

Hearing of the Constitution Subcommittee of the House Judiciary Committee
Subject: "H.R. 997, the 'English Language Unity Act of 2011,' to declare
English as the official language of the United States" Chaired by:
Representative Trent Franks (R-AZ) Witnesses: Representative Steve King
(R-IA); Representative Charles Gonzalez, D-TX; Rosalie Pedalino Porter,
Chairman of the ProEnglish National Board of Directors; Florida State
Senator Rene Garcia; Mauro Mujica, Chairman and CEO of U.S. English, Inc.
Location: 2141 Rayburn House Office Building, Washington, D.C. Time:
10:30 a.m. EDT Date: August 2, 2012

Federal News Service

August 2, 2012 Thursday

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Section: PRESS CONFERENCE OR SPEECH

Length: 15534 words

Body

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REPRESENTATIVE TRENT FRANKS: (Sounds gavel.) Pursuant to notice, the Subcommittee on the Constitution meets today to consider H.R.997, the "**English Language** Unity Act of 2011."

Let me first thank subcommittee member Steve King for introducing H.R.997. This legislation currently has 121 bipartisan cosponsors.

A great observer of America, Alexis de Tocqueville, wrote that, quote, "The tie of **language** is perhaps the strongest and most durable that can **unite** mankind. Indeed, only through a common **language** can a **diverse** people come to understand one another and solve problems together.

A common **language** facilitates friendships, commerce and community."

Yet today, more and more Americans do not share a common **language**. And without a common **language**, they cannot share fully in the American community.

In 1900, 85 percent of the immigrant community was fluent in **English**, but 100 years later, that fluency rate dropped to 68 percent despite great advancements in communications technology.

The Census Bureau has predicted that, by 2044, the majority of people residing in the **United** States will speak a **language** other than **English**. When a country has more and more immigrants who don't share a common **language**, more and more members of those non-**English**-speaking communities tend to keep to themselves because they can.

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They interact less with the English-speaking community and form insular communities within communities. As a result, they are exposed to fewer and fewer social, educational and business opportunities, and our whole nation suffers.

H.R. 997 requires that government functions be carried out in English with common-sense exceptions for communications required by concerns related to health and public safety, trade and national security.

Making English the official language, as a good majority of the states have done, would provide encouragement needed to incentivize more immigrants to embrace a common language once again.

English policies are widely popular. According to a May 2010 Rasmussen Report survey, 87 percent of Americans believe English should be our official language. A more recent Harris Interactive poll released in 2012, on July 9th, found that 88 percent of respondents agree that English should be the official language of the United States, including 96 percent of Republicans, 83 percent of Democrats and 89 percent of independents.

The results showed 89 percent of males, 87 percent of females and 83 percent of Hispanics agree that English should be America's official language.

Making English our official language is also widely supported among immigrants. A Zogby poll showed that more than three in four immigrants in the United States favored legislation information English the official language, as did nearly 60 percent of first- generation and 79 percent of second-generation Americans.

As it happens, my own wife is an example of an immigrant who feels this way. She came to this country as a teenager from the Philippines. She speaks the better part of four languages now, but she has said unequivocally that her entire family's commitment to learn English as their primary language remains a primary reason for the family's success in America.

In her native country, the population speaks an estimated 175 languages. How many languages are used in the Philippine election ballot? One. Which language is that? English.

There is reason for this. Having one unifying language that is the most common to all groups is the most efficient way to carry out government functions. So many things do, in fact, get lost in translation, and this is a risky enterprise when dealing with something as basic as the vote.

To take a risk of having numerous slight variations for a ballot initiative risks the integrity of the initiative itself. This is just one of the many examples why a single language is critical.

And I believe the time has come for America to join the other 56 countries who have made English their official language, and I look forward so much to hearing from our witnesses here today.

And I now yield to the ranking member for five minutes.

REPRESENTATIVE JERROLD NADLER (D-NY): Thank you, Mr. Chairman.

(Off mic) -- civil rights of women, persons with disabilities, gay and lesbian Americans and other minorities. Our majority colleagues are now taking their last opportunity to highlight a bill that would place at risk the 24 1/2 million people in the United States who need language assistance from their government in some situations.

H.R. 997 does nothing to help these individuals learn English and to assure that, in the meantime, they are brought into the mainstream of American life.

English is universally acknowledged as the common language of the United States. Government proceedings and publications are always performed or provided in English, though, in some instances, augmented by other languages when necessary for effective communication with the constituents that we serve.

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These additional means of communication do not threaten us as a people or a **nation**. On the contrary, they prove that, beyond our common **language**, what truly unifies us is a shared commitment to the principles upon which this **nation** was founded and flourishes: freedom of speech, equal protection of the laws and representative democracy.

That shared commitment is unquestionably tested at times. Efforts to use the force of law to prohibit the use of **languages** other than **English** are not new, nor is the fact that these restrictions often have been put in place because of anxiety and distrust of new immigrant populations.

In the aftermath of World War I, for example, when anti-German sentiment was running high and large numbers of European, including many German immigrants were coming to this country, some states passed laws prohibiting the teaching of any **language** other than **English** in their schools.

My colleagues on the subcommittee should be familiar with the Supreme Court case which struck that law down, Meyer versus Nebraska, because it's one of the leading cases establishing the fundamental right of parents to guide the upbringing of their children, the subject of a recent subcommittee hearing and the proposed constitutional amendment introduced by our distinguished chairman.

As the Supreme Court admonished in Meyer, the desire to assure that immigrants to this country learn and speak **English**, a claimed purpose both of the law in Meyer and of the bill that we are considering today, quote, "cannot be coerced by methods which conflict with the Constitution. A desirable end cannot be promoted by prohibited means," close quote.

The Alaska Supreme Court cited this passage from Meyer in the Alaskans for a Common **Language** versus Kritz, finding that Alaska's requirement that **English** be used for all government functions and acts violates the First Amendment.

That law, as with H.R. 997, deprived government officials, agents and employees of the ability to communicate with the public. It also prevented individuals from accessing vital information and services from the government, prevented effective communication with the government and infringed on the constitutional right to petition the government for redress of grievances.

As the Alaska Supreme Court noted, if the purpose of the law truly is to promote, preserve and strengthen the use of **English**, then creating and funding programs promoting **English** as a second **language** is a far less restrictive means of achieving that goal.

This is what our Constitution requires, and it is what we, as elected officials, should demand. Laws like H.R. 997 which provide no affirmative support for those with limited **English** proficiency but, as the Alaska Supreme Court put it, quote, "merely create an incentive to learn **English** by making it more difficult for people to interact with their government," close quote, have no place in our constitutional scheme.

These laws also should trouble us because, while proponents claim that their purpose is to **unite** the **nation**, these proposals divide us by sending a clear message is no one is welcome here until and unless they are fluent in **English**. But this cannot possibly be true.

All of us represent multilingual communities. The district I represent is home to people who speak Spanish, Yiddish, Creole, Russian, Arabic, Hebrew, Chinese, Vietnamese, French, Korean, Portuguese, Wolof, Ukrainian, Italian and German, to name just a few.

Our communities work because we have mutual respect for each other, our different religions, traditions, cultures and **languages** as well as shared values and a common belief in the American dream.

Unfortunately, there is reason to suspect that proponents of **English**-only laws are not interested in ensuring inclusion in this American dream but, instead, seek to bar our newest immigrants from its achievement. We need look no further than the experience in Iowa to confirm that this fear is not unfounded.

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Representative King championed legislation in Iowa that is nearly identical to H.R. 997 while a member of state legislature. While campaigning for passage of his law in Iowa, Representative King said the law would not prohibit government usage of other languages. And to illustrate this claim, explained that, quote, "If the storm lake policy chief wanted to post signs in five languages, he would be allowed to do so as long as one of the languages included English," close quote.

Once the law was passed, however, Representative King sued the secretary of state for providing online voter registration forms in other languages in addition to forms provided in English.

H.R. 997 unquestionably poses the same threat to the protections for language minorities in the Voting Rights Act, particularly given Representative King's efforts to remove those protections during our most recent reauthorization of the VRA.

Perhaps, in his testimony, Representative King can clarify exactly how H.R. 997 would impact voting rights and whether his provision granting standing for anyone claiming injury under the law is intended to allow him to sue government officials for their usage of language other than English.

I would also like to hear why Representative King did not include in H.R. 997 a provision from his Iowa bill that allowed, quote, "any language usage required by or necessary to secure the rights guaranteed by the Constitution and laws in the United States of America or the Constitution of the state of Iowa," close quote.

As we consider this bill, let us not forget that we are a nation of immigrants and that this has made us stronger, not weaker. As we will hear from our colleague from Texas, Representative Charlie Gonzalez and from Florida State Senator Rene Garcia, those who are new to America embrace English and learn it as fast and as well as they can. They do so because English is the unquestionable gateway to opportunity but also because it allows them to become part of the fabric of this great nation.

There simply is no legitimate need for official language -- official English or English-only bills like H.R.997. With that, I yield back the balance of my time.

