

MINUTES OF THE HOUSE COMMITTEE ON VETERANS, MILITARY AND HOMELAND
SECURITY

The meeting was called to order by Chairman Don Myers at 1:30 P.M. on January 31, 2007 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Art Griggs, Revisor of Statutes Office
Athena Andaya, Kansas Legislative Research
Heather O'Hara, Kansas Legislative Research
Betty Caruthers, Committee Assistant

Conferees appearing before the committee:

Representative Don Myers
Ben Piper, Dir. Of Government Relations for Pro-English
Barbara Gibson, Dept. Of Health & Environment
Sandy Jacquot, League of Kansas Municipalities
Steve Cadue, Chairman, Kickapoo Tribe Kansas
Anna Lambertson
Melinda Lewis, El Centro, Kansas City
Arthur Solis
Rev. Rene Tario, Wichita Hispanic Ministerial Alliance

Others attending:

See attached list.

Chairman Myers opened hearings on **HB 2140 - English official language of the State of Kansas.** He requested the Vice Chair head the Committee as Chairman Myers stepped forth as the first conferee to address the Committee.

Vice-Chair Goico recognized Representative Myers for testimony. (Attachment 1) He stated that this bill is to declare English as the official language of Kansas and to encourage those who are not proficient in the common language of English to move in that direction. Presently 28 states have passed English as official language statutes.

Chairman Myers recognized Revisor, Art Griggs to explain the bill and the exemptions for the Committee.

Chairman Myers recognized Ben Piper who testified as a proponent on the bill. (Attachment 2) He noted that nationwide polls consistently show that the vast majority of Americans support making English the official language as well as a 2006 poll showing 77% of Kansans supporting this. There was a recommendation made that Kansas keep track of money spent for documents being made in languages other than English.

Chairman Myers recognized Barbara Gibson who testified as neutral on the bill. (Attachment 3) The testimony centered around wording and possible misinterpretation within the text of the bill.

A written only testimony was turned in as neutral from Mike Taylor, Unified Government of Wyandotte County, Kansas City. (Attachment 4)

Chairman Myers recognized Sandy Jacquot who testified as an opponent to the bill as currently written but stated that if certain changes which she was recommending were made to the bill she would then be neutral. (Attachment 5) The amendment she presented would "allow cities to publish official public documents in other languages at their discretion, but still require all such publications to be in English."

Chairman Myers recognized Steve Cadue who testified as an opponent on the bill. (Attachment 6) His recommendation was to embrace diversity and learn from each other. He mentioned an "English Plus" approach using a bilingual additive to the Kansas School curriculum. Steve also stated that he feels the

CONTINUATION SHEET

MINUTES OF THE House Committee on Veterans, Military and Homeland Security at 1:30 P.M. on January 31, 2007 in Room 241-N of the Capitol.

language of the bill would be contrary to the Kansas Constitution.

Chairman Myers recognized Anna Lambertson who testified as an opponent on the bill. (Attachment 7) Her testimony related to the need for people to be proficient in languages other than English. She would like to see an amendment to the bill which would reflect a philosophy similar to English Plus which would stress the importance of English as well as promote learning of other languages.

Chairman Myers recognized Melinda Lewis who testified as an opponent on the bill. (Attachment 8) She sees this bill as “unnecessary, ambiguous, unfair, and potentially harmful.

Chairman Myers recognized Arthur Solis who testified as an opponent on the bill. (Attachment 9) His request was for this bill to be killed in Committee.

Chairman Myers recognized Reverend Rene Tario who testified as an opponent on the bill. (Attachment 10) He believes that **HB 2140** “is unconstitutional due to the violation of freedom of speech.” He sees the bill as “irrelevant and unnecessary, unfair and bias.”

Written only testimony was received from two other opponents; Bob Holloran (Attachment 11) and Ricardo Meza. (Attachment 12)

Chairman Myers closed hearings on **HB 2140**.

Chairman Myers adjourned the meeting at 3:15.

Next meeting scheduled for Thursday, February 1, 2007.

DON MYERS
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HOUSE OF
REPRESENTATIVES

**TESTIMONY FOR
HOUSE COMMITTEE ON VETERANS, MILITARY AND HOMELAND SECURITY
HB 2140 - English official language of the State of Kansas
January 31, 2007**

English, the common language of Kansas is also the language of commerce. Some low paying jobs can be performed by non-proficient English speaking persons but even then there must be someone in the area who can interpret instructions.

The inability to communicate adequately is a great barrier to what we would term as a better way to live. Many immigrants would testify to the life change that occurs when they learn to communicate in a common language.

To keep people locked within a language barrier is not only cruel but unjust. To encourage assimilation into a society is not only compassionate but it is the right thing to do.

When you can help others through life that is good. When you hinder others by allowing them to be segregated citizens that is not good.

I am told that there are over 30 different languages that could be used in this state. There are 28 states that have existing official language statutes. Most of them have been passed since 1970. Louisiana passed one in 1811 and Nebraska in 1920.

SI Hayakawa, a former U.S. Legislator from Hawaii, is quoted as saying "English is the key to full participation in the opportunities in the American life."

Alexis de Tocqueville said "the tie of language is perhaps the strongest and most durable that can unite man."

HB 2140 has several exemptions which make it a fair and just piece of Legislation. Revisor Art Griggs will explain the bill.

I understand that there are some suggestions by some of our conferees to make this an even better piece of Legislation.

**Testimony of Mr. Ben Piper, Director of Government Relations,
ProEnglish**

Before the Committee on Veterans, Military and Homeland Security

Hearing on H.B. 2140 to make English the official language of Kansas

January 31, 2007

Thank you, Mr. Chairman, for the opportunity to testify regarding H.B. 2140, legislation that would make English the official language of the state of Kansas.

My name is Ben Piper, and I am the director of government relations for ProEnglish, a non-profit English language advocacy organization based in Arlington, Virginia. ProEnglish was founded in 1994 and our mission is to preserve and enhance the role of English as the common, unifying language of our nation and to make it the official language of all levels of government. I appear here today on behalf of our Kansas members and nearly 50,000 members nationwide from all 50 states.

The English language is one of the strongest and most durable ties that unite us as Americans. The Founders of our nation recognized this fact. This is why the U.S. Constitution is written in English. It is why President George Washington, in 1795, signed a law passed by Congress requiring statutes of the United States to be published solely in English. It is why President James Madison signed the Louisiana Enabling Act in 1811. The Act granted the Louisiana territory statehood, under the condition that the new state agree to conduct its official business in English.

More recently, state and municipal governments from across the country have taken their own initiative to pass laws and ordinances recognizing English as the official language. Today, 28 states – a majority – have passed laws making English the official language of government. Arizona became the 28th state to approve an official English law this past November, when an overwhelming 74% of Arizona voters approved a referendum making English that state's official language. Exit polls showed that nearly half of Hispanic voters supported making English the state's official language.

This is not surprising considering the fact that nationwide polls consistently show that the vast majority of Americans support making English the official language. For example, a June 2006 Rasmussen poll found that 85 percent of Americans support making English the official language. A 2005 poll conducted by the polling firm Zogby International found support for making English the official language was even higher among first- and second-generation immigrants than among native-born U.S. citizens.

By more than a 2-1 margin immigrants themselves say the U.S. should expect new immigrants to learn English, according to a Public Agenda poll of 1,002 foreign-born adults conducted in the fall of 2002.

