

¿VECINOS O ENEMIGOS?
LATINO NATIONAL IDENTITY AND THE 2006 ENGLISH AS THE NATIONAL
LANGUAGE DEBATE

A Dissertation
by
DONATHAN LAWRENCE BROWN

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of
DOCTOR OF PHILOSOPHY

May 2011

Major Subject: Communication

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ABSTRACT

¿Vecinos o Enemigos? Latino National Identity and the 2006 English as the National
Language Debate. (May 2011)

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The intersection of race, rhetoric and public policy, particularly pertaining to Latino politics, is a growing area of development. Albeit historically, most immigrants to America faced similar questions of cultural and linguistic allegiance; the case regarding Latinos is unique. Given their continual demographic growth, now occupying the nation's largest "minority" group, much political debate and commentary has arisen regarding the nation's state of national unity and identity. For instance, is there a negative correlation between increasing levels of Latino immigration and the stability of the English language as lingua franca? Alternatively, do increasing levels of Latino immigration threaten the sustainability of "American" values and beliefs?

Named and defined as a policy "problem," Latinos, Latino immigration and the Spanish language have become framed as policy "problems" needing solutions. In an effort to unpack this rhetorically rich debate over national identity, race, culture and language, the canon of *invention* is analyzed insofar as the creation of Latinos as policy "problems," with close attention drawn also toward policy makers supposed "solutions." Engaged in both past and present attempts toward declaring English the national

language on both the state and federal level, this project largely concerns itself within the 2006 Senate English as the national language debate, along with the growth of one of the nation's most out-spoken limited-immigration, English-only proponents, Tom Tancredo. Through this longitudinal analysis, sentiments of nativism, like those concerned with the preservation of the Great Chain of Being, emerge as driving catalysts behind such campaigns.

DEDICATION

To all who believe in a world without limits or inequity.

ACKNOWLEDGEMENTS

Thank you to all who have been along throughout the journey.

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CHAPTER I

INTRODUCTION

The relationship between rhetoric and public policy can be traced to classical times. Figures such as Aristotle spoke on the rhetorical nature of public policy, arguing, “rhetoric is like some offshoot of dialectic and ethical studies (which is rightly called politics),” whereas “rhetoric dresses itself up in the form of politics.”¹ Through Aristotle’s eyes, the well-being of the state relied upon citizens who were “knowledgeable about legislation,” further speaking to the inherent relationship between public policy and rhetoric.² This relationship for Aristotle was best captured through one of his three genres of rhetoric, deliberative, which for Aristotle, is the finest form of oratory.

Political deliberation, housed under deliberative rhetoric, is a type of oratory orientated toward public policy. Deliberative rhetoric acknowledges an effective orator as one who can offer “knowledgeable” advice to the political topics under discussion. Of the various topics of legislation, Aristotle noted five in particular as “the most important subjects on which people deliberate and on which deliberative orators give advice in public,” these include: finances, war and peace, national defense, imports and exports, and the framing of laws.³ To preserve or maintain the stability of any society, the framing of laws pertaining to the aforementioned policy topics are necessary,

This dissertation follows the style and format of *Rhetoric & Public Affairs*.

unavoidable and above all, rhetorical and subject to debate. Political orators or those who seek to persuade others that their advice or counsel best satisfies the policy problem, not only falls under Aristotle's classification of deliberative rhetoric, but also speaks to the rhetorical nature of policymaking. As producers and judges of deliberative rhetoric, Aristotle remarks, "we limit our consideration to the point of discovering what is possible or impossible for us to do," both predicated upon the success of an orators rhetorical strategies.⁴ Debating and deciding which policy solutions are more attainable than others is a highly rhetorical task, one that is deliberative.

Because policymaking rarely produces consensus, oftentimes best captured through debates, protests, and other forms of dissent, discussing rhetoric's role within public policy provides a rich angle of inquiry for rhetorical scholars and others. Inevitably, the study of rhetoric's role in policymaking, like any other scholarly tradition, invites both potential agreements and disagreements. Robert Asen for instance, explains that while "scholars may ascribe varying degrees of scope, centrality, and function to rhetoric," agreeing or disagreeing "about rhetoric's place *in* policy, they may agree that the rhetorical study *of* policy demands a qualitative, critical perspective."⁵ Simply put, while scholars may debate the degree to which rhetoric is present within the policy domain, what is not debated is the understanding that such studies warrant a rhetorical approach.

The study of rhetoric's role in public policy, whether it be its formation or implementation, can contribute to a broader understanding of how rhetoric functions throughout the policymaking process. A rhetorical study of the 2006 Senate English-

only debate, an episode in American political rhetoric that combined deliberative oratory, race and public policy, is the feature case study of this project. Sparked by Senate amendment 4064, a measure introduced by Oklahoma Republican United States Senator Jim Inhofe and cosponsored by ten Senate Republicans and one Democrat, sought “to declare English as the national language of the United States and to promote the patriotic integration of prospective US citizens.” Introduced amidst a volatile political atmosphere surrounding the grander Comprehensive Immigration Reform Act of 2006 which Inhofe attached his amendment, sparked many protests in city streets across the nation. The Comprehensive Immigration Reform Act of 2006 for example, became widely noted for its amendments that included measures to fence the nation’s southern border, the deployment of systematic surveillance using unmanned aerial vehicles (UAVs), ground-based sensors, satellites, radar coverage and cameras. However, Senator Inhofe’s English-only amendment alone sparked much debate. With accusations ranging from Latino political groups to Nevada Democratic Senator Harry Reid, who labeled the Inhofe amendment as “racist,” a rhetorical study of the 2006 Senate English-only debate will unveil the shaping of “American” national identity through the naming and framing of Latino immigration and the Spanish language as a policy “problem,” justifying proponents English-only policy solution.

As a nation continually entrenched in various recurring policy questions, such as federal English-only legislation, the rhetorical study of public policy can illuminate how and in what ways rhetoric is engaged “to frame public problems and identify policy solutions,” an area within policy formation that is perhaps one of *the* most rhetorical.

Recurring policies, notes Robert Asen, inevitably invite “policy debates [that] represent an ongoing engagement of text and context, as subsequent debate participants reinterpret the meanings of prior policy debates.”⁶ The reinterpretation of past policy debates invites the reinterpretation of public “problems” and their “solutions,” both reliant upon the execution of rhetorical strategies to legitimize such political postures. A rhetorical approach “plays an indispensable role in the practice and study of public policy” as it illustrates the various rhetorical strategies behind policymaking and implementation. While Senate English-only proponents have framed their policy problem along linguistic lines (Spanish), how and why they identified federal English-only legislation as their solution are the questions this study pursues. After all, once Latino immigration and the Spanish language are named “problems,” policy solutions from English-only proponents become legitimized and their counsel sought after.

This project is guided by two goals, one historical and one analytical. The first goal seeks to better inform our understanding of the 2006 English-only debate through a discussion of the past. If we truly are seeking to understand the rhetoric of this English-only debate, it is imperative to know its origins on both the state and federal level. The second aim of this project approaches the intersection of race, rhetoric and public policy regarding the 2006 Senate English as the national language debate from a blended approach, chiefly concerned with the shaping of national identity regarding Latinos inasmuch as who is and is not “American.” Again, the focus here becomes the strategic naming and framing of Latino immigration and English-only as a policy problem and how proponents policy solutions become justified.

Although rhetorical studies regarding federal efforts to legislate English as the national language remain extant, Presidential rhetoric provides the necessary backdrop regarding the rhetorical formation of policy problems and their solutions. Because English-only advocates have crafted bilingualism as their policy problem, and a federal English-only law as their solution, it is only fitting to discuss the rhetorical construction of policy problems and solutions, drawing from studies within Presidential rhetoric.

The Rhetorical Construction of Policy Problems and Solutions

When constructing policy problems, whether it be the economic crisis of President Franklin D. Roosevelt's administration,⁷ the war on terror during President George W. Bush's administration,⁸ or Civil Rights during Presidents John F. Kennedy and Lyndon B. Johnson's administrations,⁹ one cannot discard or discount the rhetorical force behind constructing these problems and crafting their solutions. Exactly how we solve these dilemmas, for example, necessitates great rhetorical command from the rhetor. To say to constituents and/or fellow lawmakers that one policy solution and method of implementation is better equipped than other proposed remedies, happens frequently throughout the halls of Congress, state general assemblies and city council's, yet, without a rhetorical approach to this angle of inquiry, our knowledge about rhetoric's role within public policy would leave much to be desired. The rhetorical study of constructing policy problems and solutions not only benefits rhetorical scholars, but also those interested in Sociology, Political Science, Economics and History, to name only a few. This is because, the rhetorical study of naming and framing policy problems and their solutions has the propensity to provide great insight into past and present

policies, illuminating the various ways the rhetorical construction of policy problems and their solutions have guided policy outcomes.

The rhetorical force behind naming policy problems and solutions begins with the speech text itself. The speech text represents the first body of work assembled for mass consumption, seeking to connect the sender to the many receivers. In their edited volume entitled, *Presidential Speechwriting: From the New Deal to the Reagan Revolution and Beyond*, Martin Medhurst and Kurt Ritter assemble a collection of essays from rhetorical scholars who seek to illustrate the various rhetorical strategies American presidents have sought in efforts to garner support for their particular policies.¹⁰ This journey through presidential speechwriting uncovers the rhetorical choices made by Presidents Franklin D. Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Jimmy Carter, Gerald Ford, Richard Nixon and Ronald Reagan. In many regards, the art of presidential speechwriting is just as critical as an Administration's agenda, noting the difficulty and degree of partisan polarity that can possibly arise from poor rhetorical strategies, ultimately jeopardizing a president's agenda. While this edited collection speaks only to presidential speeches, much of the same can be said for other elected officials, such as members of Congress. Above all, this edited volume understands that the speech text is by no means ephemeral; the speech text has many life cycles, reaching many people and many communities. Because the consequences are so great, how a speech is constructed can either help or harm a president's agenda.

The rhetorical naming of problems and their solutions can be found throughout the study of Presidential rhetoric. For instance, in their work, *Cold War Rhetoric: Strategy, Metaphor, and Ideology*, Martin Medhurst, Robert Ivie, Phillip Wander and Robert Scott, take a neo-classical, Burkean, and ideological approach to various moments throughout the Cold War to illustrate the place of rhetoric within the policy dimensions advocated by Presidents Dwight Eisenhower, John F. Kennedy and Jimmy Carter.¹¹ The Cold War spanned a time in American history that witnessed the rhetorical construction of multiple problems and solutions. While nuclear weapons were the identified problem, each president rhetorically constructed their own solution. For example, Dwight Eisenhower in his 1953 “Atoms for Peace” address, named his solution to “position the United States with respect to the peaceful uses of atomic energy and to bid the Soviets in a public forum to adopt that position.”¹² President Kennedy’s 1962 address on the resumption of atmospheric tests, provided a rhetorical justification for such testing, regardless of the world’s perception of his solution. Again, not only is the crafting of the speech text critical, but how presidents craft their solutions speaks volumes to rhetoric’s place within the study of public policy.

