

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:05 a.m. on January 31, 1996 in Room 254-E of the Capitol.

Members present were: Senator Oleen, Chair
Senator Tillotson, Vice Chair
Senator Jones, Ranking Minority Member
Senator Gooch
Senator Hensley
Senator Jordan
Senator Papay
Senator Praeger
Senator Ramirez
Senator Vidricksen
Senator Walker

Committee staff present: Mary Galligan, Legislative Research
Mary Torrence, Revisor
Nancy Wolff, Committee Secretary

Conferees appearing before the committee:
David Shlosser, US English
Arthur Solis, State Commander, American GI Forum of Kansas
Franklin Pacey, a farmer from Miltonvale
Rogelio Lasso, a law professor at Washburn Law School
Charles Yunker, State Adjutant of the Kansas American Legion
Ascension Hernandez, League of United Latin American Coalition (LULAC)
Peggy Anderson, Mid-America Teachers of English to Speakers of Other Languages

Senator Praeger made a motion that a committee bill that would place a moratorium on sand dredging until an ongoing study pertaining to a navigational corridor along the Kansas River can be completed. Senator Hensley seconded the motion. The motion carried.

Senator Oleen stated that a request had been made for a bill to be introduced regarding ongoing functions of the Kansas Commission on Veterans Affairs. Senator Jones made a motion that such legislation be introduced as a committee bill and Senator Ramirez seconded the motion. The motion carried.

The Hearing on **SB528** - English declared the common language of the state; use required in open public meetings and open public records was commenced. Senator Oleen stated that testimony would be alternated between the proponents and the opponents until all testimony was completed or until the time elapsed for the meeting.

The first conferee, in support of **SB528**, was David Shlosser, representing US English (Attachment 1). His testimony also incorporated a facts & issues statement, a National Official English Survey prepared by U.S. English and a draft document regarding the cost of providing government services in languages other than English.

Arthur Solis, State Commander, American GI Forum of Kansas, testified in opposition to **SB528**. He presented his opposition to the legislation on both a personal and professional level (Attachment 2 & 3).

Franklin Pacey, a farmer from Miltonvale, Kansas, testified in support of the legislation (Attachment 4). Rogelio Lasso, a law professor at Washburn Law School, testified against **SB528** (Attachment 5) Charles Yunker, State Adjutant of the Kansas American Legion, testified as a proponent to **SB528** (Attachment 6) and Ascension Hernandez, representing the League of United Latin American Coalition (LULAC) testified against **SB528** (Attachment 7).

As the time for the meeting was short, Senator Oleen asked if there were any conferees to testify on the bill that were from out of town and unable to return to testify tomorrow. Peggy Anderson, representing the Mid-America Teachers of English to Speakers of Other Languages, testified in opposition to the bill (Attachment 8).

As time was short, Senator Oleen announced that the hearings on SB528 would be continued at the next meeting scheduled for 2-1-96. She told the conferees that each side of the issue would be given up to 10 minutes total to finish their testimony. At that time, the committee would begin work on SB474 - the Whistleblowers bill.

There being no other business, the meeting was adjourned at 12:05 p.m.

FEDERAL & STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: 1-31-96

NAME	REPRESENTING
Uwe Z-k	AP
Franklin Pacey	
Aurelia Pacey	
LYNN HALL	VFW
Arthur W. Solis	AMERICAN GI Forum
Jesús Torres	Families Together, Inc.
Karlton Cruz	Interpreter for (KCDHH)
Viviano Reveles,	Am. GI Forum
MICHELLE BROWN	ADVISORY COMMITTEE ON HISPANIC AFFAIRS
ANN CARLIN OZEGOVIC	DEPT. OF HUMAN RESOURCES
TROY G. SCROGGINS	CONCERNED CITIZEN
Jessie Wagon	LULAC "
Stacy L. Tomich	KC DHH
Brenda Eddy	Ks Commission for Deaf
Kim Kreicker	Ks STATE Bd of ED
Regyn Anderson	Mid-Am. Teachers of English to Speakers of Other Languages
Whitney Damron	Kansas Bar Association
LINDA McGill	PMA
Carolyn Jeffries	TILRC
Rhoda Ames	TILRC
Ascension Hernandez	(LULAC) League of United Latin American Citizens
Phil De La Torre	self
Julia Francisco	KATE
ELÍAS L. GARCÍA	"BUENA GENTE" COALITION
John Shoemaker	Senate President's Office
DAVID SCHLOSSER	PETE McGUIRE & Assoc.
ROGELIO LASSO	Kansas Advisory Council on Hispanic Affairs
ROBERT SIMMS	U.S. ENGLISH

TESTIMONY PRESENTED

TO THE

SENATE

FEDERAL AND STATE AFFAIRS

COMMITTEE

BY

DAVID SCHLOSSER

OF

PETE MCGILL & ASSOCIATES

ON BEHALF OF

U.S. ENGLISH

ON

SB 528

JANUARY 31, 1996

Attachment
Exhibit 1
Federal and State Affairs
1/31/96

Madam Chairman and members of the Committee:

My name is David Schlosser of Pete McGill and Associates. I appear today on behalf of our client U.S. English in strong support of Senate Bill 528.