Most importantly, Mr. Chairman, 77% of Kansans support making English the state's official language, according to a September 2006 poll conducted by Mason-Dixon Polling and Research, Inc.

Mr. Chairman, Kansans have good reasons to support making English the official language of their state.

First, making English the official language of Kansas would reaffirm the great melting pot tradition in the U.S. and allow Kansas to join the majority of U.S. states that have already passed laws recognizing English as the official language.

Throughout our nation's history, we have expected new immigrants to assimilate into our common, American culture. And one of the pillars of the assimilation process has been learning English. This is the American melting pot. Generations of immigrants have traveled great distances to come to our shores and partake of all the opportunities of American life – and have made great sacrifices to learn English, even while, in many cases, raising families and working more than one job. The government played an important role in encouraging the assimilation of these new immigrants by communicating with them in English.

Today, instead of encouraging immigrants to learn English, many government agencies are making it their policy to communicate with non-English speaking persons in their native language. These kinds of policies represent a reversal of the melting pot tradition. H.B. 2140 would end the practice of official multilingualism, while allowing for common sense exceptions for things like promoting trade and tourism. It would reaffirm the melting pot tradition that has helped make the U.S. the most successful multi-ethnic and multi-racial nation on earth.

Second, making English the official language of Kansas would provide a powerful incentive for new immigrants in the state to learn English.

English is the key that unlocks all the full opportunities of American life. Multilingual government does not promote English learning. Instead, it further isolates limited English proficient Kansans by providing a powerful disincentive for them to learn English.

(Over, please)

Census data shows what Kansans know is common sense, that immigrants who speak fluent English earn, on average, incomes more than twice that of their non-English speaking peers. H.B. 2140 is pro-immigrant because it would provide a powerful new incentive for immigrants to learn English and achieve the American Dream.

Finally, making English the official language of Kansas would redirect taxpayer dollars from multilingual government, which as I mentioned only perpetuates the problem of non-fluency, to providing incentives for immigrants to learn English.

According to the 2000 Census, over 40 languages are spoken in the state of Kansas. It would be costly, divisive, and impractical for the state to communicate in all of them. Tax dollars currently used to provide official public documents, including multilingual forms and informational materials in foreign languages, would be much better spent teaching immigrants to learn English.

Mr. Chairman, thank you again for the opportunity to testify before the committee today.

On behalf of our Kansas members, I respectfully urge the Committee to pass H.B. 2140.



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Testimony on House Bill No. 2140

To

House Committee on Veterans, Military and Homeland Security
Presented by Barbara Gibson, MS, Director, Primary Care Section
Kansas Department of Health and Environment

January 31, 2007

Chairperson Myers and members of the Veterans, Military and Homeland Security Committee, my name is Barbara Gibson. I am the Director of the Primary Care Office in the KDHE Office of Local and Rural Health. I am pleased to appear before you today to discuss House Bill 2140 which specifies English as the official state language of Kansas and relates to the use of English by state and local government entities.

As a technical concern, we would point out a potentially confusing reference in Section 1 (b)(1):

20 (1) An official public document or record is any document officially
21 compiled, published or recorded by the state including deeds, publicly
22 probated wills, **records of births, deaths and marriages** and any other
23 document or record required to be kept open for public inspection pur-
24 suant to the open records act.

In our opinion, the wording in this section may be misconstrued to conclude that birth, death, and marriage records filed with the Office of Vital Statistics are open for public inspection, whereas pursuant to K.S.A. 65-2422d(c) (Uniform Vital Statistics Act) and K.S.A. 45-221(1) (Open Records Act), they are not:

K.S.A. 65-2422d(c): "The state registrar shall not permit inspection of the records or issue a certified copy or abstract of a certificate or part thereof unless the state registrar is satisfied the applicant therefore has a direct interest in the matter recorded and the information contained in the record is necessary for the determination of personal or property rights."

K.S.A. 45-221(1): "Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court to restrict or prohibit disclosure."

A misinterpretation of proposed House Bill 2140 may result in government officials and/or the general public making requests to the Office of Vital Statistics for vital records to which they are not entitled, resulting in unnecessary confusion for customers. Therefore, to avoid an incorrect interpretation we recommend striking the words "**records of births, deaths and marriages**" in line 22.

We do have some concern that provisions in the bill might create initial confusion for our grantees, vendors, state or local partners who serve persons whose primary language is not English. We expect that the bill was written with the intent of having KDHE and our partners to be exempt by Section 2. The specific exemptions appear under paragraph (a), which allows oral interpretation to support service delivery; or (b), which allows translated materials required to comply with federal law; or (c) which allows translated materials to protect public health or safety. If the bill is misunderstood as prohibiting certain translated forms, printed materials or other means of language assistance, a great deal of education will be required.

The confusion would occur with Section 3 of this bill which specifies that the state may not place restrictions or requirements on the private sector regarding language usage. The exemption for compliance with federal law or protection of public health may not be clear to all readers, and KDHE does, in fact, set some language usage requirements. KDHE administers federally funded programs and awards grants to other entities that must, in fact, comply with provisions of Title VI of the Civil Rights Act [(42 U.S.C. ' 2000d et seq.) and 45 C.F.R. ' 80.3(b)] regarding the assurance of language assistance to persons with limited English proficiency (LEP). Provisions of the Universal Contract for the Aid to Local Agencies program were added in the last few years to assure that access to programs and services was not limited by the lack of English language skills. These provisions also apply to both our public and private sector partners including indigent health care clinics, community coalitions or faith-based organizations.

I thank you for the opportunity to appear before the Veterans, Military and Homeland Security Committee and will gladly stand for questions the committee may have on this topic.



Testimony

Unified Government Public Relations
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Mike Taylor, Public Relations Director
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Designating English as the Official Language of Kansas

House Bill 2140

Delivered January 31, 2007

Veterans, Military and Homeland Security Committee

The Unified Government of Wyandotte County/Kansas City is not opposed to English being designated as the official language of the State of Kansas, so long as the Legislature does not prohibit or restrict local governments from providing information to citizens in other languages.

Kansas City, Kansas is a community where neighbor reaches out to neighbor and where the community forges partnerships between businesses, schools, churches, police and residents to solve problems. That often means communicating in languages other than English.

Founded by Croatian, Polish and Eastern Europeans immigrants, KCK is also home to a strong African-American community and now has a rapidly growing Hispanic population. KCK is a progressive community which still honors its heritage and embraces its cultural diversity. Communicating in languages other than English is part of that tradition.

A more practical fact is that the community and local government are best served by being able to effectively convey information such as building codes to non-English speaking citizens. For example, many of the Hispanic residents moving into KCK are opening businesses and building productive lives which contribute the commerce of our city. Being able to provide understandable information about codes and rules is extremely important.

The Unified Government supports the amendment being provided by the League of Kansas Municipalities which makes it clear that House Bill 2140 in no way restricts or prohibits local governments from providing information in languages other than English.



League of Kansas Municipalities

To: House Veterans, Military, and Homeland Security Committee

From: Sandy Jacquot, Director of Law/General Counsel

Date: January 31, 2007

Re: Opposition to HB 2140

I want to thank the committee for allowing me to testify today on behalf of the League of Kansas Municipalities in opposition to HB 2140 as it is currently written, establishing English as the official language of the State of Kansas. LKM has no position on the establishment of English as the official language of the state, but we oppose the provisions of the bill that restrict cities from being able to effectively serve all of the individuals living within our communities.

