



**Asian Pacific American Bar Association (APABA-PA)
Testimony Regarding HB 1506
House State Government Committee
Public Hearing on September 21, 2015**

The Asian Pacific American Bar Association of Pennsylvania (APABA-PA) submits this testimony in strong opposition to House Bill 1506, which would designate English as the official language of the Commonwealth of Pennsylvania. Because the proposed legislation would deter economic growth and lacks any compelling justification, we urge that the Committee vote against HB 1506.

Immigrants, including Latinos and Asians, account for large and growing shares of the economy and population in Pennsylvania. According to the Selig Center for Economic Growth at the University of Georgia, Asian purchasing power has totaled \$18.5 billion—an increase of 716% since 1990.¹ Similarly, the 2014 purchasing power of Pennsylvania’s Latinos totaled \$17.9 billion—an increase of 746% since 1990. The Americas Society/Council of the Americas reports that the value added by immigration to the price of the average home was \$4,084 in Philadelphia County and \$2,438 in Montgomery County. A study by Robert Fairlie of the University of California, Santa Cruz, determined that from 2006 to 2010, Pennsylvania added 38,799 new immigrant business owners who contributed net business income of \$2.2 billion to the economy (7.6% of all net business income in the Commonwealth).

The members of these immigrant communities fully recognize the need for English fluency to live and work in the United States. HB 1506, however, will undermine the ability of immigrants to participate in civic life and have the detrimental effect of discouraging immigrants – along with the economic power that they hold – from settling in Pennsylvania. The Commonwealth has enjoyed increased economic activity as a benefit of the influx of immigrants during the last decade.

Rather than embrace the immigrant populations and their manifold contributions, the proposed bill and its supporters would declare in no uncertain terms, that the native languages of

¹ American Immigration Council, *New Americans in Pennsylvania*, THE POLITICAL AND ECONOMIC POWER OF IMMIGRANTS, LATINOS, AND ASIANS IN THE KEYSTONE STATE, <http://www.immigrationpolicy.org/just-facts/new-americans-pennsylvania> (last visited, Sept. 18, 2015)

others have no place in the public sphere and that immigrants are simply not welcome here. This is wrong.

Throughout history, Pennsylvania has been home for people from a variety of backgrounds, founded on the principle that an individual's forms of expression and conscience are essential assets to a functional democracy. HB 1506 would undermine the lessons of our history and tell the world that Pennsylvania does not want to engage with the global community and is not open for business.

This proposed bill would affect nearly half a million Pennsylvanians, including thousands of Asian Americans, to detrimental effect. According to the United States Census Bureau's 2009-2013 American Community Survey, 3.9% of Pennsylvanians ages 5 year and over – about 468,000 people – speak English less than “very well,” compared to 8.6% nationally. Of those 468,000 Pennsylvanians, approximately 109,000 speak an Asian or Pacific Island language, and approximately 250,000 are U.S. citizens ages 18 years and over (i.e., eligible voters). Some of the most frequently spoken languages after English include Spanish, Russian, Vietnamese, Tagalog, Korean, and Chinese.

The breadth of HB 1506, which would apply statewide, acts as a blunt instrument to all local government and constrain how they interact with their communities. For example, the Mayor of the City of Philadelphia established the Commission for Asian American Affairs, “recognizing the needs and issues of our increasingly diverse Asian American population.” Routinely, the Commission collects information from Asian American communities in an effort to improve city services to those communities. Members of the Commission would find it impossible to communicate with those communities without using Asian languages.

The Asian American community does not have a single written language that can bridge the language gap across Asian ethnicities. The use of English with certain Asian American communities, especially those who are not as fluent in English, will not capture the nuances that Asian languages will convey.

HB 1506 is also constitutionally suspect. For example, if a court in the Commonwealth refuses to provide translation services to a litigant pursuant to HB 1506, the court's denial would be a violation of due process and impede a person's right to access the courts. Further, HB 1506 may impede a citizen's right to vote if the government fails to provide translated ballots to limited English proficient voters.

Lastly, the eight exceptions in the bill virtually swallow the rule and illustrate the unenforceability of this bill. HB 1506 would force local governments to choose between breaking the law, on one hand, and effectively serving its communities and using all tools necessary to be responsive to the health and welfare of its people, having no guarantee that the “health and safety” exception would be applied.

