



HIAS Pennsylvania
Written Testimony Concerning House Bill
Making English the Official Language of Pennsylvania
HB 1506-Hearings Scheduled Sept. 21, 2015
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HIAS Pennsylvania has a 133 year history of working with refugees and immigrants, serving over 330,000 new Americans. We are an agency of the Jewish community that focuses on providing services to refugees and immigrants to ensure their integration into American society. During that time we have promoted English language learning and civics to hundreds of thousands of new immigrants. We were the first agency in Philadelphia to reinstitute citizenship classes in the 1980s to assist with English language and civics education. HIAS Pennsylvania welcomes the opportunity to submit written testimony regarding HB 1506 which seeks to make English the official language of the Commonwealth. HIAS Pennsylvania feels these bills are unnecessary, divisive, and vague, while undermining the economic growth in the state and entangling the Commonwealth in expensive litigation.

The bill is unnecessary

The proposed bills do nothing to advance efforts to increase English language learning to new immigrant populations and non-English speakers. English is *already* recognized as the primary language of commerce and government in our Commonwealth. All documents are produced first in English. There is no evidence that there is an effort to eliminate English as the primary written and oral language of Pennsylvania. Almost every new immigrant with whom we interact wants to learn English and understands its importance. HIAS PA itself provides English classes to refugees almost immediately after their arrival in the U.S. and works with many adult educators and teachers to increase English language learning in Philadelphia. This interest in learning English was borne out by a study conducted by the Pew Hispanic Center which found, by an overwhelming margin, Latinos believe it is very important to teach English to children of immigrant families. Hispanics hold stronger views about the value of English that

either non-Hispanic whites or blacks.¹ Immigrants and their children learn English today at the same rate as Italians, Germans, and Eastern Europeans who emigrated in the 19th and early 20th centuries. There are not enough English classes to accommodate all the immigrants who want to learn the English language. Nevertheless within 10 years, 75% of immigrants are able to speak English well. 91% of second generation immigrants are fluent or near fluent English speakers. By the third generation, 97% speak English fluently or near fluently.²

While many immigrants and refugees seek to learn English, they face a number of barriers. Many immigrants and refugees work long hours and have little time for classes taught during the day or outside of the work-site. Parents, particularly mothers, lack child care and cannot attend day-time classes because they are watching their children. Funding cuts to adult education have restricted the number and type of English classes offered throughout the state. The attached chart shows the decrease in funding in the past years. Overall, there is absolutely no basis for believing that immigrants have no desire to learn English. On the contrary, the evidence shows just the opposite: there are insufficient affordable English classes to accommodate immigrants' need and desire to learn the language.

The bill is divisive

There is little question that English is, for all intents and purposes, the official language of the Commonwealth. Indeed, as we have explained, immigrants understand the importance of learning English and will go to great lengths to learn the language. But enacting legislation that does little more than declare English as Pennsylvania's statutory language, without devoting the resources necessary to help those who wish and need to learn it (for reasons unrelated to any legislative act), serves no redeeming purpose and ignores our heritage. Certainly, English is a tie that binds us together and its mastery is necessary for success in our society. But there are other, equally important unifying principles. The unifying principle of this Commonwealth and our Country is that we are a nation of immigrants – one that can reconcile love of country and heritage. Generations of new Americans who have learned English and come to love and serve our Country have always been able to maintain their native languages at home. Indeed, the right to speak one's own language and to have another language taught in school was addressed in the Supreme Court case of *Meyer v. Nebraska* which stated, "The Protection of Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue."³

America's greatness has always rested upon our ability to integrate new populations while respecting their cultures and contributions. When non-English speakers are treated as second-class citizens, this delicate balance is upset and often leads to conflict. In Philadelphia, for example, a store owner placed a sign in his window, "This is America, speak English." The message sent by this sign transformed this multi-cultural neighborhood where different nationalities and language groups lived side-by-side into one where ethnic tensions flared. At least 40 states offer the driving test in Spanish; does Pennsylvania want to be where most of the

¹ "Hispanic Attitudes Toward Learning English," Pew Hispanic Center, June, 2006 available at <http://pewhispanic.org/files/factsheets/20.pdf>

² Shirin Hakimzadeh and D'Vera Cohn, "English Usage Among Hispanics in the United States," <http://www.prospect.org/cs/articles?articleId=10487> Pew Hispanic Forum, 12/6/07. <http://pewhispanic.org/reports/report.php?ReportID=82>; Janet Murguia and Cecilia Muñoz, "From Immigrant to Citizen," *The American Prospect* 10/23/05; <http://www.immigrationforum.org/images/uploads/MythsandFacts.pdf>

³ *Meyer v. Nebraska*, 262 U.S. 390 (1923)

nation is, or will we travel backwards in time, encouraging immigrants to move out of our state to friendlier states nearby?