REP. FRANKS: I thank the gentleman, and I now yield to distinguished ranking member of the full committee, Mr. Conyers, for his opening statement.

REPRESENTATIVE JOHN CONYERS (D-MI): Gracias, senor Presidente.

(Delivers testimony in Spanish.)

REP. FRANKS: The gentleman's time is expired and I --

REP. CONYERS: I want to make sure that the court reporter got all that down.

REP. FRANKS: Yeah.

(Laughter.)

REP. FRANKS: I want to thank the gentleman. My wife certainly would have understood his statement. As it happens, I don't. But I would ask the gentleman in the interest of fairness here, and certainly to Mr. Nadler's district, would you repeat that in Yiddish and Vietnamese and French as well?

REP. CONYERS: When is the next hearing, sir? I'd be delighted to accommodate your request.

REP. FRANKS: Nothing would make the point better if we conducted all of our debates in different languages. And I suppose that that makes the case for this bill better than anything else. And I certainly appreciate the gentleman's gesture, but it does indicate why it would be even more confusing in this place than ever if all of us spoke a different language.

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So, with that, I would yield to Mr. Forbes. I understand that you don't have an opening statement, so I guess we'll move forward. So, I will recognize, then, myself for five minutes for questions.

I'm sorry, I'm sorry. I'm quite confused. Again, the point is made once again. So, I'll now turn to our witnesses.

(Pause.)

Here we go. All right. Let me now introduce the witnesses on our first panel. Steve King has represented the 5th District of Iowa since 2002. He's also a member of the Constitution committee. Mr. King is the chief sponsor of H.R.997, the English Unity Act. Charles Gonzalez has represented the 20th District in Texas since 1998. He serves currently on the House committees on energy and commerce and House administration. And I want to thank you both so much for appearing before us today.

Each of the witnesses' witness statements will be entered in the record in its entirety. And I would ask that each witness summarize his or her -- his testimony in five minutes or less. And to help you stay within that time, there's a timing light on your table. When the light switches from green to yellow, you will have one minute to conclude your testimony. When the light turns red, it signals that the witness's five minutes have expired.

And before I recognize the witnesses, it's a tradition of this committee that they be sworn.

(Administers oath.)

Please be seated. And I'll now recognize our first witness for five minutes.

Mr. King, would you turn that microphone on? We're always missing that, sir.

REPRESENTATIVE KING: Thank you, Mr. Chairman. It's been an interesting introduction here with the statements of the members. And I was going to start out with the Tower of Babel discussion but I think I'll pass that. Mr. Conyers, perhaps, has made my point on that for me.

But I would take this back to the narrative when I got interested in official language issues, and that was as I heard the story from my father, who -- my grandmother, Freda Catrina Johanna Harm King, came over from Germany with her family. They were a German-speaking household. And my father grew up in a German-speaking household. He went to school on his first day of kindergarten speaking German. And kindergarten of course is a German word, so he shouldn't have been very shocked at heading off to kindergarten. But it was a whole new experience for him in that classroom that was in English.

And when he came home, he walked into the door of the house and he said hello to his mother in German. And she turned to him and said: Speaking German in this household is for you from now on verboten. I came here to become an American. That means learning and speaking English. And you will go to school and learn English and bring it home and teach it to me.

My father was the last of seven children to actually speak any German. The rest of them learned English. And their family converted over to English because the kids went to school and brought it home and taught it to -- taught it to their mother. Their father was -- did speak English but he was working out quite a lot. And so I got interested in it that way.

I gave a speech on October 10th in 1996 as a candidate for the state senate, and I just happened to mention that I thought English should be the official language of the state of Iowa.

About a 150 people there, it erupted in applause. It surprised me that it went that deep into the nerve center.

A reporter began to attack me for my position which I began to defend. I ended up in the Iowa Senate as the chief sponsor and author of English as the official language of the state of Iowa. It took six years. We wrote the bill, and we refined it.

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But it's important to say English is the official language.

And now, if you look around the world and you think how the city states merged into nation-states, why did they, especially in Western Europe and Eastern Europe? Primarily around the lines of language because language -- a common language is the most powerful unifying force known throughout history, throughout all humanity and all time.

It's stronger than the forces of tribe or race or ethnicity or common experience or common history. It's stronger even than religion. If people can communicate with each other, they're bound together. If they can't communicate, they're bound to separate.

The lesson of the Tower of Babel tells that. I mean, how did God scatter people to the four winds? Because he scrambled their language. And we saw an example of that this morning. As much as we're amused at -- we still stopped listening.

And so we need to bind our country together. When I sit in testimony before the Small Business Committee with the -- George Bush's second in command on Department of Labor, and I asked the question: I understand why you can't hire people to -- and train them to run a punch press or a lathe because they don't understand English, but are you having a second-generation problem there? They said, yes, not only that, a third-generation problem.

We have language enclaves all over this country, and I know that we are going to bring in immigrants. I welcome them. But they expect to arrive in a country that has an official language.

And if you look around the world at the numbers of countries, there are conflicting analyses of that. I did one where I opened up an almanac and I took every country that had a flag. I looked it up, and at this time, the World Book Encyclopedia, every other country had an official language, according to that research. There are a couple, three exceptions out there in the world otherwise.

So have more than one official language. Singapore as English as an official language. It's pretty interesting that other countries saw the wisdom in this and, here in the United States, we haven't been able to get there.

Noah Webster wrote the American English Dictionary for the purpose of uniting the American people. He saw that there were -- and among the colonies where he traveled that there were colloquialisms that were arising and new languages were emerging because people didn't travel and interact with each other enough.

So he wrote the American English Dictionary for the purpose of binding the American people together. Thank God English is the common language in this country. It has bound us together. We need to make it the official language because there are efforts in this country to fracture this and divide it.

Going clear back to 245 B.C., the first emperor of China, whom I pronounce key-shy-wang (ph) and the Chinese always correct me on that pronunciation. He identified that the Chinese were different languages -- at least 300 different dialects all the over the landscape where they are today as one China. He hired scribes to write the Chinese language for the purposes of binding the Chinese people together for, quote, "the next 10,000 years," close quote.

Well, it's worked pretty good for the next 2,500 years. There's no sign of that fracturing that I can see. We're a nation that should be able to look across history, humanity, culture, economics and know that we are blessed to have English as our common language. We need to make it our official language. It is the official language of the maritime industry, the air-traffic controllers and something that I've enjoyed sitting at the roundtable at the EU -- it's the official language of the European Union, although sometimes you hear it with a French accent.

Thank you, Mr. Chairman.

And I yield back.

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REP. FRANKS: And I thank the gentleman, and I now recognize Congressman Gonzalez for five minutes. Thanks for being here, sir.

REPRESENTATIVE CHARLES GONZALEZ (D-TX): Mr. Chairman, Ranking Member Nadler, (Hermano ?) Conyers and members of the subcommittee, I'm grateful for this opportunity to testify before you today.

I have never understood the motivations of those who believe either our country or our language needs to be, quote-unquote, "protected" by a law like H.R. 997.

Let us leave aside for now the questionable use of the word "English" in the bill's title instead of what H.L. Mencken called the American language. Maybe it's because I had such good teachers as a child that I learned the power and majesty of English. And so I have no fear that the language of Shakespeare and Twain needs a federal law to protect it.

Maybe it's because I have known Americans for whom English was not their first language and seen firsthand their burning desire to learn to speak the language in which our Constitution and our laws are written.

The French have a government agency to protect their language because our language so dominates their world, from commerce to culture, that they feel threatened. I've never had such worries about our commerce and our culture.

This bill would certainly change our American culture. For most of our history, this country has welcomed immigrants. They have made us stronger economically and otherwise, and their very desire is to come to this country is a recognition of our national strength.

Now, there have been vocal minorities who did not share our faith in the strength of our American culture. Even Benjamin Franklin, as reported in an essay by Dennis Barron -- and out of this essay I'll quote:

-- considered the Pennsylvania Germans to be a swarthy racial group distinct from the English majority in the colony. In 1751, he complained: Why should the Palatine boors be suffered to swarm into our settlements and, by herding together, establish their language and manners to the exclusion of ours? Why should Pennsylvania, founded by the English, become a colony of aliens who will shortly be so numerous as to Germanize us instead of our Anglifying them and will never adopt our language and customs any more than they can acquire our complexion?

In the mid 19th century, they called themselves the American Party and bragged that they were defending us from the imminent destruction that would be brought by criminal immigrants, Catholics from Ireland and Germany. Most Americans called them Know-Nothings, and their ignorant bigotry is justly condemned.

In the later 19th century, we heard of our imminent demise at the hands of the yellow hoard -- yellow hoard of Chinese immigrants, and it's not yet two months since the House expressed our regret for that lengthy fit of unjustifiable bigotry.

These cries of our imminent demise by assorted alarmists were wrong then, and they're wrong now. Do we really want to return to the mindset of a century ago when a man could testify to Congress about immigrant laborers and say, quote, "These workers don't suffer. They don't even speak English"?