In Section 1(b)(1) of the bill, an official public document, which must be published in the official language, is defined to include any record that is considered an open public record under the Kansas Open Records Act. For cities, this would include the documents "made, maintained or kept by or in the possession of" the city, which are most of the records cities hold. K.S.A. 45-217(f). Specifically, it would include all applications for city services, all legal notices required to allow individuals to participate in the political process (planning and zoning matters, issuance of bonds, benefit districts and special assessments to name just a few), informational brochures, newsletters and many other documents too numerous to mention. This legislation would disallow any of those publications to be in a language other than English. Our communities are best served by a government that is able to disseminate information in the most effective manner possible to reach our constituents.

While it may be an admirable goal to encourage individuals to learn and use English while residing within our state, the inescapable fact is that cities must provide necessary services to all of our inhabitants. That can only be accomplished if cities are allowed the discretion to communicate in whatever language they deem necessary to assure these services are provided. To do otherwise does not further any rational public policy. LKM believes the goal of this legislation, to make English the official language, can be accomplished and still allow cities the discretion to communicate effectively with their constituents, with a slight amendment to the bill. I have attached the amendment to my testimony.

Briefly, the amendment would simply allow cities to publish official public documents in other languages at their discretion, but still require all such publications to also be in English. This would allow for the necessary communication, but preserve English as the official language for documents and meetings. LKM urges the committee to consider the adoption of the proposed amendment. With the addition of the amendatory language, LKM would withdraw its opposition to HB 2140.

HOUSE BILL No. 2140

By Representatives Myers, Beamer, Carlson, Crum, Dahl, Faber,
Grange, M. Holmes, Humerickhouse, Kelsey, Kiegerl, McLeland,
Judy Morrison, Jim Morrison, Peck, Ruff and Schroeder

1-19

AN ACT designating English as the official language of the state of Kansas and concerning its use by state agencies and political or taxing subdivisions.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) English shall be designated as the official language of the state of Kansas.

(b) The official language is designated as the language of any official public document or record and any official public meeting: /

(1) An official public document or record is any document officially compiled, published or recorded by the state including deeds, publicly probated wills, records of births, deaths and marriages and any other document or record required to be kept open for public inspection pursuant to the open records act.

(2) An official public meeting is any meeting required to be open pursuant to K.S.A. 75-4317 et seq., and amendments thereto.

(3) Nothing shall prohibit state agencies or political or taxing subdivisions from publishing any official public document or record in languages other than English at their discretion, so long as the document or record is also published in English.

(c) Except as otherwise provided by law, no state agency or political or taxing subdivision of the state shall be required to provide any documents, information, literature or other written materials in any language other than English.

Sec. 2. A state agency or political or taxing subdivision, or its officers or employees, may use a language other than the English language to:

(a) Provide information orally to individuals in the course of delivering services to the general public;

(b) comply with federal law;

(c) protect the public health or safety;

(d) protect the rights of parties and witnesses in a civil or criminal action in a court or in an administrative proceeding;

(e) provide instruction in foreign and native American language courses;

(f) provide instruction designed to aid students with limited English proficiency so they can make a timely transition to use of the English language in the public schools;

(g) promote international commerce, trade or tourism; and

(h) use terms of art or phrases from languages other than the English language in documents.

Sec. 3. This act shall not be construed in any way to infringe upon the rights of citizens under the constitution of the state of Kansas or the constitution of the United States in the use of language in any private activity. No agency or officer of the state or any political or taxing subdivision

of the state may place any restrictions or requirements regarding language usage in any business operating in the private sector other than official documents, forms, submissions or other communications directed to government agencies and officers, which communications shall be in the common language as recognized in this act.

Sec. 4. This act may not be construed in any way to limit the use of any other language by a tribal government of native Americans located in

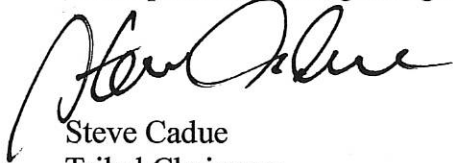
HOUSE BILL 2140

"Kill the Indian and save the man." These are the words of Captain Richard Pratt, founder of the noted Carlisle Indian School. Richard Pratt used this terminology to describe the cultural genocide educational policies of the United States government Indian boarding schools established in the 19th century. Strip the Indians of our culture, our traditions, our religions, our music and the most devastating was to destroy our Native American languages. Strip a human being of these beliefs and you will kill them. Ethnic cleansing of our Indian people was official federal government policy. My parents and their generation were punished and beaten for speaking our Kickapoo language at government boarding schools on the Kickapoo Indian reservation. However, today, we are proudly teaching our language at our K-12 Kickapoo Indian Nation School. This language teaching will give us strength. We will endure.

Passage of HB 2140 English language designation legislation is divisive and will destroy cultures. Such legislation is retrogressive. Such legislation is also exclusionary and it is discrimination. Is it also a goal to achieve the level of speaking perfect English? Perfect diction? Who will judge? Is the thinking also to eliminate the color of people or just to remove them? It is chilling to ponder but someone is I am sure thinking of such legislation. What group of people is next for such legislation? Is it us? Will we only become an "Ad Astra", a statue placed atop a grand building.

I should not speak here without offering my thoughts for solution and language preservation. Let us genuinely embrace diversity and learn from each other. My suggestion would be to employ an "English Plus" approach. A bilingual-additive to the curriculum. From what I can understand such a plan is already being considered. Recently, and I quote: *"Recognizing significance of Chinese language programs to the future prosperity and security of our youth, our nation, and our state, the Kansas Committee for International Education in the Schools (KCIES) has convened a statewide Kansas Task Force on Chinese Language Training. The thirteen-member Task Force will survey the current state of Chinese language training in Kansas schools, colleges, and universities, evaluate future needs and priorities in Chinese language training, and make specific recommendations for high-priority initiatives. The Task Force's report, which will be presented to the Governor, legislators, and educational policymakers will be an important first step in starting a statewide discussion on the need for increased Chinese language capacity throughout the Kansas educational system."* Value-added gives us strength.

Thank you for allowing me to present my testimony and consider carefully the damaging consequences of designating English as the state's official language.



Steve Cadue
Tribal Chairman
Kickapoo Tribe of Kansas

Mr. Chairman and committee members, thank you for convening this hearing. My name is Anna Lambertson. I appear today to express concerns over HB 2140.

As a graduate of the Kansas higher education system, I have been privileged to learn languages other than English, to study overseas and to apply those skills here in Kansas. I have taught English to Limited English Proficient (LEP) individuals and French and Spanish to native English speakers of varying grades and ages. I am proud to note that my alma mater, the University of Kansas, now ranks 8th in the nation in the percentage of students who study abroad and that top-notch universities across Kansas, including the University of Kansas, Kansas State University and Wichita State University, offer coursework and degree programs in French, Spanish, German, to name a few, and in International Studies and Business.

Whether you hail from legal, agricultural, educational or business backgrounds, I doubt that this committee would disagree that cross-cultural and multilingual communication skills are invaluable. Indeed, global literacy is increasingly imperative if Kansas is to secure and maintain the laudable goals of economic and political security.

