ's intervention, clearly timed to influence the outcome of the legislature's consideration of the official English measure, angered Oklahoma's senior U.S. Senator James Inhofe. The Senator notified the state's congressional delegation which triggered the bipartisan condemnation of DOJ's action.

In its letter to the Oklahoma delegation backing down from its threat, DOJ wrote, "Please be assured that voter approval next year of Oklahoma's official English amendment would not affect the state's eligibility for federal financial assistance..."

In a statement Sen. Inhofe said, "I am pleased that the Justice Department has backed off its threat ... It was improper and unprecedented for the federal agency to send such a letter to the state while the proposed amendment was still being debated... This

is an issue that should be decided by the voters of our state without undue influence by Washington."

FAA vows to enforce English fluency rule for airplane mechanics

In June seventeen congressmen led by Rep. Brian Bilbray (R-CA) wrote Department of Transportation Secretary Ray LaHood requesting him to certify the English fluency of all Federal Aviation Administration (FAA) licensed airplane mechanics in the U.S.

Their letter came in response to an investigation by a Dallas TV station that found there were hundreds of aircraft mechanics working at repair shops in Texas who could not read or understand English, notwithstanding FAA licensing regulations that require English-fluency.

In a letter replying to the congressmen the FAA acknowledged that a required qualification for seeking an FAA mechanic's or repairman's certificate is the ability "to read, write, speak, and understand the English language." The agency said the violations brought to light by the TV station's investigation had already been identified and that it had taken appropriate action including "the suspension of (authority) for those found to have acted inappropriately."

The FAA also pledged to reexamine its procedures to determine if more rigorous English fluency testing would enhance airplane safety. Earlier news reports highlighted how critical it is for mechanics to read and understand the very complicated manuals needed to repair aircraft. Faulty wiring at a repair shop is believed to have contributed to a US Airways commuter plane crash in North Carolina that took the lives of 21 people.

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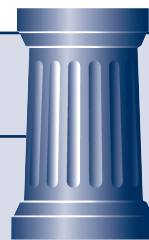


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Congress



House Committee rejects English disclosure rule

A bill making its way through the House of Representatives would crack down on abuses by credit card companies and financial institutions by creating a Consumer Financial Protection Agency (CFPA) with wide power over businesses.

Concerned that the new agency might use its power to force businesses including small businesses to make disclosures in multiple languages, Rep. Christopher Lee (R-NY) sponsored an amendment in committee to bar it from doing so. Rep. Lee said, "The added cost of multilingual disclosures will be passed on to consumers and at the end of the day destroy jobs."

But his amendment came in for harsh criticism by members of the Congressional Hispanic Caucus and it was voted down 29-40. Two Democrats, Rep. Paul Kanjorski (PA) and Rep. Travis Childers (MS) joined most Republicans in voting for the amendment, while Republican Rep. Michael Castle (DE) joined with the majority of Democrats to vote against it.

"Even if our economy wasn't struggling with an unemployment rate of 10.2 percent this amendment was important to try and restrain the whims of multicultural bureaucrats," said ProEnglish Chairman Bob Park. "We commend Rep. Lee for offering it and wish it had passed."

Looming immigration battle could open door for official English

The Obama Administration is hinting that once Congress passes health care reform legislation it may push for passage of comprehensive immigration reform legislation that would include granting amnesty or some form of legal status to the 12-20 million illegal aliens estimated to reside in the U.S.

While some observers think the Administration is unlikely to launch such an effort in the midst of a recession with more than 16 million Americans out of work, others think the Administration will push ahead because of political pressure from race-based pressure groups like the National Council of La Raza and the League of United Latin American Citizens (LULAC).

But a move to reform the nation's immigration system could open the door to official English. Twice in recent years when immigration reform bills were being debated in the Senate, Senator James Inhofe (R-OK) succeeded in passing amendments declaring English our national language. In both instances the underlying bills failed to pass both houses of Congress. But now with large Democratic majorities in both the House and Senate, things could be different.

ProEnglish strongly opposes any bill containing an amnesty because it will greatly expand demands for government services in languages other than English, which is already a serious problem. And ProEnglish has denounced the claim that illegal aliens getting amnesty "will have to learn English" made by amnesty supporters like President Obama and Arizona Senator John McCain, as utterly false and misleading.

ProEnglish Board Chairman Bob Park said, "We will fight any legislation containing an amnesty because it will further undermine our nation's unity in the English language which we will not accept under any circumstances. But if Congress pushes ahead with immigration reform, ProEnglish will go all out to make sure that official English is included in any such legislation," he added.

Helping immigrants, or pork barrel politics?