We are a country and a strong country when and because we act as one. When we the people establish justice, ensure domestic tranquility, provide for the common defense and promote the general welfare. We the people speak with accents from Texas and New York. And anyone who has listened to the chairman and ranking member of the Financial Services Committee when they converse might wonder if they were, indeed, speaking the same language.

We speak English and Inuit. We are one because we will it so. The United States is about what we do, not how we describe it. That is why, back in 1787, the Constitution was translated and printed in German so that the non-

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English-speaking minority in Franklins, Pennsylvania, which would become the second state to ratify our Constitution, could fully participate in the ratification debate.

What that means, Mr. Chairman and members of the subcommittee, is that our founding document under and from which we derive all our authority as the Congress is the result of the opinions and votes of men who didn't even speak the language.

While the tradition of printing some public documents in German continued well into the 20th century, it died out because then, as now, everyone living here, especially American citizens, finds life easier if they speak and learn English.

We don't need to go out of our way to punish non-English speakers.

The opportunity to enjoy all of the attributes of this great country is more than enough of an incentive. There's no need for H.R. 997, as is evidenced by the 97 percent of Americans who speak English.

Again, thank you very much, Mr. Chairman and members of the subcommittee.

REP. FRANKS: And I thank the gentleman.

The votes have been called, but we're going to go ahead and try to get started, and we will be returning right after votes.

But I thank you both for your testimony, and I will begin the questioning by recognizing myself for five minutes.

I guess, first, Mr. King, is there anything you heard from the opposing witness that you'd like the opportunity to respond to or clarify?

REP. KING: Well, I know I heard some of the language about the Know-Nothings, and I'm thinking about some of the bias and against the Irish that has all gone on.

But I'm also thinking about third-generation Americans today that don't speak English enough to be trained to work in a factory. It's a disadvantage for them. This is an economic opportunity to encourage people to learn English. And I don't know that there are third-generation Germans in Pennsylvania that didn't get a handle on the English language.

I'd also make the point that this bill does not -- and no one alleged otherwise -- but this bill does not go in and amend out any components of the Voting Rights Act or other provisions that are there in statute. But what it does do -- and I didn't put this into my testimony -- it does address Bill Clinton's Executive Order 13166, not specifically, but the general language, I believe, does nullify President Clinton's executive order, which essentially says we're going to promote multiple languages and utilize that and provide interpreters. This goes the opposite way.

And the Constitution that Mr. Gonzalez talked about interpreted into German, well, it just wouldn't be official. It would be a German version, an unofficial version. The official version would be in English, and that's a common form of communications currency in languages, just like the euro.

REP. FRANKS: Well, Mr. King, your English bill became law in Iowa. What has been your perspective of the impact?

REP. KING: Well, at first there was a defiance of it on the part of the then-secretary of state. And as he was campaigning for governor, Chet Culver, the most recent Democrat governor that we've had, and he as secretary of state printed voter registration documents and absentee ballot requests in multiple languages.

And I sent a letter to him and asked him to withdraw those because it directly violated -- they are official documents, after all -- it directly violated Iowa statute. He did not. I don't recall if he actually answered. Quite often they just

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don't. And so I had to take him to court, and the court enjoined that activity that he was carrying on. He was subsequently elected governor. But the secretary of state has been bound by the law from this point.

That's the only thing. Otherwise there was an intense opposition to it of a very small percentage of people that mounted a very energized effort. And once we just dealt with that argument, it went away. And there hasn't been an issue in Iowa since then, other than the case that I mentioned.

REP. FRANKS: And Mr. King, why do you think over 90 -- why do you think over 90 percent of all nations have designated at least one official language for day-to-day government operations and official communications? Are they discriminating?

REP. KING: Well, that was kind of an interesting piece of it too. The allegations of discrimination, that must be to the rest of the world. They have to have -- they understand that you can't operate in multiple languages.

If you think in terms of -- for me, I spent my life in the contracting business. And if you have a contract, you write that contract. And if it's in English, fine; we agree to that definition. But if you had a contract that was in, say, Chinese and in French, how do we resolve that issue here? That is a private-sector issue, I understand.

But within the government, you need to have a common form. You've got to have something you can go back to and say this is it; this is the official document. And we argue off it. We litigate off it. We debate off it. We provide services off of it.

And so I think it's just simple -- the simplest common sense to understand that this is unifying; it's not dividing. It's not an insult to anyone. In fact, the immigrants that come here expect we have English as the official language because they are primarily, almost exclusively, coming from a nation that has an official language.

REP. FRANKS: Well, Mr. King, would a federal official English law affect how state and local governments operate and implement their own English official laws or affect how they administer and offer multilingual services, such as translating documents or taxpayer-funded interpreters?

REP. KING: Well, I don't have the number on what it actually costs us to be printing in multiple languages as we do. But the interpreters is another cost of this. And I expect we may have some witnesses that will address that as a specific dollar value is concerned. But the responsibility shifts over from what has been given to the government by Bill Clinton's 1366 executive order to the people.

And, you know, up until that, we'd always managed. No matter what we had for different languages, people found a way to do business with government in English, up until such time as Bill Clinton introduced that executive order. So I think that's one of the driving forces on why we need to do this.

The effort on the part of the federal government is to -- with that directive of Clinton's executive order really is to promote multilingualism within government. And that does not bind us together. You know, I've traveled in foreign countries, and in this country too. When you see a foreign language on a sign or multiple languages on a sign, like in an airport, I've tried to train myself to be able to read the foreign language, and you just can't. You don't do that. You revert to the language you're familiar with and you move on.

So the more multiple languages we offer as a government, the less likely people are to learn English, because they will use the language they're comfortable with.

REP. FRANKS: Well, thank you, Mr. King. And I would now yield to Mr. Nadler for questions.

REP. NADLER (?): (Off mic.)

REP. FRANKS: We have six minutes, 33 seconds on the clock. Do you want to --

REP. NADLER (?): (Off mic.)

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REP. FRANKS: I think perhaps he's right. We're going to go ahead and recess the committee, and we will come back right after votes. And I apologize. You know how leadership forgot to check with me this morning. And so we'll return. And we're recessed.

(Recess.)

REP. FRANKS: This hearing will come to order. And we will now resume with questioning, and I will yield to Mr. Conyers for questions for five minutes.

I'm sorry. I'm skipping out of order there. The gentleman will yield to Mr. Nadler for five minutes.

REP. NADLER: Thank you, Mr. Chairman.

Congressman King, you stated an answer to one of Chairman Franks' questions that your bill would not impact the Voting Rights Act. In section 203 of that law specifically requires certain jurisdictions to provide all voting materials that they provide in English also in the -- in the language of a language minority, be that Spanish or German or Yiddish.

This invites -- this includes voter registration forms. You sued in the Iowa -- you sued the Iowa secretary of state with respect to a nearly identical law. So, how can you say that this would not impact the Voting Rights Act? That this would not impact the section 203?

REP. KING: Well, first I'd concede that the gentleman -- the gentleman has made a point that's worthy of discussion here. And when I brought the suit against the secretary of state in the state of Iowa, it was on state law as opposed to federal law. We have the Voting Rights Act contains within it covered districts. Those covered districts, I believe, are a different legal question than they are in the broader component of this. And so, and like a lot of legislation, there may be differing opinions on how this would be resolved if it needed to be resolved. I'm hopeful that we come together on a common language and don't have that --

REP. NADLER: Hold on. The covered jurisdictions of section 5 has nothing to do with this. Section 203 covers the entire country and says that where you have a sufficient foreign-language population as a percentage of the voters, you have to issue all voting materials in English and in some foreign languages.

Would your bill change that?

REP. KING: Well, the Voting Rights Act puts the obligation on the states, and this bill applies and binds the federal government. That is a distinction that is part of this with regard to the Iowa piece. As I -- --

REP. NADLER: Are you saying it wouldn't impact that?

REP. KING: I want to go back and read that section in light of the point that you've raised. And this is Congress --

REP. NADLER: Do you intend -- is your intent not to affect that?

REP. KING: It is my wish one day to affect that. I've done so by bringing an amendment to the Voting Rights Act when it was reauthorized on the floor.

REP. NADLER: Is your intent in this bill to affect that --

REP. KING: It is not my specific intent to target that particular component. I think that's an unresolved disagreement that we may have.

REP. NADLER: Well, would you put a provision in the bill to make it a clear that this doesn't affect that?

REP. KING: I will take a look at the proposal and work with the gentleman from New York if we can come to an agreement.

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REP. NADLER: Okay. Now, your Iowa bill has an exception -- Iowa Code section 1.184(h) for, quote, "any language usage required by or necessary to secure the rights guaranteed by the Constitution of the laws the United States and the constitution of the state of Iowa."

You did not include similar language to provide that exemption in the -- in H.R.997. Is there a specific reason why that language is not included?

REP. KING: In response, I'd look at section 165 and sub 4. And it says in the bill, "Nothing in this chapter shall be construed to be inconsistent with the Constitution of the United States." And I believe we don't need to address the constitution of the state of Iowa in this bill.