HB 2140 will not bolster economic growth in Kansas through increased global literacy nor will it further the important goal of improving English proficiency in the public schools. HB 2140 is about language use and it seeks to limit the use of other languages, except when necessary. It provides instances in which languages other than English may be used, including "to provide instruction in foreign or Native American language courses", to help Limited English Proficient students make a "timely transition to the use of English" and to "promote international commerce". HB 2140 fails to recognize, however, that proficiency, if not fluency, in a language other than English may be a necessary element to ensure that those exceptions are effectively implemented. And despite initiatives to close gaps in global literacy, a number of sources indicate that when it comes to foreign language proficiency, Americans are lagging.

- The need for proficiency in foreign languages is, perhaps, no more apparent than among working adults, who conduct our commerce and represent our nation overseas. Yet, when the U.S. Senate proclaimed 2005 the Year of Foreign Language Study, the resolution noted that a scant 9.3% of Americans speak both their language and another language fluently. And according to a 2002 Business Week article, the U.S. Department of Commerce reports that while the vast majority (97%) of U.S. export growth in the '90s owed itself to small to midsize businesses, only 10% of those companies were exporting. Limited knowledge of culture and language was a primary reason for choosing not to export their products. Finally, multiple studies conducted by the Government Accountability Office have found that university graduates entering the foreign, civil or military service, lack the language expertise necessary to competently carry out the duties of their positions.
- Research has found that foreign language courses in the early years prepare students for high school and university-level coursework. Yet, a report by the American Council on the Teaching of Foreign Languages (ACTFL) indicates that only 33.95% of 7-12

grade students in Kansas and less than half (43.83%) of Kansas public high school students, grades 9-12, were enrolled in foreign language courses in 2000. And between 1994 and 2000, foreign language enrollment as a percentage of public secondary school enrollment increased by a mere 3.50% (national growth was 1.06%). These enrollment numbers are insufficient to prepare secondary school students for the rigors of college and professional life. Moreover, foreign language instructors in Kansas public schools would benefit if they themselves were exposed to foreign languages throughout their education, including in middle and high schools.

- While Kansas does not require proficiency in a language other than English to obtain ESL endorsement, organizations such as Teachers of English to Speakers of Other Languages (TESOL) have proposed “guidelines” for ESL teacher certification. Those suggestions include learning another language in addition to English.

Promoting English and expanding the study of foreign languages are not disparate goals. They run parallel. HB 2140 could, if amended, speak to the value of proficiency in foreign languages in order to promote English acquisition among LEP public school students. This bill could promote the learning of foreign languages as a necessary element of international commerce. HB 2140 could even, if amended, promote the notion that by exposing students at an early age to foreign languages, those students are gaining sensibilities towards and respect for other languages and cultures, and are, therefore, less likely to misconstrue the official English language of HB 2140 and to criticize non-English speakers in private life, including speakers of American Indian languages.

Instead, HB 2140 diminishes the importance of learning other languages by assuming that those instances in which other languages may be used are “covered” by staff and teachers who are sufficiently schooled in other languages to bridge the gap. The brief facts and figures offered by this testimony demonstrate the opposite; in reality, we are often falling behind.

I urge you to amend HB 2140 to reflect a philosophy similar to English Plus, which touts the importance of English while it also promotes the learning of other languages.

Again, I thank you for holding this hearing and I thank you for your time.

El Centro, Inc.

The Center for Continuous Family Improvement

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Computer Learning Center**
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January 30, 2007

Chairman Don Myers and Honorable Members of the House Veterans, Military, and
Homeland Security Committee,

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Choo Choo Child Care**
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**Academy for Children,
Donnelly College**
608 North 18th Street
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Casa de Rosina Apartments
851 Barnett
Kansas City, KS 66101

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El Centro, Inc. Argentine
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Thank you for the opportunity to appear today in opposition to HB2140. At El Centro, we take learning English very seriously. We teach English in two locations in the Kansas City area in the morning and evening, four days each week. If we had more money to hire teachers, we would offer additional classes, which would enable us to serve more of the approximately 200 people on waiting lists for our English classes. Our classes are not free—participants pay for books as well as a small fee. I would invite any of you to attend one of our English classes—it is quite inspiring to see people from all over the world, many still in their work uniforms and many back in a classroom for the first time in decades, spending their precious free time struggling with a language that is, by any objective measure, difficult to master. Personally, I have volunteered as an ESL tutor for more than three years. It is from this viewpoint that I oppose HB2140. No one recognizes better than the immigrants we serve how important English is to the commerce and governance of this society. Their interest in the language is far from academic; it is a matter of survival. Kansas should do everything we can as a state to support English acquisition. It helps newcomers get ahead and eases their transition into their adopted home. HB2140, however, and all ‘official English’ policies, do nothing to promote English language learning. Rather than aiding in that laudable goal, HB2140 is unnecessary, ambiguous, unfair, and potentially harmful.

HB2140 is unnecessary because there is no evidence that English is under attack in Kansas. Immigrants today learn English and lose their native languages more rapidly than those at the turn of the last century. Only 4.3% of Kansans age 5 and older in 2005 spoke English less than “very well.” Immigrants, including those in Kansas, consistently state their belief that English proficiency is essential for success in the United States. Indeed, our greatest linguistic threat comes from insufficient supply of multilingual professionals needed to conduct business with trading partners around the world, meet the growing needs of our defense and intelligence industries, and continue the preeminent place of the U.S. in international commerce and politics.

HB2140 is dangerously ambiguous. While the exceptions included in Section 2 would seem to protect Kansas against the worst of the potential consequences of an official English policy, there is great uncertainty as to the circumstances in which languages other than English could be lawfully used by state entities and units of local government. Among the instances open to interpretation: “protect the public health and safety,” “promote international commerce, trade, or tourism,” and “terms of art.” It is this ambiguity that was the undoing of very similar legislation in Alaska, which was ruled unconstitutional in 2002. At worst, Kansas would make itself vulnerable to similar challenges with passage of HB2140. At best, state agencies and localities will waste valuable time and resources trying to determine the instances in which they are permitted to use languages other than English. This confusion is heightened by the apparent conflict between Section 1, where it states that no state agency shall be *required* to provide written materials in languages other than English and Section 2, where only oral communication seems to be permitted.

HB2140 is unfair. Section 1 of HB2140 appears to prohibit interpretation in official public

House Committee on Veterans, Military
and Homeland Security

1/31/07

Attachment 8

meetings (and does not include the same allowance where language accommodations are required by , as for written materials in (c)). This is clearly an unfair barrier to participation in the public sphere both for individuals requiring language accommodations, including those communicating in American Sign Language (ASL), and for public officials, including elected officials fluent in multiple languages, who wish to provide information accordingly. Section 2 (a) seems to state that languages other than English are allowed only for oral provision of information in the course of delivering services, clearly a concern, particularly since information can sometimes best be delivered in writing (as in the case of an immunization outreach campaign, for example), and since ASL is a visual, not an oral, language.

Finally, HB2140 is potentially harmful. While this measure is certainly less dangerous than an outright prohibition of the use of other languages, there is real potential for interference in necessary communication in languages other than English. The very existence of the exceptions in Section 2 illustrates a recognition that it is sometimes imperative in today's 21st Century society to communicate in multiple languages in order to promote international trade, protect the entire community, and best prepare young people for economic success. Given these high stakes, it is risky to enact legislation such as HB2140, when inadequate allowances for language accommodation needs could have significant negative consequences. In addition, the provision of HB2140 allowing individuals to sue if they believe that the state's official English policy has been violated would likely result in frivolous lawsuits, particularly as most people are not likely to know when multilingual information is required by law (and so required to be provided in Kansas) or what exceptions are included (particularly because of the ambiguity of these exceptions mentioned above). Kansas does not need to be wasting resources on defending state agencies against unnecessary lawsuits.