Rhetorical studies of the Cold War represent just one fascinating moment in American history that illustrates the relationship between rhetoric and policymaking. Illustrating how and in what ways rhetorical strategies are used to construct policy problems and solutions can shed light upon many of the debates and policy outcomes that continue to shape our nation and the world. The power to create, name and define problems and solutions unleashes a rhetorical force capable of many objectives. To name

a political situation a “crisis” or even a “war,” can affect how a message is both created and received. Along these lines, David Zarefsky’s work, *President Johnson’s War on Poverty* is of particular relevance.¹³ Apart of his “unconditional war” on poverty, President Lyndon Johnson summoned Americans toward his Great Society vision. By naming his campaign against poverty a “war,” Zarefsky illustrates the strategic rhetorical choices Johnson made in efforts to win support of his 1964 Economic Opportunity Act. By naming his crusade a “war,” Zarefsky illustrates how this rhetorical choice allowed President Johnson to frame the public’s view of the policies “enemies,” tactics and objectives. Much like war rhetoric, Johnson understood the necessity of naming his problem as an “enemy,” one that was defined in opposition to how Americans viewed themselves and their values. Because of the widespread public concern about poverty in America and the Democratic supermajority in the 89th Congress, Johnson easily secured the passage of his legislation.

How presidents perform rhetorically during times of perceived “crisis” not only affects public opinion, but in doing so, a presidents performance during such times of “crisis” can affect Congressional confidence and cooperation, ultimately affecting the success of their agenda. In his edited volume, *Modern Presidency and Crisis Rhetoric*, Amos Kiewe assembles a collection of essays from rhetorical scholars illustrating the various rhetorical choices made amidst named and defined crises from Presidents Harry Truman to George H. W. Bush.¹⁴ These situations came to include such military, economic, and judicial crises as President Dwight Eisenhower's response to the constitutional crisis in Little Rock, Arkansas, John F. Kennedy and the Berlin Wall

crisis, Lyndon Johnson and the Kennedy assassination, Richard Nixon and Watergate, along with George H. W. Bush and the Persian Gulf crisis. How presidents rhetorically craft their message in response to these defined crises is of great importance to Amos Kiewe's collection. The relevance of Kiewe's collection not only contributes to how we speak about crisis rhetoric, but also adds to our understanding of the relationship between rhetoric and public policy, as this volume displays how presidents rhetorically name, define and managed such crises to achieve their policy goals.

Following behind Kiewe's approach to the study of rhetoric and public policy by way of named and defined crises are the works of Thomas Benson and Stephen Browne. Benson approaches this angle from a rhetorical exploration into the speechwriting strategies sought by President John F. Kennedy regarding the Bay of Pigs crisis.¹⁵ Named and defined as a crisis, following the Bay of Pigs, Thomas Benson recounts President Kennedy's effort to quickly repair his damaged image with the press just days following the Bay of Pigs. In doing so, Benson highlights how Kennedy, along with his speechwriters, sought to depict him as a political and moral agent through the analysis of two key speeches and a press conference held just days after the Bay of Pigs. Above all, these rhetorical efforts hoped to orchestrate "spin control" to redefine President Kennedy's image for the sake of his presidency. Furthermore, because the Bay of Pigs was defined as a policy problem, or in this case a "crisis," the speeches made by President Kennedy sought to justify what he perceived to be the necessary policy solution.

Varying slightly in temporality, Stephen Browne explores how Thomas Jefferson, through his 1801 first inaugural address, sought to invoke national unity through shared symbols amidst bitter partisan struggles. Jefferson's address, just 1716 words in length, has been dubbed an eloquent "masterpiece of republican rhetoric," noting the rhetorical strategies Jefferson executed to free a young nation from the grips of a partisan divide. This address, notes Stephen Browne, "took as its task the subordination of local and temporary interests to the general and abiding principles of republican government."¹⁶ Jefferson knew, amidst this political crisis, that if his presidency was to be successful, he must rhetorically craft a message that would promote unity, not only for the sake of the nation, but also for the sake of his policy platform, which becomes more transparent in his second inaugural address. Approached as a national crisis, this allowed Jefferson to construct his address not only as a policy solution to the nation's partisan "problem," but in doing so sought to promote his policy agenda as well.

Each of the aforementioned studies in Presidential rhetoric, albeit spanning different time periods, presidents, and exigencies, all contain a vital concept central to the study at hand. The naming and framing of policy problems and their solutions carries the rhetorical force to move and instruct political actors toward advocating various policy outcomes. Predicated upon how well the "problem" or "crisis" is named and defined, inevitably correlates with how a policy dilemma is perceived and acted upon by not only political actors, but their constituents as well. I, like Amos Kiewe, believe that the study of naming and framing crises or policy problems "can provide a more accurate

depiction of crisis rhetoric and highlight rhetorical invention embodied in strategies, setbacks, changes, modifications, consistencies and inconsistencies.”¹⁷ It is my belief that a rhetorical analysis/study of perceived policy problems and their solutions can enlighten both how we discuss and understand various policy debates and the outcomes they produce.

While the relationship between crises and rhetoric is nothing new to the study of American Public Address, what has largely escaped such scholarship are studies that analyze invention, or, how and in what ways political actors frame perceived racial conflicts and the policy outcomes produced as a result. With race as an omnipresent factor within policy debates, James Aune and Enrique Rigsby, in their edited volume, *Civil Rights Rhetoric and the American Presidency*, feature an impressive volume of essays chiefly interested in studying the various roles rhetoric played within the fight over Civil Rights for African Americans. Largely focused upon studying the constituted and reconstituted naming and framing of civil rights for African Americans throughout presidential history, this volume acknowledges and affirms the role of rhetoric not only within perceived political crises, but also specifically related to race. Aune and Rigsby’s volume provides a long overdue rhetorical exploration into the dynamics of invention insofar as how policy makers frame and reframe, define and redefine civil rights. For this study, I too follow and analyze a shifting tide of invention not far removed from Aune and Rigsby’s volume. Here, my attention to invention occupies how and in what ways political actors create and disperse the supposed policy problems related to language (Spanish) and inevitably Latino immigration and the solutions they offer. Like

Aune and Rigby's volume, I too perform this task diachronically, understanding the necessity of uncovering and discussing such shifts in invention over time.

Removed from the confines of the presidency and with attention to Latino politics, the canon of invention, which Aristotle primarily defines as rhetoric, steers the rhetorical/methodical wheel of this study. Here, the role of the critic lies in unveiling ideological contradictions present within the arguments from English-only proponents through their chosen strategies toward inventing crises and solutions. If English-only proponents are to advocate for an official/national language, amidst discussions of immigration reform no less, they must create and persuade their audience, as Amos Kiewe explains, that "a certain development is critical and to suggest a certain course of action to remedy the critical situation."¹⁸ This interplay between problem and solution provides a unique set of case studies deeply entrenched within the rhetorical construction of "us" versus "them," "American" versus "foreigner," whereas English-only advocates create and deliver an array of arguments defining and defending all that it means to be an "American."

The close attention paid to the public language of political actors amidst times of racial duress is of particular interest due largely to the rhetorical nature it embodies. The naming of policy problems and their solutions are great rhetorical tasks that lawmakers, not just presidents, construct on numerous occasions. How well lawmakers construct policy problems/crises and naming their solutions are only as effective to which they identify with the "American people." If illegal immigration, for instance, is the supposed policy crises threatening our "American way of life," how well lawmakers disassociate

“them,” illegal immigrants and unfortunately Latinos in general, from “us,” law-abiding American citizens, will determine how well this supposed crisis is understood and acted upon. For Kenneth Burke, this process is called “identification,” whereas the rhetor attempts to join or reconcile people and their interest around a similar vision or goal. While the construction of a policy problem is a vital first step, how and in what ways rhetors craft the “American people” can determine if the audience shares the rhetors vision and embodies their solution, or if their message falls on deaf ears. To define a problem and its solution so that it is perceived to be of importance or identifies with such “mediators of change” is to craft a highly strategic rhetorical construction of the “American people.” Within the confines of English-only or limited immigration proponents, naming and defining the “American people” embodies a peculiar racial order as part of their policy solution that is better discussed through a blended approach between Political Science and Rhetoric and Public Affairs. As one who situates himself within both fields of study, it is important to not only know how each field operates within this area, but in doing so state how my focus takes a more blended approach.

A Blended Approach to Race

Race, along with the policy struggles and grievances therein, is perhaps one of the most controversial and multifaceted social issues in the United States.¹⁹ A historical look across American public address informs us of the various transformations of countervailing forces that over time came to include Indian removal,²⁰ anti-miscegenation statutes,²¹ nineteenth century “scientific racism,”²² along with Jim Crow,²³ to unfortunately name only a few.²⁴ Due to its inherent complexity and broad

reach, studies of race and public policy are generally better served when drawing from multiple academic trajectories because the study of race and public policy belies any one field of study.

Race and public policy is an economic issue, a sociological issue, a psychological issue, a political issue, and without dispute, race and public policy is a rhetorical issue. It is a rhetorical issue inasmuch as policy makers, street level officials, academics and communities at large continue to debate and advocate various policy solutions to address one of America's most lingering points of tension. For example, are the descendents of African slaves owed economic redress for the severe degrees of exploitation their ancestors suffered, or, have African Americans already received past compensation through social policies like welfare, as David Horowitz contends?²⁵ Questions like this only articulate a small segment of ongoing debates involving racial controversies seeking political/policy remedies. Nevertheless, whether the issue is over reparations or otherwise, most race and public policy debates draw from multiple academic traditions, rarely is one field of study fully sustained.²⁶

Race and public policy is both rhetorical and political because no golden arrow exists leading us toward *the* best course of action, whereas a result, the relationship between race and public policy continues to undergo various shifts, largely influenced by multiple value hierarchies and perceptions of reality.²⁷ Moreover, race and public policy is inherently rhetorical because of the very nature of policymaking. For example, if an area of concern is to be addressed through traditional bureaucratic channels, Eugene Bardach contends there are generally five steps associated with generating and

evaluating policy solutions, all of which are innately rhetorical. According to Bardach, these steps include: 1) defining the problem 2) establishing the criteria to evaluate alternatives 3) generating policy alternatives 4) evaluating and selecting problems, that is, evaluate these problems according to each evaluation criterion, and 5) evaluate adopted policy by assessing effectiveness in light of changing social, political, cultural, and economic conditions.²⁸ Again, at each step of this process, policy formation and evaluation inevitably becomes rhetorically framed to better suit each policy maker's orientation.

The debates that populate the intersection of race and public policy rarely produce consensus, illustrating not only a vast array of rhetorical richness but also a much needed area of focus. Perhaps one reason that race and public policy controversies are still upon us reflects our collective failures to dissect, diagnose and discuss these very issues. Whether it is a matter of paranoia, indifference, or overall inability, the intersection of race and public policy is laced with rich dialogues and debates that date as far back as America's founding, but continue to go largely understudied. Race within the confines of rhetoric and public policy not only matters, it dually plays a pivotal role within American political development regarding who gets what, when, why and how.