REP. NADLER: So it would have the -- so in your interpretation, it would have the same effect as that language? That it wouldn't affect any language usage required by and necessary to secure the rights guaranteed by the Constitution of the state of -- of the United States? It would have the same effect?

REP. KING: Yes, yes, and that's the intent.

REP. NADLER: Okay.

REP. KING: And, really, I think we'd agree in this Constitution subcommittee that it's a bit redundant to even have this language in here that I've addressed to be inconsistent with the Constitution of the United States because we are the Constitution subcommittee and it ought to be constitutional when it comes out of here.

REP. NADLER: Thank you. Chairman Franks asked what impact H.R.997 would have on state laws. Specifically, would this override state laws, particular those state laws that might allow or require the use of languages other than English? Would it restrict state government officials or employees or is this only for federal laws and federal government employees?

REP. KING: It addresses federal functions and activities, not state functions and activities.

REP. NADLER: So if there's -- so if a state law requires usage of foreign languages in certain situations, it wouldn't affect that.

REP. KING: Provided that it's not a federal function, yes. An official federal function.

REP. NADLER: What about state -- well, given the fact that the bill defines the federal government as including state and local governments, I don't know that a court would interpret the law that way.

REP. KING: We have -- we address the official functions of government, the official business of the federal government. If it's an official business of a state government, we're not addressing that. but if there's any function that binds the government as required by law --

REP. NADLER: That's not the question.

REP. KING: (Inaudible.)

REP. NADLER: It's not the question of the official function. I asked about would it affect state laws. And the bill says, "For the purposes of this section, the term 'United States' means the several states and the District of Columbia."

So in other words, as I read the bill, whenever it refers to the United States, you're also referring to the states. So it would bind the states and would -- and not only for federal functions. In other words, it would -- as I read it -- say that the states couldn't use foreign language materials, period. Now, if it's not your intent, which you state it isn't, you might want to clarify that.

REP. KING: (Inaudible) --

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REP. FRANKS: The witness can go ahead and answer the question.

REP. KING: I thank the chairman.

We have -- we have language in the bill that reserves the rights back to the states. It's the Ninth and 10th Amendment that addresses that, I believe, Mr. Nadler. So I think we're comfortable this just addresses only the federal government and doesn't direct the states and their functions.

REP. FRANKS: Thank you. I will now recognize the gentleman from Virginia, Mr. Forbes, for five minutes.

REPRESENTATIVE RANDY FORBES (R-VA): Mr. Chairman, I want to thank you. I want to thank you for holding this hearing. I want to particularly thank Mr. King and Mr. Gonzalez for their willingness to come here and talk about this issue.

I think if we step back a moment, one of the things we realize is overwhelmingly a majority of American people want the concept that is embraced in this bill. And I appreciate us having a dialogue. I appreciate Mr. Gonzalez's thoughts and Mr. King's thoughts because all too often when someone brings a concept like this, we're so quick instead of talking about the issues to try to vilify one another or to try to mock one another.

And as I was listening to the ranking member as he gave his speech, I looked through the audience and I saw a lot of smiles and even thumbs-up in doing that. And I understood that. And the reason I understand it is because when I go to Europe to have NATO meetings and someone comes in and they sing a song in English or they try to speak in English, I want to give them a thumbs-up and I want to smile because I embrace that.

But then what happens is we go into try and meet and we have to put on earphones and we have to have interpreters because some of them are speaking German and some of them are speaking French and some of them are speaking Chinese and some of them are speaking other languages just like the chairman said. And when you step back and look at that, it is so difficult to get any kind of commonality of understanding to move forward.

And when -- Mr. Gonzalez, when you mentioned Mr. King was doing this to protect the English language, I hope you understand he's not doing this to protect the English language. He doesn't think the English language is in threat of being abolished. What it is, is when we sit down as a country, there are folks on this committee who don't believe we should have any commonality of values. They fight to make sure we don't have those commonality of values. They fight on any kind of commonality of faith. Some of them don't even support the Pledge of Allegiance to the flag. When we tried to put it into the Visitor Center, six members -- many of them from this committee -- voted no, don't even put the Pledge of Allegiance in there because that's too disruptive. It brings us together in a way that we shouldn't do.

And what Mr. King's bill tries to do is not protect the English language but to encourage us to have some basic commonality of communication so that we can find common ground to build a nation upon and to move forward with solutions that help this nation. And language is the fundamental aspect of that.

And we would all sit back and we would think how absurd it was if we said we were going to go on the floor in just a few moments for the next bill and debate it and have to put the earphones on and have all those interpreters. But then when we look at doing the same thing in our warehouses or our manufacturing plants, somehow or the other we think the absurdity of that, and it's not absurd at all. I think it's a principle that Mr. King has grasped that it's something we need to encourage and we need to push forward.

And whether it's this bill or whether it's something else, it's not a matter of saying we're going to take language away from folks who speak German or folks who speak Spanish or French or Chinese or Vietnamese. It is a matter of saying in this country there needs to be some things that are common among all of us that we aspire to and we push. And whether that's through incentives or whether that's through a piece of legislation, I think it's vitally important to our success as a nation.

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So I commend both of you for coming in here and having this dialogue -- and, Mr. King, for bringing forth this particular piece of legislation. And I hope that we'll continue to have this discussion to see how we can move forward on this concept that I think is embraced by a vast majority of people in this country.

And with that, Mr. Chairman, I yield back.

REP. FRANKS: I thank the gentleman, and associate myself with his comments.

I now recognize Mr. Scott for five minutes.

REPRESENTATIVE BOBBY SCOTT (D-VA): Thank you -- thank you, Mr. Chairman.

Mr. King, did it -- I wasn't sure on your answer on the Voting Rights Act. Is this intended to override section 203 of the Voting Rights Act?

REP. KING: I'm sorry, Mr. Scott, I couldn't hear your question.

REP. SCOTT: Is this legislation designed to override the language provisions of the Voting Rights Act?

REP. KING: As I -- as I responded to Mr. Nadler, I want to go back and read that section in light of this. I can't tell you today that it's designed to override it, but I can tell you that it is --

REP. SCOTT: Is it intended -- is it intended to override?

REP. KING: I (can't ?) tell you today that is intended to override it. I'd like to -- if I can read that section. That analysis was done several years ago, and I need to go back and revisit that.

REP. KING: I'm sorry, I didn't hear you. You said it is, or it's not.

REP. SCOTT: I said, I can't tell you today that it's designed to override it.

REP. SCOTT: Okay.

REP. KING: That analysis was done several years ago and I'd like to go back and reread section 203 and -- (cross talk).

REP. SCOTT: Okay. Is Medicaid -- is Medicaid an official function of the United States government?

REP. KING: It is -- it is federally funded. And when it happens within a federal office, then it's an official function.

REP. SCOTT: Okay. Now, if people want to learn English, they have to take English language classes. Mr. Gonzalez, isn't it a fact that most English language courses have waiting lists?

REP. GONZALEZ: Absolutely. That's one thing that we've encountered. In my district, it's about 62 percent Latino. And depending on the generation, obviously we do attempt to locate the services, and are definitely underserved.

REP. SCOTT: Is there anything in this legislation that would increase funding so that those who already want to learn how to speak English or learn how to speak English better -- is there anything in this legislation that will help them?

REP. GONZALEZ: I don't see anything. I actually think that this actually will mitigate against those that will assimilate more quickly, learn the English language. I think this is -- it sets up the situation for discriminatory practices. I don't believe that if you have someone -- and Mr. Scott, I know that -- I'm not sure if the authors and supporters of this bill understand the impact on certain communities that this would have.

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You know, you have somebody that's an American citizen, has worked, paid their taxes, made their contribution and have a problem with Social Security or Medicare, or maybe even a widow of an American veteran that may not be English-proficient, my understand is that they would not be allowed -- a government official would not be allowed to conduct business in any other language. So I mean those are just the practical problems that come up. But there's no need for the legislation.

REP. SCOTT: Well, we've had comments that people should learn English. You say you have a significant portion of your district that's Latino. Do you find people are unaware that learning English will help them advance in society?

REP. GONZALEZ: It's the aim of every -- (chuckles) -- Latino family in my district to become English-proficient. It's something that we always tout and encourage.

Mr. Scott --

REP. SCOTT: Won't this legislation alert them to what they don't know?

REP. GONZALEZ: I think it really -- it's counter -- I mean, it's something that is not a positive development in the lives of those that are here learning English. I will speak to the Latino population and the immigrant. They are no different than any other preceding immigrant group that came to the United States. It is generational in nature. That first generation will have a difficult time with English proficiency. By the second, you've made tremendous inroads. By the third, you don't even have a bilingual offspring at that point. You have someone that speaks primarily English.

REP. SCOTT: And are you suggesting that they don't need this legislation to alert them to the fact that English is a good thing to learn?

REP. GONZALEZ: And to your point, you're exactly right. This does nothing. And as far as Mr. Forbes, about this communal concept, it already exists in this country. This is totally unnecessary. It's the mischief and the unintended or intended consequences of the law that concern me.