HB 1506 would handcuff local governments from effectively serving discrete communities and prevent them from using all tools necessary to be responsive to the people. As

a result, local governments will be forced to ignore the people's demand for multi-lingual access, or at a minimum, may not respond properly or promptly to people's needs for multi-lingual access. Law enforcement and district attorney's offices currently utilize multilingual tools to protect victims, interview witnesses, and solve crimes. This bill might have the result where law enforcement and other officials would have to seek a legal opinion each time they respond to a request for service. By preventing law enforcement from effectively communicating with community members, the safety of many Pennsylvania residents and citizens will be jeopardized.

Furthermore, HB 1506 will inevitably conflict with and be pre-empted by federal law. Title VI of the Civil Rights Act of 1964 and Executive Order 13166 mandate language access for individuals of limited English proficiency when those individuals encounter not only federal agencies, but any state or local government agency that uses federal funds.

In short, the Commonwealth will see no gains in passing HB 1506. Rather, HB 1506 will deter economic growth, decrease revenue for the Commonwealth, and create needless confusion among state agencies, local governments, and the communities that they serve. This will deter needed investments in Pennsylvania and, frankly, expose taxpayers to costly litigation upon the passage of HB 1506.

Founded in 1984, APABA-PA serves a wide network of Asian Pacific American attorneys in the Commonwealth and is dedicated to the advancement of its members and the Asian American community. APABA-PA's members consist of attorneys, judges, and law students. Routinely, APABA-PA speaks out on legal issues that affect the Asian American community in Pennsylvania.

We urge you to vote against HB 1506. Thank you for your attention.

Respectfully,

ASIAN PACIFIC AMERICAN BAR
ASSOCIATION OF PENNSYLVANIA

By:



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Pennsylvania seeks to help gamblers by any language necessary

By Liyan Qi
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A bus shelter poster in Oakland read, "If only good luck smiled at me again," but most passersby wouldn't have been able to interpret it; the text was Chinese.

The state Department of Health is running a multilingual, cross-media campaign through early this month to help raise awareness about problem gambling among non-English speakers -- a group that has cultural, educational and sometimes status barriers to obtaining help and treatment.

"We want to make sure that all state residents are aware that resources and treatment are available for all who might have a gambling problem," Yasmin Coleman, the department's marketing director, said via e-mail.

The Chinese advertisement at Forbes Avenue and Bigelow Boulevard was part of a \$1.8 million campaign. About one-third of the campaign budget was spent on reaching Hispanics and Asians, according to the department. In addition to Chinese, Korean and Vietnamese are used to reach Asians.

About 2 percent to 3 percent of the U.S. population has a gambling problem, yet only a small fraction seek treatment services and self-help recovery programs, according to the National Council on Problem Gambling, a Washington, D.C.-based advocacy organization.

The number of minorities who seek help for problem gambling is much smaller, treatment providers said.

Sabrina Heller, a licensed clinical social worker, said she hasn't had any international clients in her Squirrel Hill practice. Not because there aren't any needs, but because multiple barriers hold them back from seeking help, she said.

Some might be afraid they'll get into trouble because of their immigration status, while language barriers could keep others from knowing help is available. Some might come from a culture that doesn't encourage therapy, said Heller, a certified gambling counselor.

"So I don't think it's not a problem," Heller said. "I just don't know it's something that has been looked at," referring to problem gambling among internationals.

For more information

Learn about the state's Compulsive and Problem Gambling Media Campaign by visiting here. The health state department's help-line number is 877-565-2112.

For more information about National Problem Gambling Awareness Week, which begins today, visit here.

About the writer

Contact information for the Pittsburgh Tribune-Review's staff can be found here.

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English Plus Versus English Only

LULAC's activism has extended to the realm of language and cultural rights by holding seminars and public symposiums on language and immigration issues, and has spoken out on printed and electronic medias against the movement to limit, or to eradicate, the use of minority languages.

LULAC has monitored the emergence and growing prominence of the movement to declare "English" the official language in some states. This movement, if unchallenged, will eventually make "English" the official language of the United States of North America. LULAC, has debated this issue on countless occasions, has formed educational and information forums and has created several task forces on language policies.