A bill touted by self-styled "immigrant advocacy" groups, S. 1478, claims to promote English literacy while lining the pockets of those very same groups. The ostensible purpose of S. 1478 by Sen. Kirsten Gillibrand (D-NY) is "to meet the growing need for English literacy, U.S. history, and civics education programs for new Americans," — things ProEnglish normally supports.

But parts of the legislation are troubling especially after the widely publicized abuses of the organization known as ACORN have come to light. In a nutshell the bill seems aimed more at generously funding ACORN-like community organizations whose job is "introducing new Americans" to the flow of taxpayer dollars, than it is at teaching immigrants English or U.S. history.

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Congress Continued

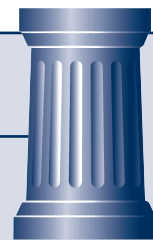
The bill amends the Homeland Security Act of 2002 to “assist in introducing immigrants to the United States” and to coordinate with federal agencies on the best practices for “aliens who have recently arrived in the United States.”

It gives the Office of Citizenship and New Americans authority to make grants to states that set up “New American Councils” made up of representatives from “nonprofit organizations, including those with experience working with immigrant communities.”

That means the government will wind up funneling taxpayer money to many of the same self-styled

immigrant advocacy groups that are pressing hardest for the bill’s passage.

ProEnglish director of government relations Jayne Cannava said, “Sen. Gillibrand’s bill does provide tax credits to teachers of English language learners and to businesses that provide English instruction for their employees, which helps explain why some senators like Sen. Lamar Alexander (R-TN) and Sen. Orrin Hatch (R-UT) are cosponsors. But the legislation seems more of a pork-barrel bill for interest groups than a bill to help legal immigrants learn the English language and American history,” she added.



Opposition mounts to rigged Puerto Rican plebiscite bill

There is growing opposition to the Puerto Rican statehood plebiscite bill in Congress. The bill, also known as the Puerto Rico Democracy Act or H.R. 2499, calls for a two-stage referendum in Puerto Rico on the issue of the island nation’s political status. It passed the House Natural Resources Committee by a vote of 30-8 this summer.

A committee amendment by Rep. Paul Broun (R-GA) requiring Puerto Rico to adopt English as the language of its government and public schools as a condition for statehood was rejected on an almost straight party-line vote with Republicans in favor and Democrats opposed.

With 181 bipartisan cosponsors H.R. 2499 would seem to be a heavy favorite to pass the House. But an educational campaign against the bill by ProEnglish and others may have blunted the legislation’s momentum.

ProEnglish began by sending a letter co-signed by twelve other organizations and individuals to many of the bill’s cosponsors pointing out that although the bill calls for a non-binding ‘advisory’ vote, in reality it is a carefully designed trap meant to trigger Puerto Rico’s admission as the first officially Spanish-speaking state.

In Oct. ProEnglish hosted a National Press Club news conference for Rep. Broun and Jose Hernandez-Mayoral, a spokesperson for Puerto Rico’s Popular Democratic Party (PDP) to publicize Puerto Rican opposition to the bill. The PDP has a long history of working successfully to protect Puerto Rico’s status as a self-governing U.S. commonwealth nation.

Next Rep. Steve King (R-IA), a widely respected leader on the language issue, joined Rep. Broun to send a ‘dear colleague’ letter to all Republican House members. The letter warned that Puerto Rico’s

admission as “a non-English speaking state would set a harmful precedent, endanger our nation’s unity, undermine the important role that English plays in the assimilation process, and increase demands for taxpayer-funded translation and interpreter services.”

ProEnglish members also mailed thousands of postcards to their Representatives urging them to vote against the bill. And ProEnglish staff and advisory board members wrote newspaper columns exposing H.R. 2499’s two-stage voting process as a fraud designed to engineer a false majority vote for statehood, that ran in the *New York Post* and *The Washington Times*.

ProEnglish executive director K.C. McAlpin said, “Our membership is alert to the danger H.R. 2499 poses to our nation’s unity in English. We will do everything we can to stop our nation from being transformed into an American version of Quebec via the back door.”

In the Courts



Arizona attorney renews attack on English teaching success

Arizona attorney Tim Hogan seems determined to undermine immigrant children's hopes of learning English in his state.

After losing a nine-year legal battle that sought to compel Arizona's legislature to spend ever larger sums on bilingual education programs that consistently failed to teach children English at acceptable levels (*Horne v. Flores*), Hogan has filed a new lawsuit arguing that Arizona's recently adopted English immersion program is illegal. ProEnglish filed a key brief with the Supreme Court in *Horne* defending Arizona's immersion program (see Oct. 2009 edition of *The ProEnglish Advocate*).

The irony is that Hogan argues Arizona is harming English language learners by segregating them from classmates for four hours a day while they learn in immersion-style classrooms. But segregation is just as bad, far longer lasting, and in the end far more debilitating to students in the bilingual education classrooms that Hogan appears to favor.