REP. SCOTT: You have language in here that says that all citizens should be able to read and understand generally the English language section of the Declaration of Independence and constitutional laws of the United States made pursuant to this Constitution.

Last time I saw language like that was when blacks were trying to be denied -- when the intent was to deny African Americans the right to vote under literacy provisions.

Where else can you find that kind of language?

REP. FRANKS: The gentleman's time is expired. But please feel free to answer the question.

REP. KING: If it was directed to me, which I presume it was, I don't know where that language might exist otherwise and I would be interested in the narrative from the gentleman of Virginia if he's seen that language as part of his life's experience.

But it's a standard here that we wrote into the bill for the purposes of encouraging the learning and understanding of the Declaration and the Constitution and the laws written from it for the -- for the very purpose of encouraging newly naturalized citizens to learn and understand deeply the history of this country and the founding documents of this country.

And if you've done naturalization services, as I have -- and I appreciate the chance to do -- they take it very seriously. And when they have a responsibility to learn our historical documents as part of the naturalization process, this Constitution and Declaration, I think, will be written on their hearts. And that's the reason to have it there.

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REP. FRANKS: I thank the gentleman.

And I now recognize the gentleman from Ohio, Mr. Chabot, for five minutes.

REPRESENTATIVE STEVE CHABOT (R-OH): Thank you very much, Mr. Chairman.

I'd like to start off by perhaps asking each of the two witnesses here to comment on a particular statement. And the statement would be that the surest path to economic, social and educational prosperity in this country is to learn English. In either order that the two gentleman would like to respond, I'd just be interested to hear what they'd like to see.

REP. GONZALEZ: I don't think you're going to have a debate that English proficiency is something that, I think, enables and empowers individuals. This is not the way to do it. What do you do with the people that are on the pathway to English proficiency? Do you just forget about them? Do you not inform them, educate them to be more productive citizens simply because they're not English-proficient at that point in their lives in this country?

That's the problem with this. Now, I see much more behind this, but, you know, I'm a member of Congress, so I see all sorts of motive. But the thing is, you're not contemplating real-life experiences, whether in the past with other immigrant groups or what we have present in the United States today.

REP. CHABOT: OK. Thank you.

And I would like to just comment that you're going to be greatly missed around this place, Charlie.

REP. GONZALEZ: I'm going to miss you too, Steve.

REP. CHABOT: Yeah, because he's a fine gentleman, tremendous member of Congress. And whereas we may differ on issues here and there, including probably this one, you know, he has done a great job for his constituents and the people of this country. So thank you, Congressman Gonzalez.

REP. GONZALES: I really appreciate that.

REP. CHABOT: Absolutely.

And Congressman King.

REP. KING: I might say to my friend Mr. Gonzales, I didn't quite recognize his Texas accent today either, but I appreciate the comments around that. And it's really -- this is about unity, and there's -- there are a couple different ways to look at society. And one of them is that -- to accommodate people and eventually their good intentions will overcome the accommodation and they'll adopt English as the official language. And the other side of that is, is that for me, I do -- I believe in immersion. If I go to a foreign country, as Mr. Forbes said, and if I were going to live there, I don't really want help in the English language, because it does not encourage me to adopt the language that I might be operating within.

And so many of us have traveled in that way and learned some words of their language because it's necessary to operate in their society. If you have a sign here that says "stay off the grass" in -- let's say in German and another one that says "stay off the grass" in English, if your natural ability is to read in German, you're not going to read that other sign; you're not going to learn it. I've tried it with stop signs in foreign countries, and it just -- it's an accommodation that's unnecessary; it's better for people to be functioning in a common language.

I think we agree with that. If we've moved in that direction at least with this dialogue here, then how do we go about doing that? And there's also language in the bill that I wanted to point out that says such obligation of the federal government to function in English but the obligation also shall include encouraging greater opportunities for individuals to learn the English language.

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So that's part of the intent here too, is to encourage the learning of the English language, not to shut people out; to be inclusive and empower people by having a common language that ties us together.

REP. CHABOT: OK, thank you.

Before coming to Congress, for a while I was a school teacher. And I'd be interested to hear, Steve, your take on how your legislation -- or at least what the goal would be as far as children who perhaps don't have English skills and how they would -- how they would better be -- they'd have a better outcome ultimately in education if they got it quicker and had to learn English more quickly than perhaps some school systems do nowadays. What would your legislation do relative to that? And what is your intention with respect to that?

REP. KING: Well, if it's -- if it's an official function of the federal government, then it directs those functions to be in English. But it also has exemptions, exceptions for the teaching of languages and the requirements under the Disabilities Education Act. Those two things are exceptions.

So I don't know that it changes education much within our educational system, except our young people would be educated that English is the official language -- (is if ?) this bill passes -- of the United States of America, and it raises the expectation that as an American and American citizen you have a -- have a stronger and broader obligation to learn English that binds us together.

And you didn't likely hear my opening statement, where I told the narrative of my father coming home from his first day in Kindergarten, speaking only German. And he said hello to his mother in German, and she pointed to him and said, speaking German in this household is for you from now on "verboden." I came here to become an American; that means I have to learn English, and you're going to go learn it in school and bring it home and teach it to me.

These things penetrate through the culture, and they're a very positive thing. There's nothing that discourages the learning of other languages. And in fact, that's something that we want this country to do. But we want to bind ourselves all together with a common language. It's the most powerful unifying force known throughout all time in humanity.

REP. CHABOT: Thank you very much.

REP. FRANKS: Well, I want to thank both of you for coming, and I appreciate the sponsor. Also, Mr. Gonzalez, I express my own very best wishes to you, sir. And we'll look to see what is wonderful and great that comes next in your life.

Thank you both very much.

REP. GONZALES: Thank you, Mr. Chairman.

REP. KING: Thank you, Mr. Chairman.

REP. FRANKS: And if the second panel then would be seated.

(Recess.)

REP. FRANKS: Well, I want to thank you all for being here, and I would like to introduce the witnesses on our second and final panel.

Our first witness on the second panel is Dr. Rosalie Porter. Now, Dr. Porter is an accomplished author and scholar and current chairwoman of the board for ProEnglish. She is a consultant for school districts across the country and the executive director of the Institute for Research in English Acquisition and Development. Dr. Porter arrived at that U.S. at age six, not knowing a word of English. My wife came at 11, knowing "yes" and "no" and "what's your name?"

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Our second witness is Rene Garcia. Mr. Garcia served in the -- am I pronouncing that properly, sir?

RENE GARCIA: (Off mic.)

REP. FRANKS: Rene? Rene, OK.

Mr. Garcia served in the Florida House for eight years before being elected to the Florida State Senate, where he currently serves. He serves as the chair of the Florida Senate Health Regulation Committee and holds several other committee positions.

Our third and final witness is Mauro E. Mujica. Mr. Mujica has been chairman of the board and CEO of U.S. English since 1993. Mr. Mujica emigrated to the United States from his native Chile and has firsthand understanding of the obstacles facing non-English speakers upon (the ?) arrival in this country. He succeeded the late Senator Hayakawa, who founded the organization in 1983.

Welcome to all of you, and each of the witnesses' written statements are going to be (written in ?) entirety, but for now I will now recognize Mr. -- or Dr. Porter for five minutes.

ROSALIE PORTER: Thank you for the opportunity to testify today in favor of H.R. 997, legislation that will make English the official language of the United States.

My name is Rosalie Pedalino Porter, and I am chairman of the board of ProEnglish, a national advocacy organization.

When I immigrated to the United States from Italy as a six-year- old child, no one in my family spoke a word of English. I was fortunate to grow up at a time when Americans felt confident about their national culture and immigrants were encouraged to learn the English language and assimilate. The public schools taught me English, opening the door for me to a wonderful education up to the graduate level at the University of Massachusetts. I am committed to protecting English as our common language because it is so essential to immigrant success.

My professional career of four decades has been dedicated to improving the education of non-English-speaking children in our schools. I have advised school districts and testified in court cases in Arizona, California, Florida, Massachusetts, Texas and Washington. From 1985 to 1988 I served on the National Advisory Council on Bilingual Education that advised the U.S. Congress on education policy.

The organization that I chair, ProEnglish, was founded in 1993 to preserve English as the common unifying language of our nation by making it the official language of -- at all levels of government -- local, state and federal. As you have heard everyone say this morning, the English language is one of the strongest and most durable ties that unite us as Americans. The founders of our nation recognized this, and this is why President George Washington signed a law passed by Congress in 1795 requiring all existing and future federal statutes of the United States to be published exclusively in English.

Having one official language of record for government operations and communications makes government more efficient and less costly. It eliminates the demands for taxpayer-funded services or documents in any other language, with exceptions under H.R. 997 for instances that serve the public interest, as in protecting public health and safety. It does not mean English only, nor does it force anyone to speak English in their personal daily lives or limit the study of foreign languages.

Official English means that for the government to act officially and with legal authority, it must communicate in the English language. Ninety percent of the world's nations have at least one official language, including 47 countries that have English. Thirty-one of our 50 states have already adopted English as their official language in statewide elections, with voter approval margins as high as nine to one. No harmful effect has yet been reported from these laws.