Because of your heavy agenda and the limited amount of time we have, I will not attempt to articulate all the reasons SB 528 should be approved, but I would respectfully ask you review the additional information I have shared with you in the packets. We think you will find many compelling, logical arguments that favor English as the official language of Kansas, while opponents will put forth emotional appeals to prevent the passage of good public policy.

The entire essence of SB 528 is contained in Section 1 of the bill -- just two sentences: **"The common language of the State of Kansas is English. The common language is designated as the language of any official public document or record and any official public meeting."**

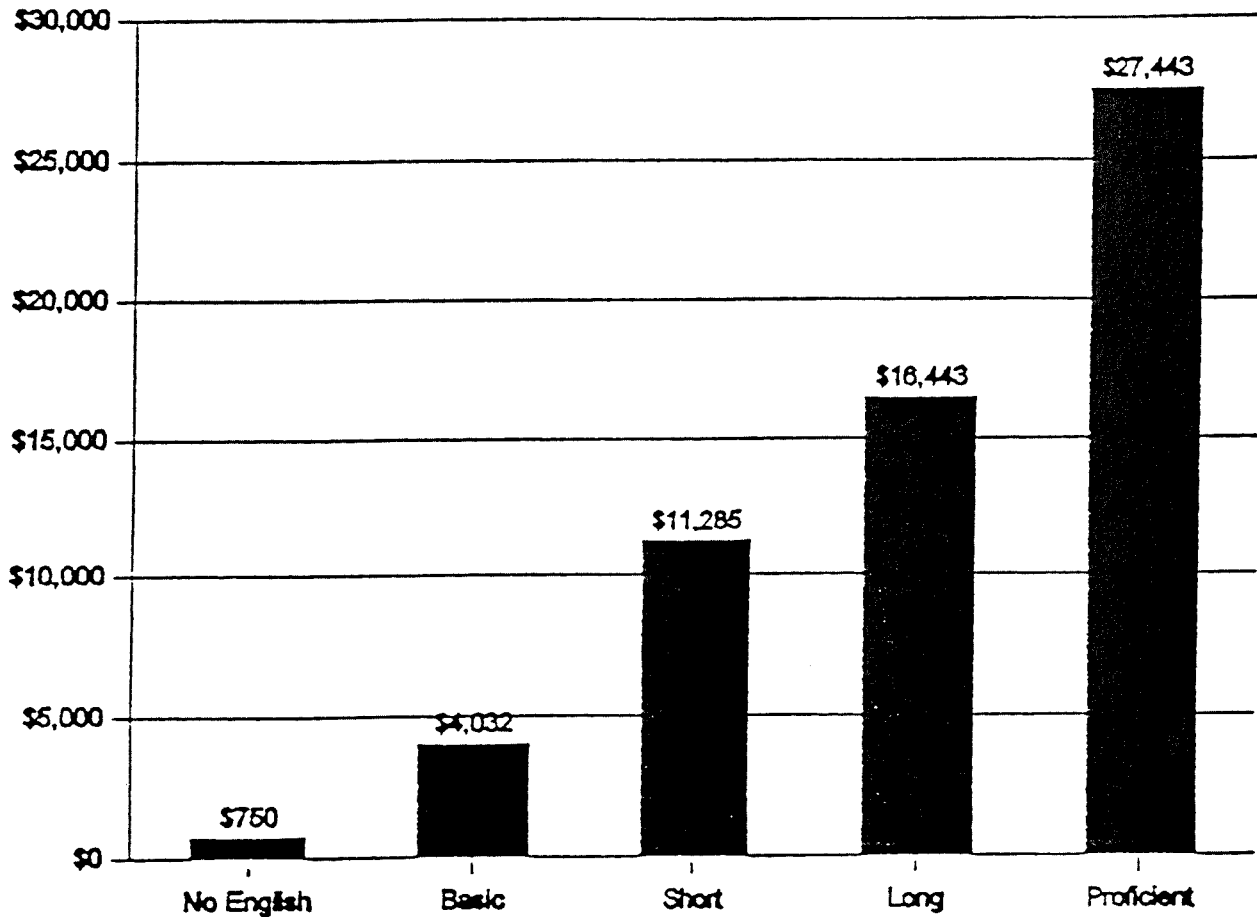
Contrary to comments we heard last year, SB 528 is not a communist conspiracy. It is not racist. It is not discriminatory. It is not intended to be divisive. It merely permits state and local government business to be printed and conducted in English.

English is our nation's single, shared language -- the only language that crosses all ethnic, racial, cultural, nationality, and religious lines -- and the only language that allows every American to share his or her diverse background.

Full political, economic, and social empowerment depends on proficiency in the common language. Lack of proficiency in English condemns our citizens to permanent second-class status behind a language barrier. Just one example strongly suggests the importance of a common language: In April of 1994 the Texas Office of Immigration and Refugee Affairs published the *Texas Refugee Study* of Southeast Asian immigrants in Texas. It proves the remarkable correlation between the ability

to speak English and annual income. The graph in your copies of my comments is taken from the Texas study.

Annual Income and English Proficiency



The results are clear: there is a direct correlation between increased English proficiency and increased earning power by the immigrants. The study was careful to control for other factors such as education, both in the United States and prior to immigration. Going from non-English speaking to English proficiency increased these immigrants' incomes *more than \$20,000 a year*.