Scholars of political science or more precisely, those who study race and politics, largely draw upon a well-developed empirical tradition to analyze the nuances and countervailing forces present within controversies of race and public policy. To this end, scholars analyze such areas as: educational policies,²⁹ race and social capital,³⁰ crime and incarceration rates,³¹ immigration,³² and racial representation in legislative bodies and its

policy influence, to name only a few.³³ Although this only represents some of the angles scholars within political science test, their body of scholarship and areas of inquiry are discursive and well-established. Despite this largely quantitative approach, this project will draw upon and extend the study of race and policy from the growing subfield of Latino politics. In particular, I will build upon the foundational works of Rodney Hero and Raymond Tatalovich, as they provide a notable tradition for not only the study of race and public policy, but for the study of Latino politics in general, especially pertaining to the English-only movement. Combined, these scholars will better inform my blended approach within Latino politics, given the English-only theme embodied in this project. For scholars in Political Science, especially those interested in race and politics, this project not only updates past works regarding English-only, but also justifies the validity of a rhetorical approach to the study of public policy.

Given its largely quantitative approach, perhaps this represents the point of departure that frequently divides rather than unites our collective efforts between political science and rhetoric and public affairs toward studying the intersection of race and public policy. Clearly, the aforementioned areas of study are rhetorical in nature, whether we consider the debates these controversies produce or the rhetorical nature policy crafting and implementation embodies, yet by means of method, scholars in both disciplines appear to talk past each other. Despite the methodological divide that appears to exist, scholars in race and politics just as much as scholars in rhetoric and public affairs can inform one another regarding the intersection of race and public policy.

However, in order to do so, scholars in both fields must develop a better understanding about each other's approach and in doing so begin to craft a more blended perspective.

Scholars in rhetoric and public affairs on the other hand are highly concentrated upon the textual, largely speeches. Here, the focus is upon producing thorough analysis of various texts, whether they be speeches, debates, court opinions, social movements, or otherwise. For scholars in this area of study, while race and public policy is not as well developed as political science, scholarship about the rhetorical nature of public policy draw largely from the study of Presidential rhetoric.³⁴ Presidential rhetoric provides a rich tradition of textual inquiry and analysis on the crafting of public policy that is at the very heart of this project. Given the fluid rhetorical nature of policy shaping and implementation, Presidential rhetoric provides a well-developed commitment to textual analysis that seeks to uncover more than what rests at surface level, which is of considerable merit given the nature of public policy debates.³⁵

Again, while there is much to be desired regarding the study of race and public policy, Presidential rhetoric provides us with a more in-tuned approach toward studying and analyzing the rhetorical nature of public policy from a textual perspective. However, as one who blends both scholarly traditions, this project is informed by both disciplines in efforts to build upon and extend how each tradition approaches the study of race and public policy.

To speak to the degree of national identity politics English-only proponents oftentimes employ within such debates by defining who are the "American people," the works of Mary Stuckey and Vanessa Beasley will both inform this project. For both

Stuckey and Beasley, their approach to national identity politics is derived from a rhetorical, legislative, and above all, textual perspective, which this project seeks to build upon in relation to the 2006 English-only debate at hand. The works of Stuckey and Beasley will help inform this project inasmuch as questions and creations of national identity by English-only proponents are concerned. Both Stuckey and Beasley provide the needed rhetorical tradition to discuss the rather encapsulating image Senate proponents use to define what it means to be “American.”

The study of national identity and the rhetorical tactics used by presidents to create a sense of “civic camaraderie” engages the question of “who,” that is, who constitutes the “American people?” Throughout the span of any presidency, speaking to the nation is both required, the state of the union address for example, and strongly encouraged, presidential war messages. As often as presidents speak to the nation, the evoking of “the American people” generally follows. Mary Stuckey, for example, notes this point well, acknowledging, “presidents must unite contemporaneous occasions with appropriate traditions and innovations so that enough of us will continue to see ourselves.”³⁶ In many respects, presidents have the rhetorical task of serving as the nations “chief identity czar,” one who is responsible for defining and articulating who “we” are.

The rhetorical shaping and reshaping of national identity by American presidents is critical to the success of any Administration’s agenda. To embark on this journey, presidents, by taking control of the bully pulpit, define and articulate such pronouns as “we” and “us” in efforts to make them readily available for public consumption.

However, noting the increasing demographic diversity that comprises of the presidents audience, how presidents construct the “American people” is vital. With recognition of the citizenry’s demographic differences, explains Vanessa Beasley, “there are some perennial occasions during which the U.S. president must speak to the citizens—and, more importantly, speak *of* them—as one people.”³⁷ Again, as “chief identity czar,” the task of rhetorically shaping and reshaping the “American people” for the purposes of a particular policy agenda is partially depended upon the degree of inclusion the “American people” share with the president’s message.

The rhetorical approach to the study of national identity and public policy from the perspective of the American presidency has informed our perception of what it means to be an “American.” For Vanessa Beasley, given the diverse demographics that embody America’s landscape, it “makes sense to define national identity ideationally, thus making it available to all comers—at least in theory.”³⁸ This speaks to the notion that not everyone can be a part of America’s “imagined community,” it is the president who establishes that litmus test as they see fit, drawn largely with the current political climate in mind. The task of interpreting “America” is filled with many obstacles, all of which American presidents must manage in some form or fashion.

The rhetorical study of national identity and public policy for both Beasley and Stuckey represents a key area of inquiry if one is to understand the relationship between rhetoric and public policy. This angle of focus is interested in how and to what degree presidents rhetorically construct the “American people” amidst the various countervailing political forces that engulf the nation. When presidents speak, they

address *one* nation, a “United States” that pledges its allegiances to *one* America. However, as Stuckey reminds us, “not everyone is invited to the national party; just enough of us to keep the party going, to sustain the fragile consensus allowing us to function more or less collectively most of the time.”³⁹ Within remaking the “American people,” presidents are careful to frame “Americans” in such a way that citizens can identify themselves within the message and link themselves to president’s policy agenda.

For both Stuckey and Beasley, the discursive rhetorical intricacies that accompany presidential discussions on national identity and public policy are of great importance to those interested in both Presidential rhetoric and the rhetorical dimensions within policy crafting and implementation. For Beasley, how American presidents have shaped and reshaped the “American people” is a central theme that receives great attention throughout her scholarship. Her journey embarks on the question of how American presidents have rhetorically created a sense of national identity within a diverse democracy. Like Beasley, Mary Stuckey is interested in questions of national identity, yet for Stuckey, her work also explores who is not included within such framings of the “American people,” seeking to uncover the rhetorical strategies executed by America’s “chief identity czar” to speak only to those “American people” who best identify with the president’s rhetorical leadership.

While the works of both Stuckey and Beasley will provide the foundation for this discussion on national identity, this project will extend their work in two ways. First, this project will discuss national identity politics from the Senate chambers, as opposed to the Executive branch. Without the power of the bully pulpit, this project will analyze

how Senate proponents construct the “American people” in efforts to create a sense of “civic camaraderie” with their constituents for the purposes of their policy preference. Aside from the United States Senate being a largely understudied rhetorical phenomenon, how its members construct the “American people” will contribute to our understanding of national identity construction, minus the rhetorical forces and reach of the bully pulpit.

Secondly, such discussions on national identity will be extended through the inclusion of race, specifically America’s fastest growing electorate, Latinos. Given the Latino communities new status as America’s largest “minority group,” “the trajectory of how Latino group identities will be used in politics is a question of growing importance,” whereas this project seeks to discuss its rhetorical relevance and significance by means of the 2006 Senate English-only debate and how Latinos become excluded from the “American people.”⁴⁰ From a Rhetoric and Public Affairs perspective, very little scholarship exists regarding Latino politics and English-only, this project seeks to help fill that void.

Given the clear and present racial element within this debate, proponents at various moments frame the passing of this legislation as mitigation against the looming perils a non-unified America would become. If nothing else, these rhetorical efforts to “unify America” play heavily upon defining who and what is and is not “American.” When making their case, English-only proponents rhetorically craft encapsulating definitions of the “American people” with the addition of a racial and linguistic element. Again, while bilingualism, particularly Spanish, is crafted as the policy problem,

English-only proponents construct their solution through the formation of an Anglo racial order, a policy solution that favors racial and linguistic homogeneity.

Achieving Racial Order through Linguistic Homogeneity

The longstanding dilemma of what Michael Omi and Howard Winant refer to as “racial formation” or “the sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed,” continues to plague us today.⁴¹ Like poverty, race and public policy represents critical issues that continue to consume much thought, continual refocusing and widespread debate. To add further complexity, people of color, contends Kirt Wilson, “are learned observers of when it comes to America’s racial policies: and, despite some exceptions, the majority believes that their equality has been undermined by deep prejudices that even well-meaning whites fail to appreciate.”⁴² If Wilson is correct, this only illustrates the various nuances and rhetorical strategies employed within the study of race and public policy, particularly the debates they produce. Meaning, if observations and articulations between people of color and Anglos regarding issues of race and public policy exist on different plains, this only underscores the complexities and multidisciplinary approach warranted to study this intersection.

Above all, race and public policy is rarely, if ever, a black and white issue: race, along with the policies and debates they produce, occupy a discursive presence that can be both easily identifiable and/or finely stitched deep within the cloth that binds us together as a nation. As a result, race, rhetoric and public policy must strive to analyze such countervailing forces by employing multiple approaches to counteract the presence and proliferation of one of America’s most discursive forces: race, rhetoric and public

policy. Given the dominant nature of national identity and racial order rhetoric employed by proponents of English-only legislation to “protect” America from the dangers inherent within a “tower of babel,” my theoretical approach blends discussions on homogeneity within communication studies with the racial order thesis within political science.

Similar to what Rodney Hero refers to as “ascriptive hierarchy,” the racial order thesis ironically mirrors the age old Great Chain of Being.⁴³ Under this configuration, the Great Chain of Being denotes hierarchy, representing all degrees of perfection from the highest and fullest to the lowest and least: God, angelic beings, humanity, animals, plants and minerals. However, in relation to linking the Great Chain of Being with a racial order, one must visit the work of Charles Linnaeus, known also as the father of taxonomy.⁴⁴ To defend this racial articulation of societal positioning, linking those of non-European background with lower forms of life, Linnaeus’ 1735 book, *In General System of Nature*, provides the outline. Perhaps most frequently used by eighteenth and nineteenth century “racial scientists” and slavery sympathizers, Charles Linnaeus defined and divided society into four main categories.⁴⁵ In his categorical defense of a hierarchical society, race mattered. For instance, when discussing Native Americans (*Americanus*), Linnaeus referred to them as “stubborn” and “prone to anger” whereas African Americans (*Africanus*) were “inattentive, and ruled by impulse,” therefore occupying the lower rungs of society. On the other hand, those of European background (*Europeaus*) were dubbed as “clever” and “governed by laws.” From Linnaeus’ early

configuration, the relationship between race and hierarchical arrangement became forged as a hallmark within most related discussions on race and the Great Chain of Being.