HB2140 is a symbol that says more about our fears and prejudices than it does about those for whom English is a second language. If the Legislature wants to send a clear message about the importance of English to our state's economy and civic discourse, it should invest in programs to ensure that local communities have the resources to facilitate English acquisition. Such an initiative would affirm our commitment to providing a world-class education without unnecessarily interfering in state agencies' and localities' performance of vital communication functions. As public policymakers in the global village of the 21st Century, you have a responsibility to enact policies likely to have the intended effect while minimizing unintentional consequences whose import would, in this case, be far greater.



Melinda Lewis
Director of Policy Advocacy and Research
El Centro, Inc.

Testimony Presented to the
House Veterans, Military and Homeland Security Committee
In Opposition of House Bill No. 2140
AN ACT designating English as the official language of the state of Kansas
Thursday, February 1, 2007

Thank you for granting me this opportunity to present testimony in opposition of HB 2140, an act designating English as the official language of the state of Kansas. My name is **Arthur W. Solis**, a native born Kansan. I am Pentecostal, a Republican since at least 1965, a Vietnam War veteran, and an attorney with extensive experience in the area of civil rights.

In Kansas, no official public document or record are compiled, published or recorded in a language other than English.

In Kansas, no official public meetings are held in a language other than English.

In Kansas, for the most part, publications are printed in a language other than English in order to comply with state law (*see* for example, K.S.A. 65-6710(b) and (c)) or federal law (*see* for example Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency). In a letter dated June 29, 2005, to English First, the current administration affirmed its commitment to enforcing EO 13166 (*see* <http://www.englishfirst.org/13166/13166DOJreply62905.pdf>). For other information relating to Kansas statutes requiring publications or services be provided in a language other than English see the February 7, 1995 memorandum of the Kansas Legislative Research Department, *Non-English Language Publications and Services*.

Sections 2 and 5 of HB 2140 create an invitation for misguided and prejudicial individuals to litigate the actions of public entities seeking to comply with federal statutory and constitutional law, such as the obligations of the state of Kansas and school districts under *Lau v. Nichols*, 414 U.S. (1974) and *Plyler v. Doe*, 457 U.S. 202 (1982). In addition, public and other entities who are recipients of federal financial assistance are contractually and regulatorily obligated under Title VI of the Civil Rights Act of 1964 to not discriminate against individuals on the basis of race, color or national origin. Title VI has been interpreted to prohibit conduct that has a disproportionate effect on limited English proficient persons because such conduct constitutes national-origin discrimination.

In Kansas, as elsewhere, Hispanics know learning English is the best way to economically and politically empower our community. Hispanics recognize the importance of encouraging a “common language” between citizens. In a recent Pew Hispanic Center Fact Sheet, *Hispanic Attitudes Toward Learning English*, it was reported, “Foreign-born Hispanics are even more fervent that English be taught to immigrant children compared with native-born Hispanics (96% to 88%).” “As telling, perhaps, is a look at how many people said teaching English is *not* important. Among Latinos, only 2% held this view compared to 27% of non-Latinos.” *See* <http://pewhispanic.org/files/factsheets/20.pdf>.

Similarly, in a 2004 Zogby International poll, *Hispanic Perspectives*, commissioned by the National Council of La Raza (NCLR), 98% of Hispanics believed it is of high importance for Hispanic children to get a college education and 97% agreed the ability to speak English is important to succeed in the United States. *See* http://www.nclr.org/files/25235_file_NCLR_Zogby_Poll_2004_Report.pdf.

There is, however, a fundamental and constitutional difference between promoting the use of English and proscribing non-English languages by coercive means such as HB 2140.

On August 1, 1996, U.S. Representative Ileana Ros-Lehtinen (R-Florida) spoke in opposition to H.R. 123, Bill Emerson English Language Empowerment Act of 1996. In her comments, Representative Ros-Lehtinen stated:

Some would say that we are indeed a diverse nation, that we must provide for a common heritage through the use of the English language. Our heritage, however, is not so much English itself, but instead that regardless of race, color, creed, and our language preference, we have been given the honor of all being Americans. The fact that we are all members of this great Nation and benefit from its Democratic ideals and liberties is a far more cohesive bond than any language could ever be.

H9723 Congressional Record – House, August 1, 1996.

It is regrettable that once again Kansans must face committee hearings on English-only bills such as HB 2140 and HB 2050. As you know, in 1995, 1996 and 1997, U.S. English, a Washington, D.C.-based group, sought to impose on Kansas its xenophobic views. In 1995, the House Committee on Federal and State Affairs killed 1995 House Bill No. 2517, an English-only bill, in committee. In 1996, the Senate Committee on Federal and State Affairs did not move 1996 Senate Bill No. 528, an English-only bill, out of committee. On March 25, 1997, the Senate leadership passed over 1997 Senate Bill No. 179, an English-only bill, because of a lack of support for the legislation.

Then, as now, I respectfully request an English-only bill be killed in committee.

Thank You,



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Olathe, Kansas 66061
(913) 782-1613
Kansas Bar # 10123

Attachments

1. The state of Iowa experience
2. H9723 Congressional Record – House, August 1, 1996
3. The state of Colorado experience
4. Side bar

The state of Iowa experience:

On January 10, 2007, U.S. Representative Steve King (R-Iowa) and U.S. English filed a lawsuit against Iowa Governor-elect Chet Culver and Secretary of State Michael Mauro for violating Iowa's official English law by placing voting forms on the Secretary of State's website in Spanish, Bosnian, Vietnamese and Laotian.

January 10, 2007 press release, U.S. English:

<http://www.us-english.org/inc/news/preleases/viewRelease.asp?ID=232>

January 10, 2007 press release, U.S. Representative Steve King

http://www.house.gov/apps/list/press/ia05_king/PRCulverMauroLawsuit011007.html

Iowa law mandates that all official government communications must be in English. According to Chapter 1.18 of the Iowa Code, "the English language is hereby declared to be the official language of the state of Iowa. All official... publications... shall be in the English language."

Iowa Attorney General website:

http://www.state.ia.us/government/ag/latest_news/releases/nov_2006/english_only.html

The plain language of Iowa law (Code Sec. 1.18, the "Iowa English language reaffirmation" section) permits the Secretary of State to provide ballot request forms or other documents in languages in addition to English.

The law states that "Nothing in this section shall be construed to . . . prohibit . . . an officer of state government . . . from communicating . . . in a language other than English, if that member or officer deems it necessary or desirable to do so." (Iowa Code sec. 1.18(5)(a).) We understand the Secretary of State deemed it necessary or desirable to provide voter materials in languages in addition to English. For example, the use of other languages can facilitate citizens exercising the Constitutional right to vote.

Furthermore, the bipartisan Voter Registration Commission rules that took effect in 1995 are consistent with the Secretary of State's decision to include materials in various languages. Their rules state that "any county commissioner may cause production of any approved voter registration form in a language other than English if the commissioner determines that such a form would be of value . . ."

For all these reasons, we believe the Secretary of State has full authority to provide voter forms in languages in addition to English.

The Iowa English Language Reaffirmation Act of 2001, codified at Iowa Code section 1.18: <http://www.legis.state.ia.us/IACODE/2003/1/18.html>

This is a document of opportunity, a vision of unity and a compassionate measure. It deserves America's strongest support.

