

# 'Official English' Setback

## Supreme Court denies review of Arizona case

Report by Robert Park

The final chapter in the long-running saga of Arizona's struggle to keep official English alive came to an abrupt end this January when the U.S. Supreme Court denied a *writ certiorari*.

In June 1998, the Arizona Supreme Court ruled the constitutional amendment was in violation of the First Amendment of the U.S. Constitution. Arizona's governor and attorney general refused to appeal.

### 'Let the will of the people stand'

While he openly disapproved of the measure making English the official language of Arizona, the hypocrisy of the attorney general's refusal lies in the fact that he cosponsored a referendum this past November that would prohibit the legislature (except in very narrow circumstances) from tampering with citizen initiatives, or the governor from invoking a veto. "Let the will of the people stand," he exhorted. But then he announced it was best to let this language initiative die.

While as leader of the initiative I found this a hard pill to swallow, I am not alone. John Tanton, Leo Sorensen, Gerda Bikales and a few others were in on the ground floor when this entire movement to make English the official language in the various states began. I am not suggesting that this signals the end of the road, but I am suggesting that it is a serious wake-up call for all Americans who are concerned about the trend to destroy our national cohesion.

Without going into too much detail, we note that this adverse decision by the Supreme Court has already been invoked to challenge both the current effort in Arizona to abolish bilingual education, and the move in Alabama to enforce the English-only drivers' license examination.

In 1990, ninety percent of Alabama's voters

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adopted English as their state's official language, and required that drivers' license exams be given in English. A Mexican immigrant is demanding the exam be given in Spanish and a federal judge has ruled she has the right to sue under Title VI of the 1965 Civil Rights Act. Bill Lann Lee, Acting Attorney General, Civil Rights Division, has intervened on her behalf.

According to Lee, any state availing itself of federal funds (and they all do) cannot, under Title VI rules, deny services in languages other than English.

On the language battlefield over the past eleven years the names of *Yniguez* and *Ruiz* of Arizona stood out. Joining the "monkey wrench" gang now, from Alabama, is *Martha Sandoval*. English Language Advocates (ELA) has chosen to enter this latest fray.

### Our Legal Sidekicks

I want to take this opportunity to heap credit and grateful appreciation on two longtime friends and barristers-of-distinction who have guided us through legal tangles for the past decade.

The first is Jim Henderson of Phoenix who stepped forward in the 1988 initiative campaign, and defended the resulting constitutional amendment in federal and state courts, on up to the state Supreme Court.

The second is Barnaby Zall who crafted Arizona's official English measure in 1987, and who has become one of the nation's leading authorities on First Amendment language issues. It was Barnaby whose legal prowess twice laid our case before the U.S. Supreme Court — first coming away victorious, and now suffering disappointment, along with the rest of us, when the high court declined "without comment" to hear our appeal.

There is no doubt in my mind that the failure of Arizona's highest officials to defend the citizen-sponsored amendment led to the high court's decision. It may be that the only salvation now lies with the Congress and the fifty states through a federal constitutional amendment. Whatever it takes. **ELC**

# The Social Contract

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# America's Immigrant-Driven Poverty Increase

by Linda Thom

**O**n September 24, 1998, the United States Census Bureau issued two press releases to accompany their annual report on poverty, *Poverty in the United States: 1997* (Dalaker and Naifeh). The release headlines read:

*Poverty Rate Down, Household Income up —  
Both Return to 1989 Pre-Recession Levels  
and  
Poverty Level of Hispanic Population Drops,  
Income Improves*

What impression do these headlines give? Most would probably read them and believe that after years of grim economic times, Americans are again thriving and that Hispanics, especially, are making good economic progress. Unfortunately, the headlines are partially true at best and disingenuous at worst.

What the Bureau **did not say** is that the number of poor people increased by 4 million between 1989 and 1997 even if, according to Dr. Daniel Weinberg who lead the press briefing, “the poverty rate is statistically no different from the pre-recession rate in 1989.” (Actually, the poverty rate is not down as the headline says but rather up from 12.8 percent in 1989 to 13.3 percent in 1997 but this information is buried in the full one-hundred-page poverty report in one of the probably 50 pages of tables). Further, the Bureau **did say** that the drop in Hispanic poverty rates “accounted for a significant share of the decrease in the overall poverty rate between 1996 and 1997.” That is what happened in one year. What the Bureau **did not say** is that the Hispanic poor accounted for almost three quarters of the 4 million increase in America’s poor since 1989.

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If the data for the period are disaggregated by race and ethnicity, Hispanics and Asians accounted for 84 percent of the added poor people since 1989. Blacks in poverty declined by 186,000 and “others” in poverty increased by 825,00. Others are mostly non-Hispanic whites and Native Americans. While it is true that table upon table of data are available in the Census Bureau’s document, *Poverty in the United States: 1997*, who knows anyone in the media who sits down and analyses the data to see what press releases have left unsaid. The media take the press summaries prepared for them, listen to the briefing, and that is what goes to press. Unfortunately, the Census Bureau did not disaggregate the data and, by leaving so much unsaid, left the impression that all is well in America.

The Bureau’s failure to publicly announce that there has been a huge increase in poor people since 1989 and that Hispanics and Asians caused most of that increase continues to keep the truth from the American people and from American policy makers. The truth is that both the numbers living in poverty and the poverty rate would be declining in America were it not for immigration — and that, despite a booming economy, many immigrants are dying on the vine.

## The Real Story

The press releases cited above accompanied the release of the Bureau’s annual report on poverty, *Poverty in the United States: 1997*. Buried in the body of the report itself, the Bureau does indicate that in 1997, the poverty rate for both native-born Americans and foreign born residents declined and now stands at 12.5 percent for the native-born as compared to 19.9 percent for foreign-born residents. The Bureau’s report also notes, “...the foreign-born population was disproportionately poor when compared with natives of the United States.” Nowhere, however, does the report indicate that it is manifestly clear that in the last decade, virtually all the added poor people are