Like the Great Chain of Being, the racial order thesis argues that at the base of American political development is racial homogeneity, preserved through a rigid mechanism of racial privileging. The racial order thesis, argues Desmond King and Rogers Smith:

Rejects claims that racial injustices are aberrations in America, for it elaborates how the nation has been pervasively constituted by systems of racial hierarchy since its inception. . . . It does not deny that the nation's 'white supremacist' racial orders have often served vicious economic exploitation or that their persistence reveals physiological and cultural pathologies.⁴⁶

While the Great Chain of Being provides us with a necessary historical and philosophical understanding of its relevance, King and Smith, through their racial order thesis, provide a stronger theoretical grounding to better account for the longstanding racial tensions intertwined within American political development.⁴⁷

If nothing else, the Great Chain of Being was hierarchical for purposes of classification and discrimination, however, to deepen this conversation in relation to public policy and resources, the racial order thesis provides for this expansion. Acknowledging that there is more than meets the eye, the racial order thesis seeks to uncover the various policy dimensions and mechanisms, both seen and unseen, that have been guided by a distinct and discursive Anglo racial hierarchy. Racial institutional orders, writes King and Smith:

Are ones in which political actors have adopted (and often adopted) racial concept, commitments, and aims in order to help bind together their coalitions and structure governing institutions that express and serve the interests of their architects.⁴⁸

This is to say, Anglo political actors, galvanized by shared interests, goals, and fears have formed coalitions that specifically structured governing institutions to best represent and produce their desires. In his 1896 *Plessy v. Ferguson* majority opinion, Justice Henry Brown provides us with just one of many possible examples from that time period that represents the various mechanisms executed to uphold this Anglo racial order. On the question of whether or not the “separate but equal” doctrine violated the fourteenth amendment rights of African Americans, Justice Brown, in affirming the validity of America’s racial order, argued that the fourteenth amendment was not *intended* to abolish distinctions based upon color.⁴⁹ If nothing else, Justice Brown’s majority opinion expressed and upheld a deep-seated Anglo racial order that sought to serve the political, economic and social interests of its architects.

The racial order thesis, along with its careful attention to how racial formations continue to shape and privilege select groups, also concerns itself with uncovering racial orders within dimensions of public policy that are not commonly associated with race. For example, when most people think of race-related policies, usually Affirmative Action and immigration, amongst a few others, are commonly recited. However, if we move past these specific policies, what possibly could the racial order thesis inform us about how race and governing structures were designed and maintained to strategically

benefit certain groups of people? Within the English-only debate, proponents seek to remove any racial elements and instead argue along the lines of national unity.

Nonetheless, racial order thesis will help inform how race is present within the actual amendment's language as well as the debate itself.

Because King and Smith argue that “racial orders often shape the politics of issues that are not obviously about race, as well as those that are,” it is imperative to not only focus our attention to what we perceive to be “race policies,” but also those that we perceive are not.⁵⁰ Electoral structure for instance, is not an area that many would regard as having a correlation with race, whereas the racial order thesis would argue otherwise. For example, many people would not concern themselves with the difference over electoral structuring, whether it be at-large, proportional representation or otherwise. However, if one were to ask whether a particular election structure would favor a particular racial order by diluting the influence of minority voters, most people would be hard pressed to respond. Nonetheless, the answer to this question is a resounding yes, race and political representation via election structure inevitably contains a degree of biasness along these lines. That is, certain election structures are inherently biased by design, guided by an age-old racial order designed to dilute minority voters.⁵¹

By placing a finger directly on race as the driving force behind various governing structure and policy outcomes, the racial order thesis not only contributes to a better theoretical understanding of the relationship between race and public policy, but it also represents an area whereas both political science and rhetoric and public affairs can benefit from each other. For example, while the racial order thesis provides us with a

more informed perspective on the relationship between race and public policy, it does not however inform us of the rhetorical intricacies that orchestrate how policies are written (invention) and what/how these debates are guided. Ultimately, underneath the numerous policy dimensions that harbor racial order are rhetorical artifacts, these being the arguments waged in support of or against particular policy outcomes/goals, along with how these policies will be implemented. As politically constructed coalitions, racial institutional orders have been internally complex and subject to significant shifts over time, whereas these transformations could benefit from rhetorical analysis.

Because the study of race and public policy has no unified subfield within rhetorical studies, by exploring this area with a more focused approach, the possibilities of extending our scope of study could benefit the discipline exponentially. Through the racial order thesis for example, scholars in rhetorical studies could begin to

- 1) better grasp how the privileging of such racial hierarchies have transformed over time
- 2) develop other theories that engage these shifting and diachronic occurrences and
- 3) begin to lay the foundation for the development of race and public policy as a central concept of study within the realm of rhetorical studies.

While discussions about homogeneity are nothing new to rhetorical studies, which arguably exists at the base of the racial order thesis, what is new is its added specificity to race and American political development insofar as public policy is concerned. To adequately dissect the intersection of race and public policy, a blended approach is warranted. This approach must acknowledge the multidimensional/multidisciplinary nature race, rhetoric and public policy embodies.

Chapter II discusses the nation's first and second wave developments of the English-only movement and the legislation it produced, beginning ironically in Nebraska in 1920, three years before the *Meyer* decision. While social and political fragmentation is nothing new to the study of American history and politics, scholarship that investigates the relationship between community and fragmentation from a rhetorical perspective are not as frequent. Here the focus adopts a rhetorical analysis of rhetoric and community, discussing how early English-only proponents fostered state communities of racial and linguistic fragmentation, drawing largely upon the scholarship on rhetoric and community from Roderick P. Hart. As a methodological tool, this chapter will draw upon Hart's exploratory discussion on the relationship between hate and rhetoric, summarized neatly as "uncommunity." While Hart provides the foundation for this relationship, this chapter will expand upon his notion to argue that proponents of America's first and second English-only waves committed themselves to a body of rhetoric dedicated to racial, ethnic and linguistic division, or, "uncommunity," despite their overall rallying cries for a "united" society. Included within this movement were the states of Nebraska (1921), Illinois (1969), Virginia (1981), Indiana, Kentucky and Tennessee in 1984. These states do not just simply occupy the status of the nation's first and second wave of English-only laws; yet, these early arguments from proponents possess a timely and timeless rhetorical dimension that sees frequent usage throughout this movement, that is, the naming and framing of community around certain qualifiers of race, culture and language.

In order for any project discussing recurring public policy to be successful, considerable historical documentation is warranted. Chapter III therefore discusses the landmark court cases and legislative actions regarding bilingualism in America, because any serious conversation about English-only must account for past developments on this front. In particular, this chapter will discuss *Meyer v. Nebraska* (1923), the 1924 and 1965 Immigration Acts, the Bilingual Education Act of 1968, the 1970 proviso to Title VI of the Civil Rights Act of 1964, *Lau v. Nichols* (1974), Section 1703 (f) of the Equal Educational Opportunity Act (1974), the 1975 “Lau Remedies,” the 1988 Bilingual Education Act, and Title III of the 2002 No Child Left Behind Act. This chapter, through its review of these landmark court cases and legislative actions serve not only as a historical review, but also argues that weakness of policy specificity within the language of these deeds is ultimately a rhetorical choice, allowing for the continuation of discriminatory methods. While the Congress produced precise policy language regarding various discriminatory policies, particularly regarding immigration, on matters seeking to correct past inequities, such rhetorical ambiguity allows for the transformation of old antagonistic tactics into new discriminatory methods. Written not only to highlight such rhetorical ambiguity, this chapter dually serves the purpose of discussing a unique policy history that oftentimes is absent from contemporary discussions on bilingual education and efforts to establish a national language.

Chapter IV draws a very different conclusion regarding the Senate version of the 2006 English as the national language amendment than those offered by English-only proponents. While proponents argued this measure was needed to “bind us together as a

nation,” or to “preserve and enhance the role of English,” I argue otherwise. Instead, proponents of this amendment, which was ironically attached to the larger immigration reform bill of 2006 that included measures to increase border security and fencing along the Southern border, drew upon Samuel Huntington’s “Hispanic Challenge” thesis to both construct their policy problems and solutions. Named and framed as policy problems, Latino immigration and the Spanish language become agents of division whereupon proponent’s policy solutions become framed as efforts to “preserve America” by means of promoting a racial and linguistic order as their policy solution. Drawing upon Huntington’s “Hispanic Challenge” thesis and linking it with the age old Great Chain of Being, along with expanding upon Mary Stuckey’s and Vanessa Beasley’s work on rhetoric and national identity, this chapter asserts that a masked racial order was employed by proponents in efforts to not only declare a national language, but also to end the timeless debate over what/who is and is not an “American.” This argument will become more transparent through an analysis of proponents floor statements, official press releases and comments released to national and international newspapers.

Chapter V removes itself from Senate chambers to analyze one of America’s most out-spoken limited-immigration and English-only advocates, former Colorado Republican Representative, 2008 GOP presidential nominee, and 2010 Colorado gubernatorial candidate Tom Tancredo. Shortly following the 2006 Senate debate, Tancredo authored, *In Mortal Danger: The Battle For America’s Border and Security* as his “prescription for repairing the damage” America suffered at the hands of not securing

its borders, language and culture. Two years later in 2008, Tancredo authored a Washington Times column entitled, “Speak English: What’s Good for Golf, Should be Good for U.S.,” a platform Tancredo seized to continue his English-only campaign, whereas in February of 2010, Tancredo continued this line of advocacy through a highly-televised Tea Party keynote address in Nashville, Tennessee. These three episodes represent some of the latest efforts to legislative English as the national language, largely by means of rhetorically crucifying Latino immigration and the Spanish language as enemies of “American” progress and prosperity, hence Tancredo’s policy problem. Aided by the techniques embodied within close reading, through the incorporation of Richard J. Hofstadter’s “paranoid style” and Kent Ono and John Sloop’s discussion of nativism, this chapter analyzes Tancredo’s recent developments to illustrate the depth and breadth of one of the nation’s most controversial, yet rising figures within the Tea Party movement.

While Chapter VI concludes this study, it provides three brief sections aimed at updating the English-only movement in America since 2006 on both state and national levels, along with two other sections. In my final argument, “Dear Political Science: Rhetoric Matters,” I offer an open letter defending the place and role of a rhetorical approach within the study of public policy, seeking to bridge the divide that separates both disciplines. In the remaining pages following this letter, I close with a speculative forecast of the road ahead within race and public policy.

Conclusion

Central to the successful of this study is its rhetorical focus on invention. How policy problems/crises and their solutions are created, are of great importance. Because both reach and scope are important factors to consider when constructing political messages, naming and framing of political “others” provide for a rich study in the varying ways policy problems, political enemies and solutions are crafted. With this focus on invention and the understanding that invention possesses the ability to transform over both time and space, largely dependent upon the exigency, this longitudinal study pertains to the national language movement and immigration reform, seeking to uncover the various rhetorical strategies guiding such anti-Latino sentiment.

For Rhetoric and Public Affairs, this project seeks to accomplish one goal in particular. Missing from conversations about race and rhetoric have been Latinos, especially pertaining to public policy, with some exception. While Rhetoric and Public Affairs provides an impressive body of scholarship regarding African Americans, particularly regarding Civil Rights, little else exists outside of this body of scholarship. Again, as Latinos embody America’s largest minority group, and have been targets of debates ranging from immigration reform, English-only campaigns on all levels of government along with recent debates over whether or not the children of illegal immigrants should be allowed in-state tuition rates, Latinos at large continue to be at the center of much controversy. While the field continues to lack scholarship that engages these developments, this project hopes to begin that journey.