LULAC feels that cultural and linguistic pluralism is part of the "true glue" that holds our great nation together and has established the "English Plus Concept" as a response to the un-American opposing nature of the "English Only Movement."

Recently, LULAC saw a positive development in its campaign to promote the "English Plus Concept." Through combined efforts of LULAC and Atlanta's mayor, the Honorable Andrew Young, the Atlanta City Council unanimously passed a resolution designating that city "multilingual and multicultural." The resolution stipulates Atlanta "respects the linguistic and cultural differences of its citizens." It was passed as a response to the resolution passed by the Georgia State Legislature designating "English" the official language of the state. This was a great encouragement to LULAC to continue promoting its "English Plus Concept."

This concept celebrates the cultural and linguistic diversification of America and treats this nation's multiethnic and multilingual communities as national resources.

Great number of politicians and community leaders have already endorsed the "English Plus Concept" because it states that although young people of limited English proficiency "need and want to be fluent in English to enter into the mainstream of this nation, they have much to offer from their diversified languages and cultural backgrounds." These national and natural resources must be protected and celebrated.

The "English Plus Concept" promotes the addition of a second language without forfeiting one's mother tongue fosters the suggestion that "additive bilingualism" creates "a language competent society" in which both limited English proficient individuals and native English speakers will be able to develop fluency in a second language while simultaneously developing reading and writing skills in the home language.

Several studies have shown that only four percent of high school graduates in our nation have had at least two of foreign language training, while one hundred percent of limited English speaking students have capabilities in other languages.

History tells us that the United States of North America is a nation of immigrants and many languages. The United States of North America has built on this as a strength and can continue to build if we continue to see diversity as strength. What we share is a common patriotism, a common dream of opportunity in our nation, no matter what our heritage or what generation our family came to this nation. The "English Plus Concept" continues the support and the acknowledgment of our strengths through common dreams and through diversity of backgrounds all focused on the same goals- justice, opportunity, responsibility, and the best of human resources. "English Plus" is one way to acknowledge a very important human resource- individuals with understanding of different languages and cultures in our ever shrinking world.

Attempts to make English official represents the first time that the constitution of the United States of North America has been utilized to intentionally take away the rights of American citizens rather than to extend or strengthen them. Never in our history, except for a brief period of prohibition, has the amendment process been used to revoke basic rights. As the 1984 LULAC testimony on the "English Language Amendment" points out,

"This is not the 13th Amendment ending slavery. This is not the 14th Amendment calling for equal protection laws. This is not the 19th Amendment allowing women the right to vote. Nor is this the Equal Rights Amendment ensuring women fair treatment in society."

If the ongoing efforts to make English the official language of Texas and the United States are successful, English will not be the nation's official language, discrimination will. The "English Only Movement" is merely the latest form of "linguistic racism" in Texas and in the United States. Antagonism and discrimination based on language goes beyond race and has victimized virtually every immigrant.

Both the 19th and the early 20th centuries witnessed legislation which institutionalized discrimination against blacks and other immigrants groups. Paralleling the rise of Jim Crow in the 1980s which denied newly won constitutional rights to Black Americans. "English Only" and nativist groups have spawned efforts to reduce the political clout of new immigrants, eradicate their languages, and keep them from the social economic mainstream since the last century.

Laws were enacted to prevent Chinese from testifying in court, Japanese from owning land, German from being learned in schools, and Hispanic children from attending integrated schools.

It took the Supreme Court in 1923 to strike down laws in over twenty states which made "English official" and prohibited the teaching of other languages in schools. That such "English Only" legislation was reprehensive to the basic laws of our nation was made clear by Justice McReynolds, who wrote for the Court in Meyer vs. Nebraska (1923) U.S. 390,

"The protection of the United States Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue. Perhaps it would be highly advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced by methods which conflict with the constitution- a desirable end cannot be promoted by prohibited means."

Notwithstanding, this long held Constitutional Doctrine, a new "English Only" movement has emerged. "U.S. English," which claims a membership of 170,000, maintains that the public use of foreign languages, especially Spanish, in our country will create "language segregation" and a gradual lost of national unity. Some even suggest that bilingualism, especially Spanish, constitutes a national risk.