□ 1145

Mr. BEILENSEN. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, as a public servant and educator, and a mother, I think it would be a great disservice to our children to make English the official language of the land, not only because of the domestic and international ramifications that it would have, but more so for the future of our children. It is time that as Americans we understand what educators throughout the world already seem to know, that proficiency in many languages ultimately results in increased understanding of others, awareness of other cultures and traditions, and ultimately improvements in our Nation's prosperity and welfare. Today, as a nation, we stand together joined by English as our primary language, and we hold hands as a nation, where our acceptance of diversity has given us greatness.

Chief Supreme Court Justice Earl Warren once said, "We are now at the point where we must decide whether we are to honor the concept of a plural society which gains strength through diversity, or whether we are to have bitter fragmentation that will result in perpetual tension and strife."

As a Cuban-American who immigrated to this country in 1960, I was granted the honor of living here in the United States, a nation where differences, not similarities are the norm and, most of all, a nation where for over 200 years this plural society has been the standard and where speakers of different tongues and persons of diverse cultures, ethnic backgrounds and walks of life have come with one goal: To live, persevere, and succeed in the United States of America, the land of the free and the melting pot of the world.

With the onset of the 104th Congress, there have been proposals made by various of my colleagues that seek to make English the official language of the United States of America and to eliminate bilingual written and oral assistance for language minority voters. Persons who have immigrated in the past, who do so in the present, and who will continue to do so in the future, already understand that in order for them to be able to do well in this great Nation of liberty and freedom, where equality is the law of the land, they must learn English and no law is needed to stress this. Moreover not only do over 97 percent of Americans speak English, but newcomers to our great Nation are learning English faster than ever, thereby making English as the official language a moot point.

There are many benefits to having no official language in a country re-

nowned for our diversity and home to communities where many different languages are heard. Among some of the benefits are those to public health and safety, a better and improved educational system for our children, the continuation of Government access to millions of taxpaying citizens and residents and the creation of a more cohesive American society.

Some would say that we are indeed a diverse nation, that we must provide for a common heritage through the use of the English language. Our heritage, however, is not so much English itself, but instead that regardless of race, color, creed, and our language preference, we have been given the honor of all being Americans.

The fact that we are all members of this great Nation and benefit from its Democratic ideals and liberties is a far more cohesive bond than any language could ever be.

From a more global perspective, it is obvious to all that America today is undoubtedly one of the world's top economic powers. In an everyday more globally interdependent world, where an astonishing four out of five jobs are created through exports, it is necessary that knowledge of other languages be encouraged in order to facilitate our business with the rest of the world and not force others to deal with us strictly in English. Establishing English as our official language would serve to undermine our competitiveness on a global scale.

As a Florida certified teacher and a former owner of a bilingual private school in south Florida, I know this bill will not facilitate the transition for children who have already come to the United States and do not have enough of a grasp of the language to understand challenging subject matters. "English only" legislation would only prove to be a disservice to these children instead of facilitating their learning abilities.

CONGRESSMAN MCDADE ACQUITTED

(By unanimous consent, Mr. SHUSTER was allowed to speak out of order for 1 minute.)

Mr. SHUSTER. Mr. Speaker, it is with a very happy tear in my eye that I announce the wire services are reporting that our colleague, the gentleman from Pennsylvania [Mr. MCDADE] has been acquitted of all charges.

Mr. MURTHA. Mr. Speaker, if the gentleman would yield, let me just add to what the gentleman from Pennsylvania [Mr. SHUSTER] said. JOE MCDADE has been under investigation for 6 years; under indictment for 2 years; he has been hurt emotionally, physically, and they were challenging the rights of the House during all this period of time.

Mr. Speaker, it really is a win for the House. The House sided with him in every appeal, and I think this is a strong message that goes out that the House of Representatives is a separate body. The jury understood that. We represent people.

Mr. Speaker, JOE MCDADE is one of the finest individuals that I have ever served with, and I have served with him for 23 years on two separate committees, and day by day we sat together. And so I am just delighted to see this, and as the dean of the Pennsylvania delegation, I join with the gentleman from Pennsylvania, Mr. SHUSTER, in our commendation and congratulations to JOE MCDADE, who is such a wonderful individual, and to his family who suffered so much during this period of time.

Mr. WELDON of Pennsylvania. Mr. Speaker, if the gentleman would yield, I thank the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Pennsylvania [Mr. MURTHA] for the words that they spoke today. The two of these gentlemen, as the deans of our delegations respectively, Republican and Democrat, have been there for JOE as friends over the past several very difficult years.

Mr. Speaker, I just want to rise and say it is a tribute to this institution that so many Members of the House on a day-to-day basis asked about JOE MCDADE, asked about his health, about his well-being, about his family. And through a very difficult ordeal it was the Members of this institution, people like the gentleman from New York, Mr. RANGEL, who I understand went up and testified as a character witness for JOE MCDADE, that is a real testimony to the character of this institution.

So, Mr. Speaker, I applaud not just his verdict but the fact that all of us did not cut and run when JOE MCDADE had a charge levied against him. All of us who know JOE personally stood by his side through thick and thin, and all of us can share in that joy today, both Republicans and Democrats.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Speaker, I thank the gentleman from Georgia for yielding and before I begin my remarks, let me also join the House in congratulating the gentleman from Pennsylvania [Mr. MCDADE]. I am so delighted his long nightmare is over.

Mr. Speaker, I rise in support of the rule and in support of the underlying bill. For the first 180 years of our Nation, immigrants came to our shores knowing that they had to learn the English language to become part of the American mainstream. They maintained their own cultures, their own traditions, their own religion, their own beliefs, their own parades, their own festivals, but they were bound together by the English language.

Growing up in New York City in the 1940's and 1950's, I witnessed this firsthand. I saw the beautiful American mosaic of all the different cultures and belief, bound together with the glue of a common language. Unfortunately, in the past 45 years we have gotten away from that. We have bilingual education, bilingual voting, bilingual programs one on top of the other, which

The state of Colorado experience:

In July 2006 the Colorado General Assembly approved House Bill 06S-1014, codified as Colo. Rev. Stat. § 24-19.7-102, which required the Attorney General to pursue all available remedies to recover any moneys owing from the federal government for the reimbursement of costs incurred by the state in dealing with illegal immigration, and HB 1023, codified at Colo. Rev. Stat. § 24-76.5-101 to 103, which prohibits spending taxpayer money on illegal immigrants except in cases required by the federal government. The Colorado legislature also passed SB-110, which imposed a minimum \$50,000 civil penalty on any person who forges or creates fraudulent identification documents.

On November 30, 2006, the Colorado Attorney General asked the “legislature to provide his office with adequate funding so he can **begin** enforcing SB-110 (emphasis added)” (see http://www.ago.state.co.us/press_detail.cfm?pressID=819).

On December 29, 2006, the Colorado Attorney General issued a report which essentially stated HB 1014 was not doable (see http://www.ago.state.co.us/press_releases/AGImmigrationRpt.pdf).

On January 25, 2007, regarding Colorado HB 1023, the Denver Post reported:

To figure out whether the law is working, the Joint Budget Committee asked each department to report how much it was spending to enforce the law and how much the department was saving as a result.

The result: Eighteen departments reported adding \$2.03 million in costs while not saving any money. None of the departments could say how many, if any, illegal immigrants were being denied state- funded services.