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Here are three urgent reasons why Congress should act now. First, it is time to end the federal government's current policy of trying to force all government agencies and federal fund recipients to provide multilingual services. This policy relies on an incorrect interpretation of civil rights law.

Second, we need to avoid the kind of divisiveness, inefficiency and waste that we see today in places like the European Union, that is struggling to cope with 23 official languages. Third, as our country grows more diverse thanks to our immigration, with 303 languages now present in our population, it is even more important to stress what unites us as Americans -- a common language.

Mr. Chairman, I respectfully urge the passage of H.R. 997. It is essential to the unity and well-being of our country. It will promote the successful integration of immigrants and their children into American life and will save millions of taxpayer dollars. Perhaps those dollars could be used for English teaching classes. It will reinforce a melting pot idea that has helped to make our country the most successful country in the world.

Thank you. I will be happy to answer any questions, Mr. Chairman, from you or your colleagues.

REP. FRANKS: Thank you, Dr. Porter.

Senator Garcia, I'll now recognize you, sir, for five minutes.

RENE GARCIA: Thank you, Mr. Chairman and ranking members and committee members. It truly is an honor and a pleasure to be here. It kind of -- it's really different to be on the other side of the panel.

But really, I'm here pretty much to give you my experiences in Miami-Dade County and how it relates to this bill and the English as the official language. And may I start off by saying that Florida does have an official language, which is English, and it's really a statement of principle. It still allows us to conduct business in different languages, but that's because Florida chooses to do it that way.

Now, the reason that I have some concerns with this language, and especially Section 163 of the bill, which addresses the different jurisdictions as the states and its territories and so forth, that English will be the official language, is that how then am I going to be able to communicate with my constituency? You see, in South Florida and Miami-Dade County, in our public school system, we speak on a daily basis in 150 -- almost 150 languages are spoken in our school system. Ten of those languages are as bilingual education. We receive funding; federal funds are received for that bilingual education in our school system.

And why do we teach our children in multiple languages? Why? To prepare them for the global marketplace, to make sure that they have an advantage when they go and compete in this global economy that we all hear so much that we belong to. And by restricting that ability, I think we're doing a disservice to our children and to our country.

You see, when you travel to most European Union -- European countries -- and I remember when I was in elementary, a friend of mine came from -- I think it was -- it was Israel. He was -- came from Israel. When he came over to the United States, he spoke English, Spanish, French and Arabic, and that was impressive. And this was in sixth grade. Later on -- this gentleman is now a principal of one of our -- local schools, and he's been successful and he's the one that really pushes this type of education forward.

Now, when we address the issue of communicating with our constituency, in Miami-Dade County our ballots are translated in English -- I mean, translated from English to Spanish to Creole. Why? Because we want more inclusion. We want more people to participate in the democratic process, ensuring that they have a voice. We've seen that the numbers have increased in the participation and between -- of Hispanics and Haitian-Americans because of the translation of these ballots.

If we are not going to -- if we're not going to allow these ballots to be translated, then we're excluding them from the process. I think the bill -- I understand the intent of the bill. I understand the intent of the bill; you want people to speak English. And when people come over from foreign countries, we want to make sure -- whether they're immigrants or exiles, want to make sure that they do -- the first thing they do is learn English. And why don't we --

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why don't we put the resources behind that and educate people? Make sure -- when people come to my office, the first thing I tell them is, you need to learn English. That's the first thing you need to do.

And we all understand that English is the common language of this nation. Yes, it is binding, and yes, it does bring us together. I'm not saying that it doesn't. It does. But when you tell me that I cannot communicate or conduct official business with my constituency and allow them to know what is going on at our state level, then I do have some concerns.

This country is about inclusion, not exclusion, and that's why I'm here today to ensure and -- to ensure you that in Miami-Dade County, it is working. In Miami-Dade County, we have a lot more participation because of the ability to translate our official documents.

So I encourage you all to -- if we can address the issues of Section 163 and not make it binding where it will be illegal for me to communicate in an official capacity with my constituency, I would encourage you to fix that or vote this bill down.

And it works. And let's not throw the American dream out the door, telling folks that they cannot be part of the process just because they don't speak the language. You know, we should encourage them to learn and get educated. And I think that's the intent of the bill, but the practicality of the bill is that it will exclude a lot of my constituency.

REP. FRANKS: Thank you, Senator Garcia.

And I now recognize Mr. Mujica for five minutes for his opening statement.

MR. MUJICA: Good afternoon and thank you, Mr. Chairman, Ranking Member Nadler and members of the subcommittee, for giving me the opportunity to testify in favor of H.R. 997 legislation that would make English the official language of the United States.

My name is Mauro Mujica. I am the chairman of the board and CEO of U.S. English, Inc., the nation's oldest and largest organization promoting English as the official language of the country.

I was going to give my testimony in Spanish so Mr. Conyers could understand me -- (laughter) -- but I'll continue in English.

As an immigrant from Chile and a naturalized U.S. citizen, the issues that we're discussing here today are of great personal importance. Before I came to the United States in 1965 to study architecture at Columbia University, I knew very well that I was going to live in an English-speaking country and I had no doubt in my mind that I had the civic duty to learn the common language of the country.

I know firsthand how important it is to know English to succeed in the United States. I have lived this issue, and it's incomprehensible to me that anyone would oppose legislation which codifies the coherent language policy for this country.

Mr. Chairman, language is a powerful factor in human society. Just as it has the power to unite, it also has the power to divide. The job of government is to foster and advance the common good. A country that has an official language policy is certainly preferable to a country divided by linguistic factions. Just look at Belgium, look at Canada.

H.R. 997, in no way, prohibits citizens from speaking or using other languages. The bill establishes an official language policy, and that policy applies only to the government. In effect, this legislation will encourage immigrants to this country to learn the common language and enjoy the benefits that that will provide.

I personally think that it is a great asset for someone to know other languages. I'm fluent in four, and I'm learning Russian right now.

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This issue must be addressed in a forthright and expeditious manner. This legislation does not threaten the great American tradition of diversity. Ironically, only a common language can preserve that tradition. Only a common tongue can bind together a nation formed by people from other countries, other races, other languages and other religions.

It allows cross-cultural understanding where there is otherwise all too often misunderstanding, suspicion and distrust.

As usual, there will be people against this legislation, people that would see all sorts of problems in it and people that will not even read the text of H.R. 997 and will invent all sorts of things that are not even in the bill. I urge those people to read carefully all the exceptions in it which makes sure that nobody will be punished because they do not speak English well.

According to a Harris Interactive poll that U.S. English commissioned this past June, 88 percent of Americans favor a law to make English our nation's official language. A large majority of immigrants also support this law. Eighty-three percent of Hispanics support it.

Incidentally, English has already become the global language, and people all over the world are learning it.

I have a slight comment on the side regarding global market. I am an international architect. I work in about 40 countries. English is the language of commerce when you are outside of this country. An international conference in Brazil will be in English, will not be in Portuguese. An international conference in Russia will be in English, not in Russian.

Mr. Chairman and members of the subcommittee, I thank you again for the opportunity to appear before you on behalf of the other 1.8 million members of U.S. English who urge you to pass this essential and beneficial legislation.

I also thank Congressman Steve King for introducing H.R. 997 and for his continued efforts in promoting our nation's common language, English.

REP. FRANKS: Thank you, Mr. Mujica.

And thank all of you for your testimony. And I will be now asking questions for five minutes.

Let me begin with you, Dr. Porter. One of the things that I hear is a consistent commonality here is that everyone, including my own personal experience, is that when someone comes to this country as an immigrant, that it is clearly to their great benefit to be able to learn English for their upward mobility, for their ability to socialize, for their ability to gain economically.

This was certainly a very common theme in my family's -- my wife's family. And this is something I've heard all three of you testify unequivocally to.

So I guess the question occurs, Dr. Porter, do you believe or do you think that's any evidence to the notion that having a bill like this passed would encourage or incentivize or increase the number of immigrants who learn English when they come to this country?

MS. PORTER: I do believe passing a bill like this will encourage, incentivize, motivate more people to concentrate as long as we -- as government provides services, documents, translations in many languages. I will compare it to my experience as a bilingual teacher.

As long as we provided instruction in the child's native language and English, the child tended to listen to the native language and ignore the English. It took much longer to teach children a second language when they were being educated in two languages.

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Fortunately, those programs have been overturned in many states. And we are now seeing much greater success for immigrant children in learning English rapidly and in succeeding in school, in achievement, graduating from high school.

So I would say having the impetus of an official language will be a motivator. Most immigrants do want to learn English. They need the opportunity, but you know it's easy to fall back on being comfortable in your home language.

REP. FRANKS: Well, thank you, Dr. Porter. That certainly seems compelling to me.

But, Mr. Mujica, could I put the same question to you? Do you believe that, from your own perspective or experience or -- is there any evidence to indicate that, if we have an official language, whether a state does it or the country does it, that it is an inducement or a motivation or that it just, by other means, increases the number or the percentage of immigrants that come to this country that do, in fact, learn English?