At first glance, the idea of an "English (Only) Language Amendment" seems harmless. Why oppose a symbolic amendment to declare by law what we all know anyway, that English is already the language of our country? Why not legally sanction the "glue" that binds us together as a nation? While its supporters depict the "English Only Movement" as a gentle reminder that "English" is the nation's language, and who could disagree with this; nonetheless, elevating it to constitutional status, immediately and undeniably, brings a host of negative consequences and exposes the true and hidden agenda of this movement.

First, an "English (Only) Language Amendment" will not make use of English any more official than it is today. There are already many laws governing the use of English. Most of the 50 states, and almost all of the territories, have English as a legally sanctioned requirement for public and judicial institutions. These laws regulate court and legislative proceedings, official records and legal notices. Most states also require English language examinations before a person may practice a profession. English language and civic requirements still exist for naturalization and citizenship.

Second, amending the Constitution of this great nation, or a State Constitution, is not a matter to be taken lightly and requires serious consideration of its potential consequences. Amendments fundamentally set out to correct institutional or systemic denial of civil rights, and are therefore necessary adjustments to preserve equal opportunity and equality for all citizens. As such, any critical analysis of the "English (Only) Language Amendment" must answer two questions,

Exactly whose rights are being violated because English is not the official language? Who exactly will benefit from passage of such an amendment?

By arguing that the "traditional" status of English is in jeopardy does not justify a Constitutional Amendment to restore "primacy." English speakers still retain full access to equal education and employment opportunity, are entitled to full protection under the law, and may utilize the print or electronic media of their choice. Thus, the conclusion from the availability of such freedoms is that Civil and Constitutional Rights of monolingual English speakers are not violated by lack of an official language. On the contrary, the fundamental question to ask about the "English (Only) Language Amendment" is this,

Whose Constitutional and Civil Rights will be violated if English is declared the official language of the United States?

The answer is,

The language minority individual, who stands to be directly and gravely affected by passage of such an amendment.

In fact, rather than ensuring the participation of language minority persons in the political process, the "English (Only) Language Amendment" would end, or at least severely limit, numerous language assistance programs and services.

The "English Only Movement" would prohibit interpreters in courts and medical institutions. It would eliminate Spanish language radio and television broadcasting and possible 911 emergency operators. Currently, bilingual personnel are available at federally funded community centers, as well as alcohol and drug treatment programs which serve language minority communities. The "English (Only) Language Amendment" would likely affect the availability of the bilingual personnel at these centers, which have recently come under attack by the "English Only" proponents.

Section D of California's "English Only Amendment" encourages widespread attacks on all uses of Spanish and other languages in public and private contexts. Designated the "Personal Right of Action and Jurisdiction of Courts," this section permits anyone living or doing business in California to sue in State Courts to enforce the use of "English Only." Therefore, local governments, hospital districts, state agencies, utility companies, etc., would be subject to lawsuits. Even though courts might reject the "English Only" arguments, the mere ability of an individual to take them to court will deter these entities from properly serving non-English speaking residents in order to avoid legal fees, court costs and litigation.

Limited English proficient persons do not need to be encouraged; they need to be enabled. As Senator Domenici stated before the Senate in September 1985,

English (Only) Language Amendment will not help anyone learn the English language. It will not improve our It will not lead to a cohesive nation. In fact, it will create a more divided nation. This proposed amendment is an insult to all Americans for whom English is not the first language now at this stage of their life and to all those Americans who would like to learn English but who cannot for one reason or another."

Legislating an official language will not produce "better citizens" or make them feel "more American." On the contrary, the effort sends ethnic communities the message that it is un-American to be actively bilingual and that the desire to maintain ties to one's cultural and linguistic heritage is unpatriotic. Paradoxically, the stated objective of the "English Only Movement" to foster unity and nationhood by legislating a common language is having the opposite effect. Entire communities have split ideologically along racial and language lines.

No one, least of all limited English proficient individuals, question that English is already the official language of the nation. Hispanic Americans and other language minority groups have always accepted English as the national language and do not need new federal legislation to inform them of this fact. It would be foolish and cruel to deny that which Hispanics and other ethnic and linguistic minorities in this nation know probably better than anyone: English is the language of the general societal, political, and economic discourse. To get ahead in these areas, one must know English. Yet, knowing English is simply not enough, to suggest that this is the case, as do groups like "English Only," makes the "Official English Movement" as one looking to the 19th century and out of step with America entering the 21st century.

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