Not only is knowledge of a common language essential to sustaining a family economically, it is essential to the democratic processes of government, the full exercise of constitutional freedoms, empowerment of voters, citizen checks against government abuses, and individual independence.

One objection you will hear from the opponents is that this bill, if enacted, would serve as a barrier for non-English speakers to vote. As with many arguments against this legislation, that objection is meant only to distract you with emotional appeals. According to our Secretary of State, though all ballots in Kansas are currently printed in English, Federal laws that would supersede SB 528 require ballots printed in other languages if a certain percentage of the voting population speaks another language.

Another example may indicate the cost of honoring emotions over good public policy. Last year the Internal Revenue Service spent \$113,000 sending out a half-million tax forms printed in Spanish. Only 718 of the 500,000 forms were returned -- making the cost of each returned form \$157. In our own state, communities in Southwest Kansas with large immigrant populations print documents in as many as two dozen languages. We would submit that the resources used for such practices might be used better by city and county officials concerned with education, landfills, clean water, crime, and local taxes. U.S. English legislation such as we are advocating today would prevent such bureaucratic excesses.

The use of the common language as the language of public record in no way infringes upon the rights of citizens to use language of their choice for private conduct -- in their homes, in their businesses, in their churches, or with their families.

And, contrary to what opponents of SB 528 may claim, official English laws do not prohibit participation in our American society. Indeed, it is the *absence* of a recognized common language among diverse people that causes segregation along language lines, as other conferees will tell you about the example of Quebec. *Absence* of a common language is what is divisive, because it places at great disadvantage individuals who are of limited proficiency in English. Opponents of official English will tell you that non-English speakers will learn English because of that disadvantage. However, we advocates of SB 528 suggest that -- in our society of political correctness and litigiousness -- as long as non-English speakers can demand

that public discourse be carried on in whatever language they speak, the need to learn English in America in 1996 is not nearly as important as in preceding generations.

Opponents of this bill may tell you it doesn't protect their various cultural heritages. But we ask you: Should that be an official obligation of the United States government or of Kansas government? It would appear that is the privilege and a responsibility of individuals and families, as it has been for centuries and for generations of American immigrants.

Opponents may contend this legislation sets up barriers for Kansas businesses to export our goods and services -- yet most countries in Latin America, Europe, and Asia have adopted constitutional provisions declaring an official language.

Opponents of Senate Bill 528 may tell you the bill would be unconstitutionally broad, citing the recent decision of the federal court decision regarding Arizona's Official English constitutional amendment [Yuniguez v. Arizonans For Official English, 69 F.3d 920 (9th Cir. 1995)(en banc)]. In that decision, the court found the Arizona provision to be overbroad because, as interpreted by the court, it required the state and its employees to act in English in all situations, with a few enumerated exceptions.

Senate Bill 528 takes a different approach, avoiding the constitutional problem faced by the Arizona law. SB 528 is not overbroad because it applies only to specified types of written material (see Sec.2(a)) and specified public meetings (see Sec. 2(b)). The bill's wording is similar to Official English statutes in several other states, none of which have been found unconstitutional.

Twenty-two states have already approved similar legislation, and you will find supporting information in your packets. South Dakota, New Hampshire and Montana approved official English last year with broad bi-partisan support. Ten other states have such proposals under consideration this year. Nebraska has had

such a law since 1920. Colorado passed it in 1988. Bill Clinton signed such a law in 1987 when he was Governor of Arkansas, and our very own Senator Dole has made official English a cornerstone of his campaign for President. Congressman Roberts, Congresswoman Meyers, and Congressman Tiahrt are all co-sponsors of similar legislation at the Federal level.

We recommend the committee eliminate Section 7 of the bill, since we are confident that the people of Kansas would not use this legislation as an avenue to file frivolous lawsuits that promote racism and discrimination. After all, the state courts have the ability to dismiss any lawsuits that lack merit.

We also recommend favorable consideration of this bill. This type of legislation is supported overwhelmingly by the majority of Americans, regardless of race or ethnicity. The results of a nationwide survey conducted in August of 1995, by The Luntz Research Companies and included in your packets, showed 86% of Americans said "Yes" when asked if English should be made the official language of the United States.

As you see in the graphs from the survey, when the same question was asked of immigrants, whether it be first generation or fourth, over 80% supported English as the official language.

And it is with these facts in mind, Madam Chairman and members of the committee we ask for your favorable recommendation for Senate Bill 528.



215 North Normandy
Olathe Kansas 66061

WRITTEN TESTIMONY OF THE
AMERICAN GI FORUM OF KANSAS

PRESENTED BEFORE THE
SENATE COMMITTEE ON FEDERAL & STATE AFFAIRS

SENATE BILL NO. 528
JANUARY 31, 1996

Thank you for the opportunity to present testimony of the **American GI Forum of Kansas** in opposition to Senate Bill No. 528, "AN ACT designating English as the common language and requiring its use as the language of public record and public meetings."

I am Arthur Solis, the State Commander of the **American GI Forum of Kansas**. I am a native-born Kansan of Mexican ancestry. I was born and raised in Chase County -- the Heart of the Flint Hills. I graduated from Kansas Newman College in Wichita and the University of Kansas School of Law.