MR. MUJICA: Yes, absolutely. I've seen it in other countries. I have worked, as I said, in many, many countries as an architect. I've seen the problems of Belgium, the fights in Belgium. I have seen the almost secession of Quebec in Canada because of the language problems.

I have seen it in other countries, and it's obvious. The message that you have to send to the new immigrants like myself -- and incidentally, you know, we immigrants don't come to this country because of the weather or the quality of the drinking water. We come here to make money. You can only make more money if you know English.

And knowing English is essential. We cannot send the message to the new immigrants that English is optional. They can come here, live in Miami all their life, speak Spanish and not bother to learn English. I've seen it firsthand with members of my family that live in Miami. They just don't bother to learn English. They think English is optional.

REP. FRANKS: Well, thank you, sir.

Just to -- you know, in everything that a person does, there's -- you know, there's usually some positives and some negatives. So the reason I answered (sic) that question is because that seems to be a very profound positive on the upside of this legislation that the one thing that we all seem to agree on is that, when immigrants do learn English, that it is better for them and better for the country.

And so that seems like a worthwhile pursuit. And there seems to be some clear consensus here that, when we have laws like this, that that occurs. And I suppose then the only thing we can do is to try to -- if we oppose that -- is to try to find some offset to that overwhelming positive.

Dr. Porter, does an official English law mean that the federal government is prohibited -- the federal government itself is prohibited from using other languages?

MS. PORTER: I'm sorry, Mr. Chairman?

REP. FRANKS: Does -- no, I didn't -- I didn't ask the question well.

MS. PORTER: -- I couldn't hear your whole sentence.

REP. FRANKS: Does a federal official English law mean that the federal government is prohibited from using other languages?

MS. PORTER: Of course not. The federal government, in its many operations -- for instance, the State Department, the Defense Department, the Naturalization and Immigration Service -- there are specific reasons why other languages must be used. And they will be used, and there is no forbidding such activities in this law.

REP. FRANKS: Dr. -- Mr. Mujica, do you have anything you would add to that?

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MR. MUJICA: No, I think they're all in the exceptions: the learning of foreign languages, things like our dollar bills that say "e pluribus unum" -- you know, that would not have to be changed. I think certain things are clear. I mean, they're so clear, at least to me, that it's difficult to figure out what would be wrong with this bill.

REP. FRANKS: Well, thank you, and I now recognize the ranking member, Mr. Nadler, for five minutes for questioning.

REP. NADLER: Thank you very much.

Senator Garcia, do you agree that provision of some bilingual education impedes learning of English?

MR. GARCIA: Of course not. I think bilingual education in the -- and this is where I may have to disagree with Ms. -- Dr. Porter. In Miami-Dade County, we have seen that because of bilingual education, we've seen children assimilate much quicker and learn the English language a lot easier because of that ability.

REP. NADLER: Not to mention math and other things.

MR. GARCIA: I'm sorry?

REP. NADLER: Not to mention math and other things.

MR. GARCIA: Absolutely. Yeah, so that's -- that is the key. I mean, and the problem that I see with this legislation currently is that because there are some federal dollars attached to it, I think that we will have -- there'll be a problem with us continuing to do those programs that we have in Miami-Dade County.

REP. NADLER: But that's one of the purposes of the bill.

MR. GARCIA: Exactly.

REP. NADLER: Now, Dr. Porter, you testified in your written submission that the, quote -- that, quote, "The U.S. Supreme Court upheld the right of states to have official English laws," unquote, in *Arizonians for Official English vs. Arizona* in 1997.

MS. PORTER: Yes.

REP. NADLER: In that case, in fact, the court actually dismissed the case because the employee challenging the law had voluntarily left her job and made the case moot. Far from ruling that the Arizona law was valid, as you claim, the court said, quote, "We express no view on the correct interpretation of Arizona's English-only law or on the measure's constitutionality," closed quote.

The Arizona court subsequently ruled in *Ruiz vs. Hull* that the law was unconstitutional. I am submitting the U.S. Supreme Court decision and the Arizona Supreme Court decision for the record, as it is important to reflect the fact that the U.S. Supreme Court has not approved English-only laws and that Arizona's highest court struck down the law that you mistakenly claimed the U.S. Supreme Court upheld.

Would you like to correct the record at this time?

MS. PORTER: I'd like to comment on the *Flores vs. Arizona* case or Arizona -- (off mic) -- involved in.

REP. NADLER: No, no, no. You said in your testimony that the U.S. Supreme Court upheld the right of states to have official English laws in the case of *Arizonians for Official English vs. Arizona*. In fact, the court ruled that the case was moot because the -- because the employee had quit and said, we are not ruling on the constitutionality of the law, which directly contradicts your testimony. Would you like to correct your testimony at this point?

MS. PORTER: The Supreme Court ruled that the case that was brought -- the person who brought the case legitimately had the right to do so, and they did not rule then on the constitutionality, if I understood -- (off mic).

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REP. NADLER: Yes, so in other words your -- she said she didn't have the right to bring the case because she was no longer an employee and therefore the case was moot.

MS. PORTER: Yes.

REP. NADLER: And then they said, "We express no view on the correct interpretation of the statute or on the measure's constitutionality." Now, in your testimony, you said they upheld the constitutionality. So would you like to correct your testimony at this point?

MS. PORTER: Well, I may have misstated, but --

REP. NADLER: OK. Thank you very much. Thank you very much.

Dr. Porter and Mr. Mujica, your organizations seek to promote, preserve and strengthen the use of English. In striking down portions of the law that we just talked about, the Alaska Supreme Court found that there are less restrictive way to achieve your goal -- I'm sorry, not that we just -- a different case. The Alaska Supreme Court found that there are less restrictive ways to achieve your goal.

The court specifically noted as one example that, quote, "The state could create and fund programs promoting English as a second language," closed quote. This is the Critz (sp) case.

What has your organization done to support programs to teach English? And would you agree to submit to the committee the amounts spent by your organization in each of the last five years, say, on promoting English as a second language or other programs to teach English and promoting passage of legislation declaring English as the official language of the United States or of state and local government?

In other words, what have you done to promote teaching English as opposed to trying to get the law changed to prohibit the use of other languages?

MR. MUJICA: Well, let me say, the country's slightly larger for the money that we have. We do have a foundation that promotes in other ways -- not paying for lessons or anything -- so directing -- people could call in the foundation, and we would tell them where they can go for English classes.

We have been trying for a long time to institute something like what Israel has, the Ulpanim system. And Ulpan -- and that would be the -- actually the answer for this country. An Ulpan is a school where a new immigrant is sent for six months at the expense of the government. The immigrant cannot work. The immigrant goes for six months to be assimilated. They teach them or they teach her how to be an Israeli, how to function in Israel, how to learn Hebrew, et cetera.

That would be a wonderful program in this country if every immigrant would have the chance of not working for six months --

REP. NADLER: Would you support an amendment asking for the funding to do that?

MR. MUJICA: Well --

REP. NADLER: That would have a little problem with the balanced budget amendment, I would --

MR. MUJICA: Maybe after January we could talk about that.

REP. NADLER: (Chuckles.) Thank you.

REP. FRANKS: Thank you very much.

And I would now recognize the distinguished gentleman from Iowa, Mr. King, for five minutes.

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REP. KING: Thank you, Mr. Chairman. I do thank all the witnesses for your testimony and for being here today. It was interesting to me to hear Mr. Mujica bring up the situation in Israel. I recall a meeting with several of the members of the cabinet in Israel a few years ago in the Capitol building across the street. And they told the narrative of how they'd adopted Hebrew as the official language of Israel in 1954. And Hebrew, having been a language that was used in prayer for thousands of years but not commonly spoken and essentially, I think they said, a dead language other than prayer, we brought it back to life was their message to us.

And I said, why did you establish an official language for Israel? I mean, they formed Israel in 1948. Why did you establish an official language? And their answer was, we followed the model of the United States of America. You have been so successful with your assimilation because English is the common language of the United States; we wanted to do the same thing because we're bringing -- we're bringing Jews from all over the world into Israel, and we wanted a language that identified us as a people.

And what did they use -- (inaudible) -- Hebrew to tell the Israelis, get down out of the line of fire. And Benjamin Netanyahu's brother was killed in that raid, as you might know. So I appreciate the testimony and the comments on that.

I wanted to ask Senator Garcia -- and I don't speak but just a handful of words of Spanish, but if I were to have to learn Spanish in order to vote a Spanish ballot, how long do you think that would take me if I were to sit down and focus on learning a Spanish ballot enough to be able to make those decisions?

MR. GARCIA: Mr. Chairman, you wouldn't have to learn Spanish.

REP. KING: But my question is, though, if I were required to vote in Spanish, then how long would it take a person who's not literate in Spanish to learn enough to be able to read the ballot, read the names, and make a decision on which of those candidates they would vote for?

MR. GARCIA: But -- I'm not following -- I'm not following the question, because the ballot's in English already. Why would you need to learn Spanish?