Arizona's State Superintendent of Education Tom Horne points out that since the state implemented its modified immersion-style program, 30 percent more students are being classified as English proficient at the end of a year than they were previously. As a result English language learners are being transferred into regular classrooms at a much faster rate than they were before. Horne noted "The four-hour model has made (Arizona) one of the leaders in the area of teaching English."

But Hogan downplays Arizona's English acquisition test scores and argues that it is still not complying with the federal Equal Education Opportunity Act which requires states to take "appropriate action" to help students learn English.

Administration names anti-English activist to federal bench

The Obama Administration has appointed a long-time anti-English activist to the federal bench. In 1986 before becoming a judge, Edward Chen co-chaired Californians United Against Proposition 63, the ballot initiative voters passed overwhelmingly that made English the official language of California.

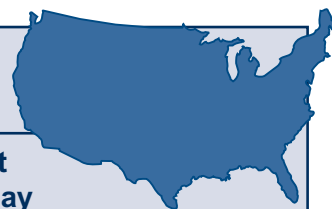
Chen later worked as an attorney for the American Civil Liberties Union (ACLU) Foundation of Northern California. In 1995 he testified to Congress against federal official English legislation, charging that the legislation was "unnecessary, patronizing, and divisive."

In 1998 Chen participated in a lawsuit to nullify Proposition 227, the citizen's initiative that replaced failed bilingual education programs with successful English-immersion programs for teaching English language learners in California's public schools. The case was dismissed and an appeal was rejected by the 9th Circuit Court of Appeals.

Chen also participated in *Alexander v. Sandoval*, the lawsuit that sought to invalidate Alabama's right to require driver's license exams to be taken in English. He has also been active in Equal Employment Opportunity Commission cases challenging an employer's right to designate English the language of the workplace. In a 1987 magazine article Chen wrote the official English movement "is anti-immigrant and xenophobic in character."

ProEnglish Chairman Bob Park said, "Judge Chen's record and words testify to the deep antagonism he harbors against English's role as the common unifying language of our nation. He is an extremist who will never be impartial in any case involving language that comes before him. He should never have been elevated to the federal bench," Park added.

Around the Nation



Schwarzenegger vetoes California language entitlement

Following an outpouring of protests from ProEnglish members and activists, California Gov. Arnold Schwarzenegger vetoed California Senate Bill 242, a bill that sought to turn someone's choice of language in the workplace into a civil right. The legislation by State Senator Leland Yee (D-San Francisco) was aimed at any business or organization that tried to make a rule or policy requiring the use of English.

Yee said he was acting in response to the controversial move by the Ladies Professional Golf Association (LPGA) to require its professional members to learn English within a given period of time. Following a predictable media furor and denunciations from various multicultural groups, the LPGA backed away from its policy and said it would use voluntary efforts to encourage its members to learn English.

In his veto message Schwarzenegger said, "This bill would make it a violation of the (California) Civil Rights Act for a business establishment to require...the use of any language...unless the language restriction is necessary for the safe and efficient operation of a business..."

ProEnglish was one of only three organizations on record as officially opposing the bill, along with the California Chamber of Commerce and Capitol Resource Family Impact. On the other side were fifteen organizations listed as officially supporting the bill. They included the American Civil Liberties Union (ACLU), the American Federation of State County and Municipal Employees (AFSCME), the Service Employees International Union (SEIU), the Anti-Defamation League, the California Federation of Teachers, the NAACP, the California Immigrant Policy Center, Consumer Attorneys of California, the California Nurses Association and several ethnic special interest groups.

ProEnglish executive director K.C. McAlpin commented, "The Governor's veto is a big victory for our California members and activists. They flooded his office with phone calls and emails and persuaded him to veto a bill that would have set a very harmful precedent, had it become law."

County cuts services but fights to save bilingual pay

Montgomery County, MD is home to thousands of federal bureaucrats, lobbyists, and contractors, which helps make it one of the wealthiest counties in the country. But even Montgomery County is feeling the effects of the recession. It has been scrambling to find ways to save money in the face of \$400 million in red ink.

Nonetheless its 2010 budget has more than \$1 million to pay bonuses ranging from \$2,000 to \$4,000 a year to employees who speak a language other than English, even if they never use the other language at work. Although most of the 643 employees who qualify for the pay speak Spanish, employees get the pay even for speaking little known languages like Akan, Esu, Ibo, Teluga, and Yoruba.

When the county staff proposed cutting the foreign language pay for a year to save money, the idea was unanimously rejected by a county committee. Instead the county decided to eliminate regular pay raises and cut back on buying things like police uniforms, library books, and office supplies.