The **American GI Forum of Kansas**, a veterans family organization, is the oldest and largest membership-based Hispanic organization in Kansas. The American GI Forum has chapters in Dodge City, Garden City, Hutchinson, Kansas City, Topeka, Ulysses, and Wichita.

The American GI Forum of Kansas opposes Senate Bill No. 528. The American GI Forum recognizes the importance of promoting democracy and national unity. Indeed, Hispanic Americans have shed their blood and died for democracy. Hispanics have a long, proud and distinguished tradition of service in our Armed Forces.

We are Freedom's heroes and American patriots. Each of us has answered America's call -- whether it was to fight for the freedom of all Americans, or to defend the peace in which Americans have prospered for so many years. Each of us know what it means to wear the uniform of our country, to put our country first and to be willing to bear any sacrifice to keep her free.

*Attachment Exhibit 2
Federal and State Affairs*

1/31/96

Hispanic veterans have been awarded more *Medals of Honor* -- America's highest military decoration for valor — per capita than any other ethnic group represented in the veteran population. In Vietnam, of 239 Medals of Honor awarded, 13 were to Hispanic soldiers (5.4 percent). Our numbers are also conspicuous in the ranks of those who have received other decorations for valor and distinguished service.

Such willing and stalwart service by Hispanic American veterans has not been without a price. Hispanic veterans have been consistently overrepresented as a percentage of wartime casualties. Department of Defense data shows that 170,000 Hispanics served in Vietnam; 3,070 Hispanic soldiers (*5.2 percent of total casualties*) died there. In comparison, non-Hispanic combat Vietnam veterans had a **1.8 percent casualty rate**.

The Honorable *Gil Coronado*, then Deputy Assistant Secretary for Legislative Affairs, Department of Veterans Affairs, now Director of the Selective Service System, in his Keynote Address at the Veterans Banquet at the 1994 National Convention of The American GI Forum of the United States eloquently said:

Hispanics have fought proudly and bravely and have been at the vanguard of every conflict in which this nation has engaged. We are always the first in -- and the last to leave.

At the *very start* of Operation Desert Storm, the Hispanic community lost Marine Captain Manuel Rivera when his helicopter was shot down behind enemy line in Iraq.

And at *the very end*, we lost 20-year old Army specialist Andy Alaniz, from Corpus Christi, whose tank ran over a land mine on the last day of the war. Andy was married in June, 1990, and his first child was born in May 1991 -- a child Andy never got to see.

The Honorable *Gil Coronado* also said,

You may recall Major Fernando Ribas of Puerto Rico, one of the two Air Force officers who died during the April 15, 1986 raid over Libya. Fernando's mother, Teresa, exemplified the Hispanic character and patriotism when she told the press that although she had lost a son, she had five more waiting to finish the job.... *That's our quality. Indeed, it is our legacy!*

The American GI Forum of Kansas opposes Senate Bill No. 528. The American GI Forum recognizes the importance of learning to read and write English. We *know* that fluency in English is the best way to empower our community. We *know* that English is the language of commerce, industry and government. Indeed, the American GI Forum organizations are long-time advocates and supporters of literacy and other educational programs. The motto of the American GI Forum is "Education is our Freedom...."

The American GI Forum of Kansas opposes Senate Bill No. 528. The American GI Forum recognizes the importance of encouraging a "*common language*" between citizens. However, there is a fundamental and constitutional difference between promoting the use of English and proscribing non-English languages by coercive means.

The American GI Forum of Kansas opposes Senate Bill No. 528. Senate Bill No. 528 is overbroad. As an illustrative example, Section 3 provides narrow exceptions in limited circumstances under which non-English languages may be used. The American GI Forum of Kansas submits that SB 528 violates the Constitution of the United States as well as federal civil rights laws. See for example, *Yniguez v. Arizonans For Official English*, 69 F.3d 920 (9th Cir. 1995) (en banc).

The American GI Forum of Kansas opposes Senate Bill No. 528. In Kansas, no official public meetings are held in a language other than English. In Kansas, no official public documents or records are compiled, published or recorded in a language other than English.

Today, as in 1995, a Washington, D.C.-based group, U.S. English, seeks to impose on Kansas its xenophobic and discriminatory views. The American GI Forum submits that SB 528 serves as a symbol of cultural and linguistic intolerance. In 1995, the House Committee on Federal and State Affairs took the appropriate action of killing 1995 House Bill No. 2517 in committee.

The American GI Forum of Kansas opposes Senate Bill No. 528. Section 7 provides that any citizen has standing to bring an action against the State of Kansas to enforce the act. The American GI Forum submits that SB 528 creates an invitation for litigation by U.S. English and other misguided and prejudiced individuals.

The American GI Forum of Kansas opposes Senate Bill No. 528. The American GI Forum of Kansas respectfully request that Senate Bill No. 528 be killed in committee.

Written Testimony of Arthur W. Solis
Presented Before the Senate Committee on Federal & State Affairs
Senate Bill No. 528
January 31, 1996

I AM the grandson of Jose and Conception Solis, who were born in Mexico, and who had three sons and one daughter:

Jose Nieves Solis,
Juan "John" Solis,
Juanita Leal, and
Carmel Solis.