REP. KING: But you understand that -- you've said to me that people need to be able to vote in Spanish and in Creole as well as English. So just in your mind's eye, pick up one of those Spanish ballots that you identified here in your testimony, and then imagine someone who doesn't speak Spanish and think, how much education does it take to learn that ballot in Spanish if you're an English speaker?

MR. GARCIA: They wouldn't need to read the Spanish ballot because it's already in English.

REP. KING: I can see you're not going to answer my question, but I really expected a -- you know, more of an objective answer. And it -- and it troubles me that you won't do that.

As -- I wanted to follow up with another question. I mean, you said, how will you communicate with your constituency? Well, first of all, you know, I think you know that this doesn't address the state -- the state functions in Florida. You have English as the official language in Florida.

You have made exceptions. I don't know what they are, but you alluded to them in your testimony.

And I would point out that in the bill, in section 165, it says, "Nothing in this chapter shall be construed to prohibit a member of Congress or any officer or agent of the federal government, while performing official functions, from communicating unofficially through any medium with another person in a language other than English provided that or as long as official functions are performed in English." And so that exception that's written for federal officials, I presume, is also written for state officials within Florida within your official English law. Is that correct?

MR. GARCIA: I would want to know what the exemptions are, but I'll tell you one of the problems that I see with the section that I addressed earlier. When you deal with any federal programs that the state receives, as was mentioned earlier, when we talk about Medicaid and those Medicaid applications, that could potentially be a

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problem for anyone that is going to fill out an application or have communications from my office with that constituency that may not understand or read English in a proficient manner.

REP. KING: I'd ask you to please go back and read the exceptions that are in this bill. I think they reflect a lot of what the practice is in Florida, and I can tell you that in the State of Iowa, we don't have problems. I would have heard about them if anybody would have heard about those problems. And your concern that it would exclude a lot of your constituency -- listening to the testimony here, I don't think so.

And I'd turn to Mr. Mujica, who I know has been broadly engaged in this, globally and nationally and within the states, and ask what would be the -- can you think of the number-one problem that might have been created by any of the states that have adopted an official language or any of the other countries that have adopted an official language? Have you seen that people can't vote or that people can't function?

MR. MUJICA: None, whatsoever, and I'll tell you something about the so-called translations. I live in Maryland, and the ballots are in Spanish and English. When I read the English, I can barely understand it. Then I go to the Spanish, and it's even worse. When you translate things, you have no idea -- I mean, I think the people who translate have no idea what they said because things usually don't match.

And if you get into a situation where you have to translate into two or three different languages -- luckily, I speak four -- sometimes, I don't understand any one of the four translations. So when you have someone that translates something for a ballot -- you know, especially those long things that you have to vote to change some zoning law or whatever -- it's impossible to understand, even in English.

REP. KING: In conclusion, then, in a state that chose the next leader of the free world in the year 2000, I think that illustrates the kind of confusion we could have if we don't have an official language that we vote in, we make decisions in and direct the future of this country in. I thank all the witnesses, and I'd yield back.

REP. FRANKS: And I'd thank the gentleman and yield to Mr. Scott for five minutes for questions.

REPRESENTATIVE BOBBY SCOTT (D-VA): Thank you. Mr. Mujica, you indicated that the legislation does not prohibit use of other languages. If the bill were to pass, you could still conduct business in other languages. The language on page three says, "Official functions of the government of the United States shall be conducted in English." They talk about a couple of exceptions and then said that you can -- there's nothing to prevent you from communicating unofficially on the side, but the official functions of government shall be -- excuse me -- shall be conducted in English.

MR. MUJICA: Right. I'll give you a good example. Our function today, here -- I didn't see in the invitation that it said that the function, the hearing will be in English. We all assumed it would be in English, right? We didn't need to know that.

REP. SCOTT: That's right.

MR. MUJICA: But when Mr. Conyers began speaking in Spanish -- and my first language is Spanish -- I got about 5 percent of what he said. (Laughter.) And if each one of you would have spoken in the language of your ancestors, I would have left, you know. I would be gone because I wouldn't know what we're talking about. So we do need a common language to understand each other.

REP. SCOTT: Are you suggesting that we need legislation to correct -- what problem are we trying to correct?

MR. MUJICA: Why do you stop at a red light? Because we have something in writing that was passed that says, you must stop at a red light.

REP. SCOTT: Okay, the legislation says, "Official functions of the government of the United States shall be conducted in English," so the suggestion that you can --

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MR. MUJICA: This is an official function, right now.

REP. SCOTT: What if a bilingual clerk can explain something better to a person in another language? What constructive purpose would be served by denying that clerk the ability to speak in the other language?

MR. MUJICA: It depends who does the translation, as I was telling you. How do you control what the translator says?

REP. SCOTT: Well, you know, I don't know what we're trying to protect. I haven't had any problems communicating with people. I mean, is this -- for people who speak English, is there anything in here to protect their right to use English? I mean, is there any threat to a person's right to go to a government agency and speak English? Is there any threat to that?

MR. MUJICA: No, there's no threat.

REP. SCOTT: There's no threat to that, okay. Senator Garcia, you indicated communicating with your constituents. And Dr. Porter used the term "immigrant success." Is there any question in the minds of your constituents that immigrant success depends on their ability to learn English?

MR. GARCIA: No, there's no question at all. I think just the opposite.

REP. SCOTT: Does this passage or failure of this legislation make any difference about whether or not they need to be alerted to that reality?

MR. GARCIA: Absolutely not.

REP. SCOTT: Did you notice that there was no money in here to help people learn English?

MR. GARCIA: I noticed that.

REP. SCOTT: You noticed that? Are there waiting lists in your district for people who want to learn English that can't because we don't put enough money into English classes?

MR. GARCIA: Absolutely.

REP. SCOTT: You indicated that you don't want to be inflicted with this so that you can communicate with your constituents as best as possible. Don't you see a problem with federal officials communicating with the same constituents, if they are restricted by this legislation?

MR. GARCIA: Absolutely.

REP. SCOTT: Mr. Mujica, you indicated that 90 percent of the people responded that they wanted English as the official language of the United States.

MR. MUJICA: According to the poll, yes.

REP. SCOTT: Now, I noticed in the way you said it, "English shall be" -- the question was not, "shall there be an official language," but "should English be the official language." What were the alternatives?

MR. MUJICA: Well, the question is, "Would you agree to make English the official language of the United States?"

REP. SCOTT: As opposed to what?

MR. MUJICA: Well, you can only ask one question when you're calling somebody.

REP. SCOTT: Okay. I mean, is it, say, as opposed to Spanish, as opposed to French?

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MR. MUJICA: As opposed to any language.

REP. SCOTT: Okay, well the question wasn't whether or not there shall be an official language. It was whether English shall be the official language. The only thing surprising about that poll --

MR. MUJICA: Right because the great majority of Americans speak English, so we're not calling somebody, referring to Chinese.

REP. SCOTT: And was the poll conducted in English?

MR. MUJICA: Pardon? Yes. (Chuckles.)

REP. SCOTT: So to answer anything other than yes, you would have to be speaking to somebody in English and suggest that maybe something else ought to be the official language?

MR. MUJICA: Well, we were calling Americans, regardless. If they called my house, they're calling an American house, even if I was born in Chile.

REP. SCOTT: But the question was not whether or not there should be an official language but whether English should be that language. So we want to be clear as to what the alternatives were, and obviously, the alternatives would be absolutely absurd. I yield back, Mr. Chairman.

REP. FRANKS: Well, then, let me thank you all for coming today.

REP. NADLER: Mr. Chairman?

REP. FRANKS: Mr. Nadler?

REP. NADLER: I just wanted, on one point, to correct the record. Israel has two official languages: English and -- I'm sorry, Hebrew and Arabic. And at the raid on Entebbe, when they warned the hostages that we're freeing you, get down, they used many different languages. Thank you.

REP. FRANKS: All right. Well, again, I want to thank all of you for coming today. It's been an interesting hearing. Without objection, all members will have five legislative days to submit to the chair additional written questions for the witnesses, which we will forward and ask the witnesses to respond to as promptly as possible so that they can have their answers be made part of the record. Without objection, all members will have five legislative days within which to submit additional materials for inclusion in the record. And with that, again, I thank the witnesses and thank the members and observers, and this hearing is now adjourned.

Classification

Language: ENGLISH

Publication-Type: Transcript

Subject: LANGUAGE & LANGUAGES (91%); US REPUBLICAN PARTY (90%); US DEMOCRATIC PARTY (89%); POLLS & SURVEYS (87%); LEGISLATION (78%); BOARDS OF DIRECTORS (78%); US STATE GOVERNMENT (78%); LEGISLATIVE BODIES (77%); EXECUTIVES (71%); NATIONAL SECURITY (71%); CENSUS (64%)

Person: STEVE KING (73%); TRENT FRANKS (73%); CHARLES A GONZALEZ (58%)

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Geographic: IOWA, USA (79%); DISTRICT OF COLUMBIA, USA (79%); FLORIDA, USA (79%); **UNITED** STATES (96%)

Load-Date: August 3, 2012

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