The bills are vague and will confuse government and other employees

HB 1506 allows for exceptions where the “Federal law imposes contrary provisions” or “public safety, health or justice;” “instruction of foreign language courses,” and the “promotion of international commerce or tourism.” These exceptions are vague and can lead to confusion. Does providing the driver’s license test in another language amount to a public safety exception? Pennsylvania permits the used of trained interpreters for the written portion of the driving test. Do these bills mean this accommodation will be eliminated? What about the employee in the local property tax office that speaks Spanish and tries to assist another Spanish speaker with understanding their tax bill? Will this employee be prohibited from doing so?

Many of those in the non-profit sector are bound by Title VI of the Civil Rights Act of 1964 as mandated by Presidential Executive Order 13166 to provide language accessible services if we receive federal funding. The bills under consideration will require every employer and employee to make a determination as to whether a particular form or conversation is an exception to Pennsylvania’s English Only requirement because federal law imposes a contrary provision.

The bill will lead to costly litigation

Because the bills are so vague, there will be many unresolved issues related to whether the provision of language-accessible documents or interpretation fit an exception. This is an open invitation for costly litigation. At a time of budget shortfalls, the prospect of hundreds of law suits to enforce English as the official language is a wasteful use of scare resources.

By way of example, the Arizona Supreme Court found a state Official English law unconstitutional, in violation of the both the First Amendment and the 14th Amendment’s Equal Protection Clause because it curtailed limited English speakers from participating in the political process. The Arizona Supreme Court concluded, “the goal to promote English as the common language does not require a general prohibition on non-English usage.”⁴ Similarly, the Oklahoma Supreme Court, in reviewing a petition that would have made English the official language of Oklahoma, found that the petition was “fraught with infirmities,” and could not withstand a “constitutional attack.” The Court went on to instruct that “the petition sought to prevent citizens of limited English proficiency from effectively communicating with government officials and from receiving...vital information about government.” This restriction would “disenfranchise segments of Oklahoma citizens by interfering with their ability to access vital information...and cause self-censorship by inhibiting communications with government officials.”⁵

⁴ *Ruiz v. Hull*, 957 P.2d 984, 1000-1001 (Ariz. 1998).

⁵ *In re Initiative Petition No. 366*, 46 P.3d. 123, 125-128 (Okla. 2002).

Official English erodes Pennsylvania's standing in the global marketplace.

The passage of an Official English bill sends a signal that non-English speakers are not welcome in Pennsylvania. Although there is an exception for promoting international trade and commerce, the exception is undermined by the punitive nature of the bill. The bill says we may produce informational brochures about investing in Pennsylvania, but if you do invest, you may be unable to communicate with or will be held in disdain by government officials with whom you interact for routine financial matters. In other words, the bills, if enacted into law, will convey the notion that "Pennsylvania welcomes your money, but may not welcome you." This double standard will have a negative impact on trade, commerce and cultural exchange.

Global cities like Shanghai and Berlin have multi-lingual signs, especially English, everywhere. These cities understand in modern times, multi-lingualism is not only a welcoming gesture to those who speak other languages, but an economic necessity in the global market place. HB 1506 is a huge step backward from this trend, relegating Pennsylvania to an isolated region out of step with the world.

Promoting English learning should be done through positive programs and support

HIAS Pennsylvania, like all immigrant and refugee assistance organizations, is deeply committed to integrating new Americans into mainstream society through English language learning. Rather than make English the "Official language," we can promote English language learning through adult education, family literacy classes and ESL instruction. Pennsylvania is home to nationally recognized universities and colleges and non-profits. Instead of passing restrictive measures which drive immigrants and citizen non-English speakers out of our state, this Committee can convene a taskforce of academics, ethnic leaders, non-profits, adult educators and other stakeholders to consider ways to expand the learning of English among new populations.

Adult and Family Literacy Funding and Students