I AM the nephew of **Jose Nieves Solis**, an Army veteran of World War II, the European Theater.

I AM the First Cousin of Joe Solis, an Army veteran and a Vietnam Veteran.

I AM the First Cousin of Gilbert Solis, a Navy veteran.

I AM the nephew of **Juan "John" Solis**, an Army veteran of World War II, the European theater.

I AM the First Cousin of John Solis, an Air Force veteran and a Vietnam veteran.

I AM the nephew of Juanita Leal, whose son, my First Cousin, Rick Leal, was a combat infantryman in Vietnam, 4th Infantry Division (Pleiku).

I AM the son of SSG **Carmel R. Solis**, an Army veteran of World War II, 170th Combat Engineers, the Pacific theater — Leyete (Philippines), Okinawa, and Korea.

I AM the brother of **Fred Solis**, a Vietnam Veteran, **two-tours** in Vietnam as Crew Chief & gunner, 155th Aviation Assault Helicopters — the recipient of a Purple Heart, a combat wounded disabled veteran.

I AM the brother of **Carmel T. Solis**, an Air Force Veteran.

I AM the brother of **Orlando Solis**, an Army Veteran, a disabled veteran.

I AM a Vietnam Veteran, 934th Medical Detachment, Ban Me Thout, Dar Lac Province, South Vietnam, 1970-1971. I AM a Mexican American veteran.

I oppose Senate Bill No. 528.

Attachment
Exhibit 3
Federal and State Affairs
1/31/96

Honor and Commemoration:

Carmel Reyes Solís

SSG, U.S. Army
World War II Veteran,
Pacific Theater - Leyte,
Okinawa, Korea
170th Combat Engineers



Frederick C. Solís

U.S. Army - Vietnam Combat
Wounded Veteran, 2 Tours
155th Aviation (Assault Helicopters) Co.

Arthur W. Solís

U.S. Army - Vietnam (In-Country)
Veteran - 934th Medical Det.

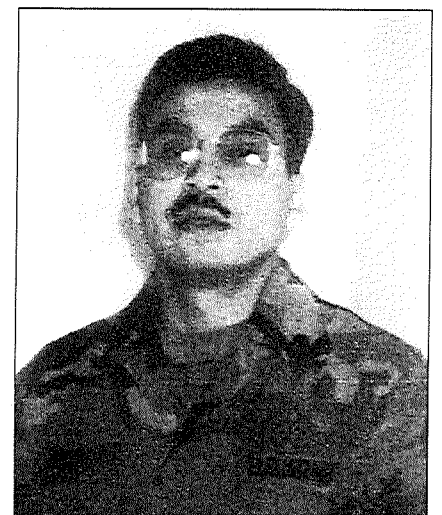


Carmel T. Solís

SSG, U.S. Air Force
18 June '73 - 18 June '79

Orlando J. Solís

Sgt., U.S. Army
03 Aug '81 - 31 Mar '92



- The Family of Carmel R. Solís -

Lupe G. Solís, his widow: and Fred, Arthur, Deborah, Carmel T., Albert, Mary, Andy, and Alex.

Why not English the official language - Kansas and the U

FLAG

National-Old Glory red, white & blue
State-blue background with Kansas seal

BIRD

National-Eagle
State-Meadowlark

Song

National-Star Spangled Banner
State-Home on the Range

CURRENCY

National currency used in Kansas, Upon entering country you
change your money to National currency.

WHY NOT THE UNIVERSAL ENGLISH LANGUAGE AS THE STATE AND NATIONS
OFFICIAL LANGUAGE?

It is an expense, divisionary instead of unity and our ancestors learned
the language. Dad taught school 25 years. Many French speaking families-
but they learned the language of the country.

According to Aug. Readers Digest immigrant parents want their kids
to learn English. * "With 20 million immigrants now living in our country,
it's more important than ever to teach newcomers to think of themselves
as Americans if we hope to remain one people, not simply a conglomeration
of different groups. And one of the most effective ways of forging that
sense of unity is through a common language."

* Quote from August Readers Digest 1995 - One Nation, One Common Language
by Linda Chavez

*Attachment
Exhibit 4
Federal and State Affairs
1/31/96*

TESTIMONY

TO: Distinguished Members of the Committee on Federal and State Affairs of the Kansas Senate.

FROM: Professor Rogelio A. Lasso, Washburn Law School

RE: Senate Bill No. 528: An Act designating English as the common language and requiring its use as the language of public record and public meetings.

DATE: January 31, 1996

I am here today to testify against Senate Bill 528.

S.B. 528 should not be passed for many reasons; I will only address three (1) It will not accomplish its goals (2) It is divisive and racist; and (3) It is illegal.

A. SB 528 Will Not Accomplish its Articulated Goals

In a democratic republic, legislation is passed for two reasons only: To address an issue and to confront a problem.

Legislation designating February 19, as Presidents' day was passed to officially celebrate the presidents who toiled to make this nation of immigrants the greatest nation on earth.

Legislation which makes Burglary a crime was passed to confront the problem of persons entering the property of another to steal or assault.

There is no issue or problem that SB 528 will successfully address or confront.