Now the county faces an additional \$200 million shortfall and is looking at layoffs to close the gap. It remains to be seen if the bilingual bonuses will keep their sacred cow status in the face of the county's growing fiscal crisis.

School systems milking English education funding

A University of Southern California (USC) study found that large numbers of English language learners (ELLs) in the Los Angeles public schools who are put in special English language instruction classes at the elementary school level are still in those classes when they enter high school.

The study found that almost 30 percent of such students are never classified as fluent in English despite many years being in English-as-a-second-language (ESL) classrooms. The explanation is not hard to find according to Lance T. Izumi, director of Education Studies at the Pacific Research Institute. Izumi says there is ample evidence to suggest schools don't reclassify ELLs as English proficient so they can keep getting the extra money schools receive from state and federal sources to support ESL programs.

Continued ►

Around the Nation



He points out that 45 percent of Los Angeles school district first and second grade ELLs test high enough to qualify them as fluent on the test California uses to measure English proficiency. But despite meeting both state and local school district fluency requirements, a Bureau of State Audits report found that an astonishing 62 percent of such students were not being reclassified.

The long term consequences for ELL students are debilitating. Instead of having an opportunity to learn and thrive in regular classrooms, they are stigmatized and warehoused to serve the needs of school administrators and the greed of the bilingual education industry.

Hotel owner's speak-English request sparks protests

When a bankrupt resort hotel in Taos, New Mexico came on the market Larry Whitten saw an opportunity. A successful turn-around specialist with forty years in the hotel industry, Whitten decided to invest \$2 million to buy the property and turn it into a profitable hotel.

But relations with the hotel's Hispanic-American workforce soured when Whitten fired several employees for being hostile and insubordinate. In the midst of this tense situation some of his employees would speak to each other in Spanish, a language Whitten does not speak and could not understand.

To protect himself and to supervise his staff Whitten asked the employees to speak English. Things should have stopped there. Unfortunately he went further and asked his front desk employees to use the English pronunciation of their names i.e. Mark instead of Marcos, when talking with customers. As he later explained Whitten thought using the Anglicized pronunciation of names would make customers from other parts of the country feel more comfortable.

True or not, that gave disgruntled employees all the ammunition they needed. They accused Whitten of racism and anti-Hispanic bigotry and demanded their jobs back. Backed by a local chapter of the League of United Latin American Citizens (LULAC) the ex-employees picketed the hotel and organized street demonstrations. Whitten soon became a poster boy for the multicultural war on English, and what had been a local labor dispute turned into a national media sensation.

Whitten says he was simply imposing the same rules and discipline he used to successfully manage other hotels. He adds he was worried that some employees were trying to undermine him, and claims he had been called names by some of the protestors.

Some workers are reported to be considering filing a complaint with the Equal Employment Opportunity Commission charging Whitten with illegal terminations.

Police face discipline for English fluency tickets

Twenty Dallas police officers face reprimands and possible discipline after a media lynching for mistakenly issuing tickets to drivers for their failure to speak English.

The controversy began when police ticketed 29-year resident and native Spanish-speaker Ernestina Mondragon for making an illegal U-turn. Because the Dallas police use an electronic ticketing system on a drop-down menu that lists an inability to speak English as an infraction, a rookie police officer gave Mondragon a ticket for that as well as for not having her driver's license with her.

But while it is illegal for commercial driver's license holders not to speak English, it is not against the law for ordinary drivers. Mondragon challenged her ticket in court and the charges were dropped.

That did little to quell the controversy. An investigation found that six police officers had erroneously issued 38 such tickets over the last three years, a tiny number in a department that issues around 400,000 tickets a year. But Latino activists were quick to seize the opportunity to charge "racism." Hector Flores, past president of the race-based League of United Latin American Citizens said, "It's racial profiling. She was cited for driving while Hispanic."

Dallas police Chief David Kinkle apologized repeatedly and said the officers who issued the erroneous tickets would be investigated for dereliction of duty.

"The real issue is why is Texas putting everyone who uses its roads and highways in danger by giving driver's license tests in Spanish," said ProEnglish executive director KC McAlpin. "That's the real scandal," he added.

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. To find out how to add ProEnglish to your email signature, visit us online at www.proenglish.org/howyoucanhelp/emailsignature.html.

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. For tips on writing effective letters to the editor, visit our tips page online at www.proenglish.org/howyoucanhelp/letterstotheeditor.html.

Your Safety is our business

"This is seriously concerning, both in financial terms and when it comes to road safety...Anyone with an ounce of common sense could see the problems this throws up."

—British Taxpayers Alliance spokesman Mark Wallace responding to a report that the number of people needing language assistance to pass their driver's test in the UK increased almost 50 percent in the last three years. *The London Daily Telegraph*, April 29, 2009.

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