Colo. immigration law falls short of goal, at http://www.denverpost.com/ci_5081255?source=rss.

See also 2 new laws on illegals may cost taxpayers, Rocky Mountain News, December 12, 2006, http://www.rockymountainnews.com/drmn/government/article/0,2777,DRMN_23906_5207617,00.html

Side Bar:

On May 18, 2006, during its consideration of S. 2611, the Comprehensive Immigration Reform Act, the United States Senate adopted by 58 yeas to 39 nays Senators Ken Salazar (D-Colorado) and Richard Durbin (D-Illinois) Amendment No. 4073, to declare that English is the common and unifying language of the United States, and to preserve and enhance the role of the English language.

Senators Sam Brownback (R-Kansas), and John McCain (R-Arizona) as well as other Republican senators voted "aye." In addition, the congressional record shows that Senator Mel Martinez (R-Florida), who was necessarily absent, if present and voting, would have voted "aye." (Congressional Record – Senate: Pages S4757–61, S4770).

SEC. 161. DECLARATION OF ENGLISH.

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the U.S. Code, the U.S. Constitution, controlling judicial decisions, regulations, and controlling Presidential Executive Orders.

(b) CONFORMING AMENDMENT....

The following arguments are my substantial evidences of why we all should oppose HB2140 in the State of Kansas:

HISTORY

It appears that we do not learn from our recent history; On December 16, 2005 , the HR 4437proposal that was introduced by the Republican legislator James Sensenbrenner and approved by the congress! As a result of this vicious initiative, U.S. A experienced , unprecedented manifestations and rallies from coast to coast. Reminiscent of the civil rights protests and anti-war demonstrations of the 1960s and 1970s, the scope and size of those marches led some experts to hail what they describe as the beginning of a Hispanic civil rights movement!

It is inconceivable the repercussions that followed these marches, one after another restrictive measures state and nationwide; vicious proposals, unjust legislations and so forth, have been the daily bread in this country. No dream Act, no driver's license, no instate tuition in the majority of the states, and the upcoming proposal to repeal Kansas Instate tuition, extra taxes for foreign workers, arrests, deportations, the breaking of honorable families, and the antagonism of many anti-immigrant groups fighting for the denial of citizenship of innocent born children in America but with the "curse" of having as a parents illegal aliens!

What is next? The brilliant idea of some republican legislator in the Bible belt state? What a contradiction of the biblical principles that promotes justice for ALL! EQUAL access in all forms of life! and that includes, the language or languages of a person , community or nation!

HB 2140 IS UNCONSTITUTIONAL DUE TO THE VIOLATION OF FREEDOM OF SPEECH !

HB 2140 "Official English" is another camouflage attempt to silence and to enforce illegitimate limitations to the Hispanic/Latin community in our State. This is a clear violation of the constitutional protections on freedom of speech. Language is a form of communication , if we are not allow Hispanics to communicate also in Spanish , we are violating their right of freedom of speech!

Furthermore, a language is an intrinsic part of a culture full of distinctive values that enable a group of people to make a valuable contribution to the country that has embraced them. Language speaks of identity. If you want to eradicate a language , you will also eradicate their identity , and that it will be quite impossible; unless, you are pursuing a genocide like in Hitler's time with the Jews! It is who they are! You can not eradicate the identity of the British or Germans, or Jews or Indians ; it's who they are! Does the HB 2140 reflect and portray acceptance or rejection to the Hispanic/Latin community?

HB2140 is geared to neutralize, confine, discourage, paralyze and encourage the people to return to their home land! I believe this will not be possible at this time in history for obvious reasons, have you seen the latest statistics of the unprecedented and unbelievable growth of this particular community in the USA?

It just reminds me of the historical King Pharaoh during his reign, remember Exodus 1: 7-12 “ But the Israelites were fruitful and multiplied greatly and **became exceedingly numerous, so that the land was filled with them.** Then a new king, who did not know about Joseph, came to power in Egypt. Look, he said to his people, “the Israelites have become much too numerous for us. Come, we must deal shrewdly with them or they will become even more numerous and....they put slave masters over them to oppress them with forced labor, and they built Pithom and Rameses as store cities for Pharaoh. **But the more they were oppressed, the more they multiplied and spread; so the Egyptians came to dread the Israelites!**

Distinguished members of the Committee, please do not let this happen to us in these modern times in the U.S.A. If we continue oppressing the Immigrant community, they will grow and they will become stronger and stronger and the land will become more divisive!

Proposal such as HB 2140 “Official English” only ignites the passion of patriotism in peoples lives, it is antagonist in nature, the effects can be so detrimental for us as a nation. It will provoke and encourage more massive marches!

HB 2140 IS IRRELEVANT AND UNNECESSARY

For obvious reasons such as: The English language is not under attack. As someone who learned English as a Second Language, I understand the importance of mastering English. It is essential to succeeding in Kansas and U.S.A. Consequently, I support and encourage immigrants to learn English, and the faith community is also trying to help people learn English as well.

Furthermore, HB2140 is not pro-English as much as it is anti-other languages, and that is wrong in principle. Undoubtedly, the intent of HB2140 is to eliminate the Spanish language in order to “protect and preserve the English language”. This is not only an anti-immigrant posture; but more over, it is an ignorant pursuit based on an irrational , and supremacist mindset!

HB2140 IS UNFAIR AND BIAS

This bill will jeopardize the effectiveness of local governments and organizations to communicate effectively with new immigrants during the time while they are learning English proficiently. We have to recognize that English acquisition is a process, and it is not easy to learn English, especially for seniors, people with multiple obstacles and impediments such as lack of health care, lack of proper documentation, lack of resources, lack of education etc.

It appears that HB2140 includes some exceptions that would allow the use of other languages in some instances, however, still sends message of intolerance to people who are working hard to learn English as quickly as they can.

In addition, HB2140 polarized the population with this divisive piece of legislation Produces and encourage the instigation from individuals with discriminatory tendencies towards the Hispanic/Latin community .

HB2140 is inconsistent in nature-Section 1 states that no state agency can be required to provide information in languages other than English, while Section 2 appears to carve out only narrow instances in which agencies may use languages other than English.

Summary:

This writer stresses the importance of learning English to succeed in Kansas. The acknowledgment of the English language as a primary language in a nation that is multicultural and multilingual . The important role of government, churches, social agencies, schools, universities and civilians in general to encourage others to speak the English language. Legislature must enact bills that disburse more funds geared to increase additional resources for instruction, particularly for adults.

The English language is not in danger; therefore there is no need for an Official legislation that will not do anything to advance English acquisition among new immigrants.

We need to come to the realization that we are living in a different times where nations like ours are becoming more and more diverse; in fact, we are becoming a melting pot ! This is the millennium of diversity! This is a rainbow generation! United States of America is a multicultural and a multilingual nation! A nation with many cultures, a nation with many languages!

In fact, the acquisition of other languages , will enhance the possibilities of our nation to negotiate with the international market more successfully. A person who is proficient in more than one language is more prepared and equipped, than the person who just speak one language. We are living in an age that is characterized by pluralism, corporate mindset, multiculturalism and globalization! More than ever before, we need to ensure that our students can compete in the 21st Century global economy and meet the multilingual demands of our government and private sector.