If this bill is being introduced to save the state money, it will not do so in the long run. First, any short-term "savings" are likely to be minuscule. The cost of printing a few thousand voting or licencing documents in Spanish (or any other language) are insignificant compared to the long-term savings to the State of having Americans who drive safely and participate fully in our democratic proces.

If this bill is being introduced as a symbol of linguistic and national unity, it is not only ineffective, it is an unnecessary governmental intrusion. How can a bill that prohibits government from communicating with some of its citizens be effective to communicate the importance of English to the very people it can't reach.

Moreover, English IS our national language. The government has never needed to tell us what we know. Our forefathers confronted this issue at a time when our nation had deep misgivings about some of its newest aliens; German immigrants. Although some folks then also felt they needed to send a message but our forefathers had the wisdom to refrain from including an English-as-official-language provision in the Constitution.

At a time when voters are demanding less government, SB 528 will thrust government into an arena it is not normally found. Taxpayers (and voters) will not appreciate spending tax dollars on enacting and enforcing unneeded legislation.

And to the extent that this bill is meant to be symbolic, it is a symbol only of the magnitude of the current wave of immigrant bashing.

B. SB 528 is Divisive and Racist

I have been studying race relations and ethnic diversity for the past 12 years. I am also an immigrant. I arrived from Panama almost 30 years ago speaking no English. Immigrants who do not speak English have arrived at our shores for centuries. Italians, Germans, Scandinavians, and Eastern Europeans all understood that to become productive Americans they had to learn English. We, the immigrants today are no different.

So, why (more than 200 years after our nation's founding) is there a feeling that these new immigrants won't learn English unless there is a law curtailing the use of other languages?

Attachment
Exhibit 5
Federal and State Affairs
1/31/96

I saw the answer last week when I gave the welcome address to the latest wave of immigrants seeking to become American citizens. Out of 77 new citizens, only 7 were northern Europeans. The rest came from Vietnam, Mexico, Nigeria, Taiwan, Korea, Iran, Iraq, Jamaica, Nicaragua, India, and even Samoa. These immigrants have one thing in common with their predecessors from Europe, they work very hard to learn English because they know it is the only way to participate in the American Dream. But they are different in one dramatic respect; they are not White. When I became a citizen 24 years ago, there were less than a dozen immigrants from the southern hemisphere.

The fact that most of the new immigrants are not White and come from exotic places has made some of us fearful.

SB 528 is but one symptom of this new fear.

This fear is real but it is unfounded. We want nothing more than to be just like all of you here, successful immigrants. But this fear is also dangerous because it creates an atmosphere of antagonism and divisiveness between older immigrants such as yourselves and newer immigrants like myself.

Immigrants from Germany, Scandinavia, Russia, and Italy all became Americans and Kansans without an English only law.

Why does anyone believe that we, this latest wave of immigrants, cannot be trusted to become Americans like you all did without a law imposing assimilation by statute?

The only difference between us is the color of our skin.

Additionally, SB 528 will have the effect of limiting the political and economic power of non-English speaking persons by delaying their ability to participate fully in some of the most important aspects of being Americans. Whether this is an undesired by-product of this law or a specific goal fueled by fear, the reaction of immigrants will be the same. I have a right to be here. I have a right to pursue the American dream. Please don't try to prevent me from doing so only because I did not arrive here being fluent in English. This bill will result in Americans turning on Americans.

C. As Written, SB 528 is Illegal

1. SB 528 violates the First Amendment

The plain language of Section 5 of SB 528 is, essentially, a blanket prohibition against communication between non-English speaking constituents and governmental agencies during the performance of governmental business. This curtails a form of expression in violation of the First Amendment's protection of free speech.

If SB 528 is passed, it will be challenged and declared invalid in court.

This will, again, result in more, rather than less expense to the voting taxpayers.

D. SB 528 Is Simply a Bad Bill

SB 528 is a singularly bad bill. On the one hand, it does not address a real problem. The few dollars that may be saved by not printing voting and drivers' education materials, will more than be offset by forcing good people to become criminals if they have to drive without a licence and by litigation costs.

On the other hand, it carries a heavy price by offending a group of Americans who want nothing more than to become good citizens. And boy, is this bill offensive! Ask most immigrants whether they believe English should be the common language of Kansas and they'll give you a resounding YES! Ask them, however, if they believe there should be a law that mandates English as the official language of Kansas and they'll respond with a resounding NO!

Please vote NO on this unnecessary and divisive Bill.

528

Resolution No. 47: The English Language Be Declared
the Official United States Language

WHEREAS, The United States has over the many years been a haven and in most cases a new home for people of many ethnic backgrounds; and

WHEREAS, These people although keeping their ethnic background alive, were urged to take advantage of the educational system that taught them the English language and American history; and

WHEREAS, Many of preferred visitors and new citizens, although clinging to their ethnic backgrounds did with pride take advantage of learning the language of the United States; and

WHEREAS, Bilingual programs funded by the Department of Education are designed to teach students with the primary instruction in the student's home language, while English is subjected to a secondary status; and

WHEREAS, These programs tend to encourage separatism, rather than a unification of purpose; and

WHEREAS, There exists alternative bilingual education programs which provide a more efficient transition to proficiency in the English language; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Minneapolis, Minnesota, September 6, 7, 8, 1994, That The American Legion encourage legislation which would establish English as the official national language; and, be it further

RESOLVED, That The American Legion encourage Congress to pass a constitutional amendment to designate English as the official language of government in the United States, and, be it further

RESOLVED, That The American Legion urge Congress to encourage and fund alternative bilingual education programs to serve, as was intended, as a short intermediate step to achieve proficiency in the English language.