Given the rhetorical nature that embodies policy formation, debate and implementation, ultimately deciding who gets what, when and how, this project would be incomplete if not for the blended approach it takes. With that said, for Political Science, this study embarks on two journeys. First, this project seeks to justify the merits of a textual/rhetorical approach in a quantitatively dominant field by exposing Political Science scholars to the rhetorical forces present within policy formation and implementation that oftentimes goes ignored. Because their approach to studying race and public policy is largely quantitative, many textual/rhetorical intricacies that help guide policy outcomes, scholars in Political Science overlook. Secondly, as the subfield of Latino politics continues to grow, this project seeks to update the conversation regarding Latinos and English-only legislation, noting that previous works have not accounted for Latinos new place as America's fastest growing electorate and the efforts some lawmakers are pursuing to curb their mobility through such legislation.

While each discipline has its own shortcomings, this project seeks to capitalize from the collective strengths both race and politics within political science and rhetoric and public affairs possess.

CHAPTER II

UNITY OR FRAGMENTATION?

AMERICA'S FIRST AND SECOND WAVE OF ENGLISH-ONLY

Tracing back to the writing of the Constitution, the framers took no action to “promote” or “protect” any official language. No evidence exists to suggest the framers believed a monolingual society or one with an official language could serve as society’s social glue. Linguistic heterogeneity, or in this case, the publication of both public and private documents in multiple languages, is as old and “American” as the nation itself. Whether it be in reference to the Louisiana constitution, which allowed for laws to be published in French, or California and Texas, which allowed the publication of laws in Spanish, bilingualism has always occupied a heavy presence within American political development. Moreover, it was not until 1906 before there existed an English-speaking, reading and writing requirement for naturalization, instead, it was sufficient to pledge allegiance to the Constitution. However, as America’s first wave of English-only laws began to arise, proponents committed themselves to a brand of argumentation that linked English-only with “American” ideals and principles. With the belief that bilingualism was the rising threat challenging “American” identity, state-led campaigns to redefine who and what is “American” would soon emerge.

The political development of the English-only movement, or, how “foreign” languages such as German became objects of fear, debate, and legislative restriction, can be traced to the 1700’s. In a 1753 letter written to a friend, Benjamin Franklin famously expressed his fear in the rise of the German language, specifically in Pennsylvania,

noting of course, the number of street signs in German without English translation. Germans living in Virginia for example petitioned the 1795 state General Assembly to print laws in German for those who have not fully grasped English. Although this initial petition was tabled in committee, an identical bill was introduced the same year, yet this time, the notion advanced to a voice vote where it was ultimately defeated by a 42-41 vote.⁵² Although the motion was narrowly defeated, this legislative attempt for bilingualism was enough to disturb those like Franklin.

The fear of German, as expressed by Benjamin Franklin, was unfortunately widespread and shared by other lawmakers throughout the colonies. As the pattern goes historically, once the German population in America began to rise, as did the level of paranoia over the “foreign” language they spoke. Their rise in population, totaling eight million German immigrants and their children, compared to the two and one half million English immigrants and their children in 1900, soon unleashed an unprecedented legislative assault toward curbing the use of German in various settings.⁵³ The paranoia that accompanied the fear of a “foreign” takeover gained momentum throughout the 1900’s, particularly pertaining to the belief that German immigrants would obscure “American” identity and erode national unity by their “refusal” to speak or learn English. Buying into this fear doctrine, one Oregon law required “foreign-language” newspapers to publish English translations to ensure no plots against the nation were under discussion and that close tabs could be particularly kept on German Americans.

The Congressional endorsement and passage of various naturalization laws included numerous measures aimed at “uniting” the nation. One 1916 law called for the

deportation of all “aliens” who did not apply for citizenship within three years, whereas a 1917 amendment to the Espionage Act required every “foreign-language” paper to submit English translations of all stories covering the war. Moreover, the Revenue Act of 1918 doubled the income tax rates on “nonresident aliens.”⁵⁴ This stream of laws designed to promote “Americanizing” new immigrants only increased over time and by state. With the widespread belief held by many lawmakers and their constituents that the nation’s unity and identity was in jeopardy, America’s “first wave” of English-only laws ironically began in Nebraska, just four years before the *Meyer* decision.

Of considerable importance to the chapter at hand stems from the problem of community in the United States. This problem, notes J. Michael Hogan, “is rooted in racial and ethnic differences,” whereas defining both who and what does and does not fit the build of the “American” community continues to transform over time and place.⁵⁵ For instance, before U.S. citizenship is granted to new immigrants, they must fulfill the requirements established by Congress in the Immigration and Nationality Act (INA). With some exceptions, once these requirements are met, you are federally classified as a United States resident. However, while on one hand the federal government recognizes you as a member of the U.S. community, because of different conceptual and definitional relationships at the state level, proponents argued otherwise on the grounds of the false nature of the federal governments association. With this line of argumentation offered at the state level, English-only proponents offered an alternative definition regarding whom and what requirements must be satisfied before admittance is granted to each states community of residents. As a result, state-led English-only efforts

introduced new renderings of community and “American” identity, as the debates ahead will illustrate.

War Time Hysteria: The Nebraska and Illinois Story

Unfortunately, policy disputes regarding matters of race, ethnicity, immigration, and language are nothing new in the United States. Although race and ethnicity can be arguably added, for Noam Chomsky, “questions of language are basically questions of power,” whereas debates over official language policies are representative of such power struggles and illustrate Hogan’s belief of a racial and ethnic dimension in community formation.⁵⁶ Although English was not the first nor only language heard by Europeans when making landfall upon the shores of the United States, this has not deterred efforts by many lawmakers to argue or pair the English language with “American” heritage and identity. Depending upon where in America various European “immigrants” made landfall, Spanish, along with various Native American languages could be heard. Regardless of the approximate location and people where European “immigrants” encountered, English was by no means the “dominant language” nor the nations “native tongue.”

Prior to World War I, German Americans were the largest language minority group in the nation, drawing much suspicion and distrust. Once America entered World War I, this suspicion and distrust immediately turned to bigotry against the German population. This heightened level of paranoia led to legislative efforts to eradicate everything symbolizing the German threat, including efforts to curb the use and spread of their language. For many first-wave English-only proponents, the German language

threatened the fragile unity of each states community, arguing that “the United States has turned some crucial corner, that the very fabric of our society has begun to unravel” at the hands of a growing German population.⁵⁷ For early English-only proponents, the German language placed much strain on the “American” community, severely challenging the current demographic qualifiers placed around proponent’s notions of community.

Proponents who backed the nation’s first state-level English-only law all possessed much of the same belief regarding what they perceived to be the problem of Nebraska’s community. Throughout the arguments backing a 1919 measure to name English as Nebraska’s official language, proponents followed J. Michael Hogan’s observation on unity and community, noting, “fragmentation of community poses a serious threat to the American democracy, perhaps even a threat to the survival of freedom itself, whereas English is needed as societies safeguard.”⁵⁸ With the goal of English-only in mind, the thirty-seventh session of the 1919 GOP controlled Nebraska General Assembly sought legislative actions to curb the use and teaching of “foreign languages,” chiefly German. To begin, the General Assembly passed Senate File 15, a law ending the previous practice of printing county board proceedings and land sells in German, Swedish and Bohemian in newspapers statewide. Next was Senate File 237, an open-meeting law requiring discussions of “political or nonpolitical subjects or questions of general interest. . . be conducted in the English language exclusively,”⁵⁹ only excluding religious gatherings and lodges. From there, the state legislature passed by an overwhelming majority, Senate file 24, a statute mandating that no individual, teacher or

otherwise, teach any subject to any person in a language other than English. One exception that was soon made to this law, which later became the object of the *Meyer* case, allowed languages other than English to be only taught after a student passed the eighth grade but outside of this addendum, it was otherwise illegal and subject to criminal charges and/or fines.

These severe constraints placed upon the learning and speaking of “foreign” languages were just beginning. At the center of the 1919 Nebraska Constitutional Convention were two proposals, both legislating English as the state’s official language. With proposal 77 for instance, the insistence upon Nebraskans to speak/use the “American” language became an issue of debate. For example, this proposal argued that the:

Ability of the people to freely communicate with and understand each other is essential to a republican form of government, and a common language being therefore a necessity to the people of this state, the right of the people to such a common language shall never be denied or in any way impaired or abridged. To that end, the American language—the language of the Declaration of Independence, of the Federal Constitution and of this Constitution,—is hereby declared to be such common language and the official language of this state, and all public proceedings, record and publications shall be in such language and no other language in any school, public or private, until such persons shall have attained the age of fourteen years and shall be able to understandingly read, write, and speak such American language.⁶⁰

Like modern-day arguments in defense of English-only laws, most, if not all, disregard the existence of over twenty languages before European “settlers” came ashore. Instead, much effort is made to construct English as the language of unity, yet, evidence to this unifying force remains to be seen, proven or found. Nonetheless, while Proposal 77 did not carry enough supporters, it then went to the Convention floor for debate, seeking a more favorable outcome.

What is most interesting of the arguments waged in defense of this law pertains to its both timely and timeless appeal, that is to say, despite being 1919, proponents overall rationale and body of rhetoric find frequent usage today. If nothing else, the nation’s first wave of English-only argumentation introduced us to the constitutive element of defining and sustaining community along racial, ethnic and linguistic lines.⁶¹ For example, the proposal’s chief architect, Walter Anderson of Lancaster County, offered a line of argumentation that has become all too familiar with the English-only debate. In his words:

If a majority of the Convention thinks we should call it the English language rather than the American language, I will agree with that, but I like to call it the American language, and I like to call this country America, and I like to call the flag the American flag, for I am for one country, one language and one flag, and I want to be for the American language.⁶²

Again, steeped largely under the false assumption that English once existed as, or is in danger of no longer being the language of the “American” community, contributes to the growing belief that linguistic homogeneity ensures national unity. The spectacle that has

become linguistic diversity and community formation, as Jack Citrin observes, “has sparked insecurity about national cohesion and fostered a movement to designate English as the official language of the United States,” as the nation’s first-wave of English-only debate unveils.⁶³ With just proposal 77 alone, many legislative debates erupted over “uniting” the national community under one God with allegiance to one language. Continuing in this homogenous fashion, what these debates illustrate is the contradictory framing of “community” by proponents against the larger national ideal of equality for all.

In a shocking occurrence to Anderson, who believed his efforts were for the benefit of the greater communal good, his proposed amendment drew many dissenters who instead favored Proposal 326, which did not include the word “only” when referring to the use of English. One dissenter, John Wiltse, argued against Anderson’s entire body of claims, noting, he saw “no reason why, at this late day in the history of our country, we should undertake to change the name ‘English language’ to ‘American language,’” later adding, “there is no such thing as the American language unless we refer to the language of the American Indian.”⁶⁴ Further adding to his dissent, Wiltse voiced his skepticism regarding the age limit imposed under Anderson’s amendment, believing it would impair a child’s development and proficiency in a language other than English. The dissent voiced by Wiltse, who opposed restricting the private use of “foreign languages,” yet approved the documentation of public records in English, was representative of those who lead efforts to defeat Anderson’s amendment and the ultimate passage of Proposal 326. This passage however did not quiet the storm, for the

passage of Proposal 326 was rather vague, simply stating, “the purpose of the amendment is to insure to the youth of the state a knowledge of the language in which the spirit of our institutions is expressed and to promote true Americanism.”⁶⁵ English-only proponents, not satisfied with this, tried again during the fortieth session of the state General Assembly.