United States of America is not an isolated island in this world! Our pursuit should not be just having "the United States", but the noble pursuit of uniting cultures and languages, so that we can prevail in the midst of chaos! No wonder, the Lord Jesus knew their thoughts and said to them: "Any Kingdom or Nation divided against itself will be ruined, and a house divided against itself will fall. Not would fall, but it will fall! Dr. Luke 11:17. It is a universal and spiritual principle!

This is as clear as having the United states of America without the Natives/Indians, Germans, French, Africans, Latin/Hispanics, Chinese, English/Caucasians, Italians, Portuguese etc. It would not be a United States of America without all of these cultures and languages, because America is a land of Immigrants!

"For the Lord our God is God of gods and lord of lords, the great God, mighty and awesome, who shows no partiality and accepts no bribes. **God defends the cause of the orphan and the widow, and loves the immigrant, giving the immigrant food and clothing.** And we are to love those who are immigrants, for God's people were immigrants in Egypt.(Deuteronomy 10:17-19)

Citizens and Immigrants shall be the same before the Lord (Numbers 15:15)
Do not oppress an immigrant. God's people know how it feels to be immigrants because they were immigrants in Egypt. (Exodus 23:9)

America is known around the world for freedom. People have come from virtually every nation, culture, racial background, economic class, and Religion. How can we claim that we value people when we disdain their language, their inheritance , their predecessors , their culture and their identity!

They know that in America they will have the freedom to pursue opportunities to better their lives. They come because of the deep desire in the human heart to be accepted, to be free, to be tolerated!

"All men are endowed by their creator with certain unalienable rights"
Declaration of Independence , 1776

The unalienable rights of speaking their own language in order to manifest their own identity! Language is about identity, true identity is about freedom of speech! Lets not be found guilty of breaking our own declaration of Independence, 1776! Lets not be slaves of our own prejudice and ignorance! If we do not endorse a nation with many cultures and many languages, we are denying our tradition and our identity! I urge you, honorable members of the Veterans, Military, and Homeland Security Committee to oppose HB2140 because it is contrary to our values as Americans!

The presence of injustice is the absence of peace! Dr. Martin Luther King Jr.

Respectfully yours,

Chaplain Rene Tario, Rev
Executive Advisor/Midwest
Wichita Hispanic Ministerial Alliance
3228 South Oak, Wichita, KS
Zip 67217
316-806-7575
Family4life@cox.net



**Written Testimony on HB 2140
of Robert M. Halloran, City Manager for the City of Garden City
Presented January 31, 2007 to the
House Committee on Veterans, Military and Homeland Security**

CITY COMMISSION

Gary E. Fuller,
Mayor

JAMES R. BEHAN

DAVID CRASE

REYNALDO R. MESA

JUANA "JANIE" PERKINS

Honorable Chairman Myers and Committeepersons:

I'm sure you have heard the phrases "all politics is local" and "communication is key." In our review and consideration of House Bill 2140, these two truisms illustrate the concerns that local government, and more specifically the community of Garden City, has with the HB 2140 as written. In this regard, we support the amendment to HB2140 presented this morning by the League of Kansas Municipalities which preserves designating English as the official language of the State but does not preclude local government from determining the best way to communicate with our citizens critical everyday and emergency information.

ROBERT M. HALLORAN
City Manager

MATTHEW C. ALLEN
Asst. City Manager

MELINDA A. HITZ, CPA
Finance Director

RANDALL D. GRISELL
City Counselor

Public and private agencies alike in Garden City have long accepted our reality: Our customers speak a variety of languages. Limiting your audience to just English in Garden City dramatically reduces the number of people you effectively serve. If you are a business owner in Garden City, refusing to provide oral or written translation, usually translates into closing your doors. Legislation that would prohibit the Community College, School District, City or County from serving those same customers would literally close the doors on the very agencies and institutions whose sole purpose is to serve.

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While the actual numbers are difficult to determine, we do know that we have nearly 3,000 students in the Garden City school district whose primary language is something other than English. We can presume that this equates to at least 1,500 homes where English is not primary. I would suggest that another 500-1000 residential units in Finney County house single persons or married couples with no children who are a critical part of our workforce, but again don't speak English. Added together, this represents a significant portion of our customer base... whether for general government services, utility services, health and human services, or quality of life amenities. This afternoon, I spent one hour walking through City Hall collecting information our organization distributes, some of which has been created by us and other material created by State and Federal agencies. I collected over 50 forms, brochures and other useful materials. In visiting with my staff, I discovered that these non-English materials are used extensively, and more so than even the English versions simply because they provide critical information when bilingual personnel are not available.



CITY COMMISSION

Gary E. Fuller,
Mayor

JAMES R. BEHAN

DAVID CRASE

REYNALDO R. MESA

JUANA "JANIE" PERKINS

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For the past two decades, public agencies in our community have been held up as a model for how other communities can serve their entire "diverse" community. This has paid the community dividends for enrichment of our culture, economic opportunity, social awareness and inclusiveness. On behalf of the City of Garden City, we submit this testimony in support of an amended HB 2140 (specifically using the amendment presented by the Kansas League of Municipalities) which does not prevent or limit the ability of local government to provide written or oral communication in additional languages should they deem it necessary. The City of Garden City does not support HB 2140 as originally drafted.

Thank you for your consideration and the opportunity to voice our support for an amendment to HB 2140.

Robert M. Halloran
City Manager, City of Garden City

TESTIMONY ON KANSAS HOUSE BILL 2140

BY

RICARDO MEZA, REGIONAL COUNSEL

FOR

**THE MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATIONAL FUND**

Wednesday, January 31, 2007

Prepared by:

Ricardo Meza

My name is Ricardo Meza and I am Regional Counsel of the Midwestern Office of the Mexican American Legal Defense and Educational Fund (MALDEF). MALDEF is a national civil rights organization dedicated to protecting the civil rights of Latinos in the United States through advocacy, litigation, and other activities. Our office has been working with the Latino community in Chicago and the State of Kansas since 1980.

MALDEF respectfully presents this written testimony to express its opposition to HB 2140 ("Bill"), an Act that designates English as the official language of the State of Kansas. According to the proposed Bill, English shall be designated as the official language of the state of Kansas and shall be the official language of any official public document or record and any official public meeting.

We can all agree that learning English is critical to participating in, contributing to, and succeeding in American society. Yet Official English ordinances do nothing constructive to advance the important goal of English proficiency. Instead, such laws carry with them the potential to jeopardize the health, safety, and well-being of both newly-arrived immigrants and of our communities as a whole when they prevent people from receiving or sharing critical information.

In fact, laws that interfere with or undermine the government's ability to communicate quickly and effectively fuel divisiveness and discrimination, ~~and~~ leave all of us more vulnerable to danger without yielding any discernible benefit.

Official English provisions are founded upon the myth that the primacy of the English language is somehow under threat. In fact, more than 92 percent of our country's population speaks English, and today's immigrant communities are learning English at a rate faster than their predecessors, confirming that the problem this ordinance is purportedly designed to address simply does not exist. In addition, courts have struck down Official English statutes in the past. The Supreme Court in *Meyers v. Nebraska* (26 U.S. 390) held that Official English laws conflict with the United States Constitution and that "[t]he protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on their tongue."

In conclusion, there is no sound basis in public policy for these types of laws. Moreover, the proposed Bill may reduce efficiency within municipal governments and State agencies and may create an environment that invites discrimination against non-English speaking residents whether legal or undocumented.

On behalf of MALDEF, I thank you for the opportunity to provide our testimony on this issue so important to our community.