Testimony Presented to
The Kansas Senate Federal and State Affairs Committee
In Support of Senate Bill No. 528
Wednesday, January 31, 1996

Thank you for granting me this opportunity to present testimony in favor of SB 528; an act designating English as the common language and requiring its use as the language of public record and public meetings. My name is Charles M. Yunker and I represent The American Legion Department of Kansas, an organization which from its founding in 1919 has always welcomed into its ranks all United States war time veterans, regardless of race, color, creed, gender or heritage.

Since the earliest days of this nation's inception there have existed common threads which have bound our citizens together regardless of our differences. I am of course speaking of life, liberty and the pursuit of happiness, along with the use of a common language that we as a people use to communicate both orally and in written text.

Imagine if you will, how cumbersome the testimony you receive today would be if each of us conversed only in our ancestor's native tongue. Would I present my oral and written testimony to you in German, or should I mix in the French and Russian verbiage which has crept into my family's heritage either through blood relations or place of residence in Europe at any given time?

Ever since our nation became the "melting pot" of all peoples, together with their individual customs, religions, ethnic backgrounds, cultures, etc. it has been imperative to strike a common bond while retaining our diversity. That common bond has been the English language; a bond which provides the same meaning to all when conversing with others outside our own sphere or group.

The English language, rather the Americanized version of it, has influenced almost every aspect of every culture. That is; according to the book "For God, Country and Coca-Cola" virtually every living soul on this planet recognizes the trade names Coke or Coca-Cola, yet translating that company's advertisements and jingles into other languages abroad throughout the company's history has resulted in many humorous and some not so humorous messages while attempting to convey the virtues of the product. Please understand I do not intend to be flip using a soft drink as an example as to how this nation's products, technology and people have influenced cultures throughout the world. I only use it as perhaps one of the more visible and simple examples.

During wars this nation has relied upon a single language, known and understood by all, in order to consistently and precisely communicate with our own armed forces and those of our allies. However when necessary we have used diverse groups such as the Navaho Code Talkers to conceal our intentions from our enemies which I feel provides a sterling example of

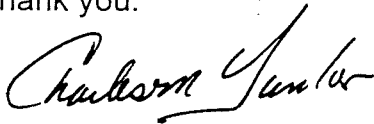
Charles M. Yunker
6
Federal and State Affairs
1/31/96

how Americans bind themselves together while providing for and exalting our cultural differences.

Generations of immigrants and their children have strived to learn our language in order to achieve success. To the best of my knowledge, the English language is still an educational requirement in Japan. Why? Simply because our language has become the world's standard in technical communication.

We only have to look north to our Canadian neighbors in Quebec to see that language barriers do nothing more than promote dissatisfaction and separatism. Therefore in the interest of promoting unity as a people pulling together as a single nation to solve our common problems, not create new ones by throwing up barriers, I urge your passage of Senate Bill 528. Attached to my written testimony is a copy of Resolution No. 47 as approved by my organization's National Convention in September, 1994. Resolution 47 was unanimously supported by the Kansas Delegation to that convention.

Thank you.

A handwritten signature in cursive script that reads "Charles M. Yunker". The signature is written in dark ink and is positioned below the "Thank you." text.

Charles M. Yunker, Adjutant
The American Legion, Department of Kansas

My name is Ascension Hernandez, a member of the Kansas League of United Latin American Citizens (LULAC). LULAC is a civic and civil rights organization organized in Texas in 1927 and in Kansas in 1970. I would like to thank the Committee on Federal and State Affairs for the opportunity to comment on Senate Bill 528.

The first European language spoken in Kansas was Spanish. It was used in 1541 during Coronado's explorations of the Southwest which brought the Spanish speaking people to Stafford County in Central Kansas.

LULAC, is opposed to Senate Bill 528 which designates English as a common language. A rose by any other name is still a rose. Senate Bill 528 appears to be and is English Only legislation, sponsored and spearheaded by the English Only Movement. The provisions under Section 3 bobs and weaves around the constitutional rights of the Spanish speaking people of Kansas. It skirts around the U.S. Constitution, and its Amendments, the U.S. Voting Right Act, the Lau Supreme Court Decision of 1970 and the 1848 Treaty of Guadalupe Hidalgo. It readily accepts the business from NAFTA agreement which involves two foreign languages from Mexico and Canada. International commerce that takes jobs away from Americans.

Senate Bill 528 under Section 3.e allows the government to become restrictive and play God with the authorization for printing of informational materials for non-English readers who are taxpayers.

Section 5 potential allows the continuation of modern slavery in the western Kansas packing plants and ranches. Let's keep these Mexicans uneducated. Let them do the back breaking jobs that others don't want. It is called oppression.