Senate File 160, an amendment to legislate English as the only language of instruction in all schools, a move the previous Constitutional convention failed to do, took center stage in 1921. While the proposed amendment had its dissenters, it was not enough to stop its passage. Marking the nation’s first English-only law, the Nebraska General Assembly passed a comprehensive act making English the state’s official language, banning “foreign” language instruction before ninth grade and “protecting the use of the English language in all public gatherings.” To illustrate the change in law, section four of what is now referred to as the Siman Law, read:

It shall be unlawful for any organization, whether social, religious or commercial, to prohibit, forbid or discriminate against the use of the English language in any meeting, school or proceeding, and for any officer, director, member or person in authority in any organization to pass, promulgate, connive at, publish, enforce or attempt to enforce any such prohibition or discrimination.⁶⁶

In what laid the groundwork for later legislative actions seeking to evoke the same “American” spirit of establishing an official language, Nebraska provided the impetus for states like Illinois to follow. This crusade to speedily “Americanize” immigrants is

best described by John Higham. He posits, “when neither a preventative nativism nor the natural health of a free society seemed sufficient to cope with disunity, a conscious drive to hasten the assimilative process, to heat and stir the melting pot, emerged.”⁶⁷ This rise in anti-“foreigner,” pro “American” sentiment became adopted next in Illinois, as English-only proponents felt the assimilation process for new immigrants was in need of legislative assistance.

For the many who believed in the unifying effects of the English language by insisting upon official language declarations and other measures to mitigate against the supposed community threats posed by “foreigners,” raises the question introduced by Roderick Hart, is it “possible to have community without hate?” For Hart, he believes words have consequences, whereas the rhetoric of hate displays feelings of antipathy toward a selected person or group, much like those targeted by restrictive linguistic laws. Through Hart’s eyes, each community contains an “uncommunity,” or, “an assembly of the befouled and besotted who have heard the Word and rejected it. They have mindfully chosen a course different from our own and pursued it with abandon. The uncommunal are not quiet in their protests.”⁶⁸ In a similar Nebraska fashion, members of the Illinois “uncommunal” supported and sent a message to its German immigrants, one that was laced with the ingredients of hate, namely, intolerance and antipathy.

Inevitable within political campaigns launched and/or supported by the uncommunal, are unmistakable characteristics. These campaigns, notes Roderick Hart, involve “society’s leaders get[ting] us to take risks we otherwise would not take. They make us see the Other in his full depravity, and they embolden us a result.”⁶⁹ For Illinois

English-only proponents, the quest toward achieving “one nation in divisible” began with “rooting out alien conspiracies.” By means of declaring “American” as the official language, notes James Crawford, efforts to reclaim what it means to be a part of the “American” community were underway yet again.⁷⁰ Once the language threat was minimized, the nation could rid itself of its looming community perils and become a “united” states, so the argument went.

In 1923, Illinois followed Nebraska in both spirit and body of argumentation, whereas Senate Bill 15, introduced by (D) Frank Ryan of Cook County, sought to establish “American” as the official language of Illinois. Speaking on behalf of his bill, Ryan explained, “this is one country, with one flag, and should have one language,” later adding, “it is time we should teach more Americanism than we do now,”⁷¹ expressing an all too common sentiment found throughout the country during this time. Fearing that Illinois would continue to lose its sense of community, Frank Ryan argued the merits of his bill, keeping in the forefront, the devise nature “foreign” languages contributed to the states as well as the nation’s social and political unity. In his words, “this bill calls for the American language [and] that is all. It wants to educate us Americans in the American language, and not in any other language. As stated a moment ago, the language and the flag go hand in hand,” believing that one nation should only have one flag and one language.⁷² While offering no evidence to support his claims of “foreign” fragmentation, Ryan was able to see the passage of his bill in both chambers of the Illinois State House, marking Illinois, in 1923, as the second state in the nation to pass such a law.

The belief that national cohesion or a sense of national community can only be achieved through some degree of homogeneity, linguistic in this case, becomes a reappearing theme argued by proponents. Whether it be amidst World War I or otherwise, during times of war, both pre and post, J. Michael Hogan explains, “wars invariably have led Americans to question their nation’s identity and purposes.”⁷³ As part of this quest for a common identity, both state and national sentiments surged in support of the establishment of a single language community. Because of the deadly efficacy hate rhetoric possesses, along with the sweeping uncommunal sentiment of the time, while Nebraska and Illinois believed they have taken the proper steps toward community unification, it was now time for the Congress to do the same.

One year after the passage of Illinois’ declaration of “American” as the state’s official language, the United States Congress enacted the most restrictive immigration law on record, the National Origins Act of 1924.⁷⁴ This policy imposed quotas against immigrants from southern and eastern Europe, totally excluded Asians while favoring immigrants from northern Europe and England. The National Origins Act went to great specificity when defining their restrictions. For instance, those identified as “non-quota” immigrants included wives and unmarried children (under 18 years of age) of US citizens, residents of the Western hemisphere, religious or academic professionals, and “bona-fide students” under 15 years of age. Those who fell outside this category were defined as “quota immigrants” and as the title suggest, were subject to annual limitations. For quota immigrants, as the law explained, preference would be given to family members of US citizens and to immigrants who were skilled in agriculture. As a

nation in fear of the “foreign” threat, limits became imposed to not only restrict their physical movement, but also their linguistic movement as well.

Movements to restrict “foreign” languages and “foreigners” altogether reached a historic benchmark during the 1920’s, particularly pertaining to German Americans. Marked by landmark legislative moves in Nebraska and Illinois, and later at the federal level with the passage of the National Origins Act, the movement to reclaim the “American” community against the German threat was considered a success. While German Americans were no longer viewed as constraints upon national unity, the 1980’s introduced two new groups of suspicion, Latino and Asian immigrants. Fueled by the belief that Latino and Asian immigrants, like the Germans before them, threaten each states idea and formation of community, over the course of just three years, four states passed English-only laws, beginning in Virginia (1981) and followed by Indiana, Kentucky and Tennessee in 1984.

Beginning America’s Second Wave

Beginning in 1981, a national resurgence began in a similar fashion as the nation’s first wave of English-only legislation. Like witnessed before, efforts by many states throughout the 1980’s sought to define the parameters of community, chiefly, who does and does not belong. Language policies within the grander scheme of community formation, argues Ronald Schmidt, “can be understood best in terms of the politics of identity,” an ongoing process that (re)creates, (re)defines, and (re)identifies “us” and “them.”⁷⁵ Driven in many ways to exclude “foreign” accents from their definitions of community, legal scholar Mari Matsuda posits, “we say a person has a

accent to mark difference from some unstated norm of non-accent, as though only some foreign few have accents.”⁷⁶ Here, Matsuda is not only speaking to the nature of discrimination suffered by those with “foreign” accents, like the English-only movement, but most importantly, discussing the various voices/accents that comprise our national community, noting the non-existence of one or a singular American accent or language. Matsuda’s argument that we use an accent to mark difference, precisely describes part of the impetus behind English-only laws overall, while other segments of such sentiments can be attributed to such factors as race and nationality.

In succession with rising levels of immigration, English-only proponents in Virginia felt the necessity to fortify their state community through the declaration of English as their official language. To illustrate, the 1981 House Bill 1770 declared not only English as the official language of the Commonwealth, but that school boards were under no obligation to teach the “standard curriculum” in a language other than English. This bill, remarks Raymond Tatalovich, not only supported an official language, but “opposition to bilingual education was clearly the motivation behind this statute. . . . Its purpose was to influence education, not just to be symbolic.”⁷⁷ As a statute intended to send an anti-bilingual education message to President Ronald Regan, it dually sounded the once dormant anti-immigration/nativist alarm to other states.

While Tatalovich is correct when speaking to the anti-bilingual education element of the bill, the final 1986 House Joint Resolution (236) also contains its own element of identity politics. Of the four clauses added to the Joint Resolution by the state Senate Rules Committee, one clause declared:

WHEREAS, English is the national and unifying language of the many peoples who have become known simply as Americans and who speak with one tongue.⁷⁸

Here, the prevailing belief that English-only prequalifies one for entrance into the Virginia community follows the observation of Amardo Rodriguez. For Rodriguez, those who choose to define community by our differences rather than by our commonalities strategically create a rhetorical atmosphere open and accepting of racial, ethnic and linguistic hierarchy. With this sentiment, posits Rodriguez, comes the belief “that such commonality is necessary for order, unity, and the making of the *good society*,” whereas in reality, “such commonality retards us mentally, emotionally, and spiritually by discouraging us from developing ways of being that foster compassion, trust, and openness that come with dealing with peoples of different situations and backgrounds.”⁷⁹ In return, community, or “Americanism” becomes “defined as a process by which an alien acquires our language, citizenship, customs, and ideals,” writes Howard Hill.⁸⁰ The perceived lethality of lingual multiplicity within the confines of the Virginia community and at large, only reinforces a justificatory ontology steeped in division, where “some groups are systemically favored while others are systematically deprived,” which oftentimes is the case with matters of race and public policy.⁸¹

While Virginia was the first state in the late twentieth century to enact an English-only declaration, it certainly was not the last. In what followed Virginia’s lead, Indiana proponents sought to end bilingualism as both an educational and governmental practice and policy. To keep Indiana, Tennessee and Kentucky functioning as one society united by one language, proponents pointed to uniformity and societal order as

the catalyst behind their legislative efforts. Just three years after the Virginia law, Indiana, Tennessee and Kentucky joined the crusade to legislate linguistic commonality. Albeit different states and different political parties sponsoring these laws, their arguments were identical. In Indiana for instance, a supportive editorial in the *Indianapolis Star* best articulated proponents rally cry. In the opening line, the editorial read, “a common tongue for communication is essential to any society, whether tribal group or large industrial state. This is almost universally recognized.”⁸² Social cohesion in this regard is only achievable through “sameness,” diversity, or lingual multiplicity only stiffens societies striving toward union. Much of the same sentiment was expressed in Tennessee, whereas much debate centered on exactly what type/dialect of English unites Tennesseans. Do Tennesseans speak “English,” “American English,” or as State Senator (D) Ira Cohen of Memphis proposed, “Southern English?” If nothing else, Tennessee’s English-only proponents were certain that English united them as a community, regardless of whether it was “Southern,” “American,” or simply “English.”

While there were no large-scale debates in Kentucky, Tennessee or Indiana against the passage of an English-only bill, the belief held by lawmakers and their constituents that society remained exposed to the prophesized perils that accompany linguistic multiplicity drove many states to introduce and overwhelmingly pass such measures. In the same *Indianapolis Star* editorial, it argued, “a society needs one language in which everybody is functionally literate,” however, provides no evidence to suggest that Indiana, or the nation is suffering from a tower of babel, or evidence to support the supposed unifying force of the English language. Much of the same occurred

in Kentucky, after receiving the endorsement of the House Committee on State Government, their English-only bill received overwhelming support. Such supportive sentiment and haste passage that accompanied these bills is best captured by the words of James Baldwin in his first major essay, the “Harlem Ghetto.”⁸³ For Baldwin, “the American ideal after all is that everyone should be as much alike as possible,” mirroring the legislative intent embodied by America’s second wave to name and define community along homogenous racial, ethnic and linguistic lines.

Belief in the possible creation of societal order through linguistic means is what drew many supporters and fueled the nation’s first and second wave of English-only campaigns. Assumptions that posit unity through “sameness” came at the expense of those casted as “foreigners,” oftentimes these were immigrants. Once the perceived duality between societal order (English + “American”), and chaos (“foreigners”) formed, calls for assimilation followed. Linguistic homogeneity, or the belief that societal unification can be achieved through language is what contributes and simultaneously bankrupts our perceptions of a supposedly foreseeable and achievable societal order. At the risk of societal devolution, securing English as the official language unleashes lingual homogeneity as society’s only safeguard against devolution. What remains rather peculiar in the history of this debate is that nowhere has a single language declaration been proven or credited with ameliorating national unity, yet such belief continued to thrive.

Unless harnessed by the supposedly “uniting” spirit of English-only legislation, the possibilities of social disunity and civic disharmony remained a lingering threat

amidst Latino and Asian immigration for America's second wave. The demand for language restrictions, as noted by James Crawford, "is a demand to reinforce the existing social order."⁸⁴ This demand to legislate the "American ideal" or to reinforce social order, arises at moments which we are perceived to be most vulnerable (immigration) and targets racial and linguistic "foreigners" as threats or outsiders to "our" stable community. As the threatening menace in need of legislative action, proponents articulated racial, ethnic and linguistic diversity as those traits that fail outside their framing of community. Because of the qualifiers placed around membership into each states community, English-only proponents benefited from the execution of a unique rhetorical device, one capable of separating previously unified ideas into separate concepts, largely understood as disassociation.

Usually, when asked a question of "what is," such as "what is community," it oftentimes is followed by an example, by either definition or visual depiction. In providing a response, the rhetor may either, (1) reaffirm a long withstanding concept, or (2) execute the opposite, seeking to disjoin previously assumed beliefs by rendering an alternative response. Dissociation, according to Chaim Perelman and Lucie Olbrechts-Tyteca, is, "the technique of sundering previously constructed integrities, primarily by showing the unstable, illusionary, and false nature of the prior association."⁸⁵ For example, when proponents defined community, instead of reaffirming such concepts as proximity, they rendered an alternative response, one that fostered racial, ethnic and linguistic fragmentation.⁸⁶ This rhetorical maneuver proved to be an invaluable asset

throughout America's first and second wave whereas proponents naming and defining of community was vital to the successful execution of their campaigns.

Conclusion

For English-only proponents, maintaining their brand of community was predicated upon erecting definitional and policy barricades that precluded the inclusion of "foreigners." In his reflections on community, the German social psychologist Erich Fromm argues, "the desire for interpersonal fusion is the most powerful striving in man. It is the most fundamental passion; it is the force which keeps the human race together. . . the failure to achieve it means insanity or destruction."⁸⁷ This strategic fragmentation, constructed largely at the hands of hate, reminds us of the fluid nature of communities. Fragmented or otherwise, communities, as J. Michael Hogan affirms, "are living creatures, nurtured and nourished by rhetorical discourse," which possess the propensity to transform over space and time, as both waves of the English-only movement illustrate.⁸⁸

Questions of national identity, or more precisely, questions of belonging, repeatedly contribute to intense debates carried out at all levels of government. The crisis of community that surrounds these debates pits the homogenous "American" brand of community against all things "foreign," whether these characteristics pertain to race, nationality, language or otherwise. In turn, debates such as these have led Roderick Hart to believe that hate "has long been the handmaiden of community," where not only is "the human story a story of love but is also a story of hate."⁸⁹ Through the eyes of Amardo Rodriguez, this story of hate has contributed to the denial of "emergent

conceptions of community that are capable of fostering levels of bonding among diverse peoples who are increasingly sharing our spaces and places” and instead has pitted “us” vs. “them.”⁹⁰

As the nation’s earliest movement to rid itself of “foreigners” and “foreign” tongues, the naming and framing of community, or friends and enemies, finds repeated usage in 2006 pertaining to Latinos and English-only amidst another national debate over immigration. Like witnessed before, this 2006 Senate debate evokes similar calls for Americanism, yet with an even more pronounced focus on race and language.

CHAPTER III

THE LEGISLATIVE AND JUDICIAL HISTORY OF BILINGUALISM IN AMERICA

To better understand the English-only movement in America is in part to better understand the landmark court cases and legislative acts surrounding bilingual education. Bilingual education, says Guadalupe San Miguel Jr., is “one of the most contentious and misunderstood educational programs in the United States because it raises significant questions about national identity, federalism, power, ethnicity, and pedagogy.”⁹¹ All too often, debates on bilingual education, or English as the national language, have a tendency to employ historical amnesia, that is to say, English-only proponents have illustrated a tendency to lose sight, downplay or not mention at all why such laws were created and the arguments used to defend the rights of “language minorities.”

Following World War II, the rise of America’s Spanish-speaking population ushered in debate over the education of students whose primary language was not English. When considering the history and discriminatory practices suffered by Latinos in America, Luis Fraga, Kenneth Meier and Robert England write, “nowhere has public policy been more detrimental to the development of Hispanics, however, than in education,” underscoring the political, social and economic upward mobility and access that is generally related to possessing a quality education.⁹² Because the teachings of languages other than English went largely excluded from many school curricula, Spanish, along with Chinese-speaking students experienced widespread participatory exclusion because of this monolingual educational environment. Students whose native

languages were not English were expected to achieve mastery of school curricula in a language system that was new, and oftentimes confusing to many. Possessing little familiarity with an English exclusive environment, tensions began to mount for a change in pedagogical direction and extension of Civil Rights.

Evidence to suggest that students whose dominant language was not English experienced second-class treatment was clear and present. Allegations ranging from educational exclusion to reprimand for not speaking English in school along with physical altercations were widespread; this was particularly true for students from Spanish and Chinese-speaking backgrounds. To counteract the lack of educational opportunities, and to ultimately produce English proficient students, it was the belief of many that in order to achieve maximum inclusion and English proficiency, a bilingual education statute was long overdue. Efforts undertaken throughout the twentieth century, especially the 1960's, helped solidify a series of legislative actions aimed at closing the linguistic divide, these included: *Meyer v. Nebraska* (1923), the 1924 & 1965 Immigration Acts, the Bilingual Education Act of 1968, the 1970 proviso to Title VI of the Civil Rights Act of 1964, *Lau v. Nichols* (1974), the "Lau Remedies" (1975), Section 1703 (f) of the Equal Educational Opportunity Act (1974), the 1988 Bilingual Education Act, and Title III of the 2002 No Child Left Behind Act. Although David Marshall argues that these policy outcomes and court decisions "moved American law from a stance of prejudice toward bilingualism in education to one approaching affirmation of ethnicity and support for bilingualism,"⁹³ this chapter will illustrate otherwise.

The slow, rather woefully ambiguous legislative language that embodied the development of bilingual education in America was anything but affirming. In what follows, this chapter will highlight the strange nature of ambiguity employed by lawmakers relating to the progression of bilingual education and the outcomes it produced. This discussion not only features the historical pattern of policy ambiguity plaguing efforts within bilingual education, but in doing so, illustrates the subsequent waves of non-native English speaking immigrants harmed by these policies. First, the targets were of German immigrants, later followed by Latino and Chinese immigrants. To begin, our focus starts in Nebraska.

Meyer v. Nebraska

Both during and after World War I, a strong and united front of “Americanism” swept the nation. Immigrants, especially those of German descent were met with great suspicion. Linguist, Dennis Baron recounts this anti-German, English-only sentiment well, noting:

Because of changing immigration patterns and a change in the popular attitude toward Germany and its people, the status of German in the United States had shifted from immigrant mother tongue to that of a relatively unimportant supplemental or foreign language. . . . More and more private schools dropped German as the primary language of instruction and German congregations generally shifted to English for their worship.⁹⁴

While this anti-German backlash began to gain momentum, as did more extreme fringes of this movement. In some circles for instance, this sentiment fueled many to burn books

written in German and on some fronts, renaming sauerkraut to “liberty cabbage,” much like how French fries were renamed to “freedom fries” in various circles following September 11, 2001. The fear and blatant bigotry that surrounded people of German descent contributed to the development of the case before us now.

During the first half of the twentieth century, many states enacted policies restricting the instruction of “foreign languages,”⁹⁵ whereas some even prohibited the teaching of all foreign languages.⁹⁶ Most notably of these cases involved one such Nebraska law that made its way to Supreme Court, marking the first time the Supreme Court addressed the topic of bilingual education. The 1923 case of *Meyer v. Nebraska* involved a Nebraska state law that prohibited the teaching in any school, private, public, denominational, or parochial, any language other than English to any child who has not passed the eighth grade. Here, the plaintiff, who taught in a Nebraska parochial school, was charged with unlawfully teaching German to a student who was but ten years of age and who had not passed the eighth grade.

The 1919 Nebraska law that was before the Court argued that to teach German or any other language aside from English infringes upon the student’s liberty as guaranteed under the fourteenth amendment. Those found guilty of violating this law, as went the Nebraska state law:

Shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100) or be confined in the county jail for any period not exceeding thirty days for each offense.⁹⁷

Here, in what some would refer to America's first wave of lingual hysteria, or nativism, English –only was heavily regulated. Along with the fourteenth amendment, the foundation of this law rests on the state's argument over effect, that is, to allow children, especially children of "foreigners" to be taught a foreign language inculcates them in "foreign" ideas and beliefs, which may run counter to the best interests of America.

While the Nebraska state legislature argued against Meyer on behalf of the fourteenth amendment, Justice James McReynolds, writing on behalf of the court, questioned the application of the fourteenth amendment and conversely argued that, as constructed and applied, Meyer's fourteenth amendment rights were deprived as a result of this state law. In his words, Justice McReynolds argued:

While this Court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire knowledge, to marry, establish a home and bring up children to worship God according to the dictates of his conscience, and generally to enjoy privileges, essential to the orderly pursuit of happiness by free men. The established doctrine is that this liberty may not be interfered with, under the guise of protecting the public interest, by legislative action which is arbitrary or without reasonable relation to some purpose within the competency of the State to effect.⁹⁸

While the Court found it unnecessary to “define with exactness” the liberty guaranteed by the fourteenth amendment, the Court did state that “without doubt” the fourteenth amendment extended to more than just freedom from bodily restraint. So long as this pursuit of happiness is within the boundaries of the law, all freedoms therein cannot be infringed upon. Furthermore, as McReynolds argued, whether regarding the teaching or learning of “foreign” languages or otherwise, “a desirable end cannot be prompted by prohibited means,” whereas parents had a right to give their children an education, just as Meyer’s right to teach was “within the liberty of the amendment.”