Section 6 is pure fluff when it comes to enforcement in rural Kansas. This legislation in effect becomes race politics 1996 style. The victims for sure are the Kansas citizens of Mexican descent. American citizens that have made a long standing historical contribution to the building of the railroad system, agribusiness, and other smaller industries that required back breaking work and paid cheap wages.

In our current fixation on the 50th anniversary celebration of World War II participation and victories; it should be noted that 161,674 Mexican American soldiers served in the two World War II Theaters. They produced 17 congressional Medal of Honor winners and other medals of valor. Hispanics paid a high price with casualties.

Here in my hometown of Topeka, the Tiburcio Rangel Family sent 4 sons to WWII two did not come back. The two that did return came back with other minority veterans to face discriminatory practices that did not allow them to eat at the Senate Cafeteria on Kansas Avenue; to sit only in the crow's nest (the balcony) at the Jayhawk theater and their children had to attend segregated schools like the Branner Annex. Topeka was a Jim Crow town in the 1940's. Much racial progress has been made since WWII in Kansas, but certain Kansas legislators are trying to turn back the clock and practice "Jaime Crowism" now that they see the Hispanic demographics changing. Irresponsible behavior by a few legislators will cast a shadow on all legislators.

Mexican Americans and monolingual speaking citizens of Kansas are going to be forced to be ever vigilant and politically astute to counter the race card legislation that is very evident in SB 528.

LULAC STRONGLY OPPOSES SB 528 and seeks your support to mark it DEAD ON ARRIVAL.

Thank you, Ascension Hernandez, LULAC State Director, Shawnee, KS

*Attachment Exhibit 7
Federal and State Affairs
1/31/96*

I appreciate the opportunity to speak with today, and I thank you for the work that you do day-to-day on our behalf as Kansans.

America has always been an experiment and a model of the peaceful acculturation of diverse peoples, but allegiance to this principle is certainly being tested in these difficult economic times.

I have several questions that I would like to raise for your thinking:

Have there been exorbitant or unnecessary expenditures put forth by the state thus far to create documents in multiple languages? Has the demand from nonnative speakers been great? How much was spent on providing this kind of multilingual information in 1995? Do we fear a problem that really exists or is there just some nebulous fear of what might happen? In Kansas, is there any threat at all to the status of English? If none of these are the case, then is there really a need for this legislation?

An advocacy coalition of more than 50 educational and civil rights organizations including one with which I am affiliated, MIDTESOL (Mid-America Teachers of English to Speakers of Other Languages) oppose this kind of legislation.

When this kind of legislation has been passed in other states, it has not added anything to the unity and solidarity of the state; but, rather it has led to hurtful feelings among nonnative speakers and sometimes a sense of discrimination.

I worry about why we, as a country, are so afraid of letting our country become bilingual or trilingual in all of its affairs. If we were ever to be so bold as to enter that last frontier of openness to others different from ourselves, it would never threaten the status of English. English has established itself as the global language. Plain and simply, English is greener. It is a very rare individual indeed, in this country or around the world, who does not want to learn English.

I wonder why we don't welcome this opportunity to see the incorporation of other languages as an asset which will strengthen the fabric of our country. Why we don't welcome with open arms this kind of change. Why do we fear it and run from it? I think some people may have the mistaken notion that the presence of different languages promote separatism or threatens our national unity-- whatever that means. The last time I looked, we didn't have a lot of national unity on a lot of issues.

*Attachment
Exhibit 8
Federal and State Affairs
1/31/96*

English has never been the unifying factor in this country. Many of us speak the same language and have little that unifies us in our thinking. During the Civil War, the non-English speaking Germans fought on the side of the forces of the Union. In all of the major battles in and around Kansas there were units in the Union army that spoke only German. I think that we may sometimes forget that what makes an American is a set of core beliefs or an ideology about freedom and justice--not the language they speak.

If we had more experience with other countries where 2, 3 or 4 languages are spoken, we might better understand that it is not the language that causes separation among peoples. It is more often political ideology.

According to Crawford (1992), nonnative speakers in the U.S. are shifting to English even within one generation or, at most, two, an even faster rate than that of earlier generations. But in that 5-7 years that it takes to learn a language, what would we like nonnative speakers to do? What is the message to them in this kind of legislation?

“Don’t come to meetings until you are fully fluent. Don’t participate in the public forums or expect to read announcements or agendas of public meetings. Stay out of the democratic process until the 5-7 years it takes you to learn to speak like us. Then come on in and be one of us--well, maybe not one of us, but come one in. I hope by then you haven’t lost your interest.”

Any legislation that promotes ingroup-outgroup cleavage or prejudice, is at all coercive, or appears to be punitive in some way, seems unacceptable in a democratic society. Is this legislation promoting ingroup-outgroup cleavage?

Perhaps we should ask ourselves if a piece of legislation like this meets the following criteria:

Does it *facilitate* this process of democratization and acculturation for nonnative speakers?

Does it *promote inclusionary measures* rather than exclusionary measures?

If it does this, then so be it. If it doesn’t, do we really need it?

Thank you. Peggy J. Anderson, Ph.D. Wichita State University

Reference

J. Crawford (Ed.) (1992). *Language loyalties: A source book on the official English controversy*. Chicago, IL: University of Chicago Press.