Writing in dissent were Justices Holmes, Jr., and Sutherland. Of all the Justices, it was Holmes Jr., who was perhaps *the* weariest of his opinion. He noted:

It is with hesitation and unwillingness that I differ from my brethren with regard to a law like this. . . . I cannot bring my mind to believe that in some circumstances, and circumstances existing it is said in Nebraska, the statute might not be regarded as a responsible or even necessary method of reaching the desired result.⁹⁹

However, despite his candor, Holmes argued, “I think I appreciate the objection to the law but it appears to me to present a question upon which men reasonably might differ and therefore I am unable to say that the Constitution . . . prevents the experiment being tried.” Despite the “great civil libertarian” view some have of Holmes, and the “arch conservative” notion some have of McReynolds, the Meyer case appears to have sparked a role reversal amongst Justice Holmes Jr., and McReynolds.¹⁰⁰

The Supreme Court held that Meyer's right to pursue the vocation of foreign language instruction was protected under the fourteenth amendment, ultimately reversing the state's ruling. Here, the Court declared that the prohibition or undue inhibition of either the use of or teaching a foreign language was unconstitutional. As the struggle to secure bilingual education began to gain more attention and small gains, the 1924 and 1965 Immigration Acts moved through Congress, with quite the racial undertone.

1924 & 1965 Immigration Acts

Also known as the Johnson-Reed Act, named after Washington state Republican Congressman Albert Johnson and Pennsylvania Republican Senator David Reed, this Act limited the number of immigrants allowed in the United States based upon a specific formula. Under this law, the number of immigrants admitted from any country could not exceed 2% of the number of people from that particular country already living in the U.S. in 1890, as determined by the 1890 census. This 1924 Act updated the previous Immigration Restriction Act of 1924 and superseded the 1921 Emergency Quota Act insofar as lowering the previous immigration cap from 3%.¹⁰¹ By no means were these policies derived without attention to race/ethnicity/nationality, as this updated provision sought to further restrict the presence of both Eastern and Southern Europeans. Ironically, 1890 marked precisely when America began to experience larger numbers of immigrants from both Eastern and South Europe, whereas the 1924 Immigration Act sought to stunt this pattern of growth. Interesting enough, the Johnson-Reed Act, albeit

discriminatory in nature, delivered the precision that future policy efforts toward adopting bilingual education programs could never achieve.

The Johnson-Reed Act, despite its rather lucid discriminatory nature, won the support of many members of Congress, along with then, the founder and leader of the American Federation of Labor, Samuel Gompers and was signed into law by President Calvin Coolidge. For the Act's supporters, this law was exactly the solution needed for a nation paranoid over both the economic threat of "foreign" workers and of course, maintaining a precisely prescribed ethnic balance. Said best, Vanessa Beasley understands this long recurring policy debate as one steeped "within essentialist theories of identity, 'they' cannot be part of 'us' because of 'their' fundamentally different and immutable natures."¹⁰² Because of these guiding sentiments, these "undesirable" immigrants fell victim to a socio-political atmosphere steeped in unmasked bigotry.

Unlike the *Meyer* decision, which was a small victory for immigrants, the Johnson-Reed Act reversed its flow. It was not until 1965 did one of the Johnson-Reed Act's most outspoken dissenters, New York's (Brooklyn) Democratic Congressman Emanuel Celler, along with Michigan Democratic Senator, Philip Hart, nicknamed the "conscience of the Senate," undue those 1924 measures. With the support of now, the late Democratic Senator from Massachusetts, Edward Kennedy, the House of Representatives voted in a 326 to 69 favor whereas the Senate followed in a 76 to 18 fashion to redesign this policy. Signed into law by President Lyndon Johnson at the base of the Statue of Liberty, this Act abolished national quotas and instead inserted

“hemispheric caps,” 170,000 for the Eastern Hemisphere, and 120,000 for the Western Hemisphere, with a limit of 20,000 annually from any nation.¹⁰³

Enjoying a Democratic majority during the passage of the 1965 Immigration reform legislation, both the Democratic majority and President Johnson set their sights on advancing bilingual education. Since the *Meyer* decision, bilingual education had not received Congressional attention/support until 1968. However, despite the Congresses precise policy prescription for a nation, until then, subscribing to a bigoted and essentialist worldview of who belongs in America, the 1968 Bilingual Education Act did not enjoy the same specificity. From 1968 until the *Lau* decision (1974), attention in bilingual education policy focused largely upon “Spanish-surnamed” students, as the next two sections illustrate.

Bilingual Education Act of 1968

As part of President Lyndon Johnson’s “War on Poverty,”¹⁰⁴ Congress passed the Elementary and Secondary Education Act (ESEA) in 1965.¹⁰⁵ Through the dispersal of federal funds, ESEA was originally designed to implement compensatory and remedial programs to underprivileged children. This however changed in 1967 when ESEA was amended to include bilingual education which then became law in 1968. When President Johnson signed this act into law, it marked the nation’s first commitment to addressing the needs of students with limited English skills. Proponents argued that such legislation, along with bilingual education at large, “would promote academic achievement, thereby enabling Hispanics to participate more fully in the social, economic, and political life of the nation,” thus extending the rights of “language minority” students in America.¹⁰⁶

The focus of the BEA, despite its championing, was left rather ambiguous. The BEA, writes Rachel Moran, “never clearly defined bilingual education, in part because of an unresolved ambiguity about the programs’ proper objectives.”¹⁰⁷ These proper objectives, explains James Crawford, reflected “whether the act was to speed the transition to English or to promote bilingualism.”¹⁰⁸ If nothing else, what we do have within the bills actual language are 1.) the findings of Congress regarding the state of language minority students 2.) a declaration of policy and 3.) a uses of funds clause, which closely resembles a line-itemed appropriations bill that identifies what programs get how much federal dollars and for how long. In order to better illustrate these three areas of importance within the actual bill itself, I will focus on sections I, 701, 702 (b), 703, and 703 (c).

Section I: Findings and Purpose

At the root of one of America’s most pervasive educational problems is the lingual divide that disenfranchises many “language minority” students, so argues the findings of Congress. Section 701, as the title suggests, lays out both the findings and purpose of this House resolution (13103), which reads:

This section expresses a congressional finding that an acute education problem in the United States concerns millions of children of limited English-speaking ability due to the fact that they come from environments where the dominant language is other than English, or where a language other than English is commonly used. It finds that little headway has been made on solving this problem and that there is an urgent need for comprehensive and cooperative

action now on the local, State, and Federal levels for new programs to assist these children.¹⁰⁹

Before the BEA was signed into law on January 2, 1968, there existed Congressionally orchestrated outreach that concerned itself with the achievement gap associated with language limitation in the schools. As a modest step forward, especially in comparison and advancement of the *Meyer* case, the BEA approaches linguistic diversity with a vastly different tone. Unlike the socio-political atmosphere leading up to the signing of the BEA, linguistic diversity, particularly bilingual education, was feared on the grounds of its supposed detrimental effects/ “foreign allegiance” it possessed, especially upon children.

Before President Johnson signed this act into law, bilingual education was at a state of disarray. Congress found that “little headway has been made on solving” the multiple problems produced in efforts to achieve inclusion for all students. Given this dismal state of bilingual affairs the BEA sought to counteract, Congress deemed it necessary for immediate “comprehensive and cooperative action” on the state, local and federal levels in order to level the playing field for these children. As a result, section 701 acknowledges such problems, which in doing so, leads us to the policies declaration, or, exactly what this legislation seeks to do.

Section 701: Declaration of Policy

The goal of this section seeks not only to identify its purpose, but also define its cornerstone term that receives frequent usage within this discussion--“children of limited English-speaking ability.” Because lingual division was viewed as a significant hurdle

toward meeting the needs of these students, section 701 simply follows the findings and purpose section with added specificity.

The prescribed objective for the BEA, at least in part, was to build upon previously exposed shortcomings in efforts to develop a national framework for schools to use with the goal of student incorporation. Drawing considerable distance from past anti-bilingual education sentiments and practices, or the lack thereof, the BEA advances a forward-facing orientation. As the bill makes clear:

Section 701 states the recognition of Congress to the special educational needs of youngsters who face the problem of having limited English-speaking ability and declares it a national policy to provide financial assistance to local educational agencies to develop and carry out new school programs designed to meet the special problems and to preserve and enhance the foreign language backgrounds and culture of these children. For the purpose of this title ‘children of limited English-speaking ability’ means children of limited English-speaking ability because they come from environments where the dominant language is other than English or where a language other than English is commonly used.¹¹⁰

Again, as opposed to previous practice, preserving and enhancing the foreign language background of students through the allocation of federal funds now becomes a policy goal whereas such an objective previously was perceived to be detrimental. However, through this landmark declaration, there exists a considerable degree of lingering ambiguity around exactly how to “develop and carry out new school programs” designed to meet the needs of these “language minority” students. While the BEA does mark the

first Congressional action undertook on behalf of bilingual education, its lack of direction/specificity leaves much to be desired.

What is also imperative to note within the policies declaration is not only its about-face from previous practice, but also the lingering ambiguity throughout the BEA's language regarding the preservation of language and culture. On one hand, proponents have reason to rejoice in the BEA's declaration, while simultaneously having reason to question its implementation, that is, exactly how will state and local governing bodies will "develop and carry out" such programs? Unfortunately, this ambiguity speaks to one of the most salient shortcomings of the BEA. As opposed to providing some degree of specificity, the BEA abandons this task and proceeds along the lines with the traditional nature of House resolutions,¹¹¹ whereas a "distribution of funds" section comes next, explaining the "how" and "who" variables the BEA articulates regarding securing federal funds.

Sections 702b: Distribution of Funds and 703c: Operational Programs

Albeit relatively short in words, the BEA identifies three areas of consideration it uses as a guiding light toward allocating federal funds. In doing so, it directs the "U.S. Commissioner of Education" to consider these three areas:

(1) the relative need of the States and areas within the States for programs pursuant to this title; (2) the number of children of limited English-speaking ability, aged 3 to 18, inclusive in each State, including migrant children, and (3) the desirability of the development of bilingual education programs for many different languages.¹¹²

Again, given its brevity, herein lies two points of tension. The question of who gets what and why is answered, though in a shallow manner. Being the sole section discussing distribution, there are no numeric qualifiers that establish what defines the “relative needs” of state and local districts. This is to say, statistically, what percentage of “language minority” students are needed to demonstrate what “relative needs” are? Furthermore, the same question stands regarding the “number of children of limited English-speaking ability,” meaning, is there a threshold that much be met in order to receive these funds?

If nothing else, the BEA’s distribution of funds clause places within the hands of the states a considerable degree of trust and responsibility. States have the onus of not only applying for these funds, but also developing and creating programs that “preserve and enhance the foreign language backgrounds and culture” of these children. How well the BEA succeeds is largely dependent upon how states engage this access and achievement barrier.

Section 703 (c), or the “operational programs” clause, provides a brief, yet much needed explanation of the types of programs authorized as bilingual education. What is of great significance within the language below is how bilingual education programs are defined, as this section represents Congress’ outreach to redirect the present and future by lessons learned from the past. As a result, bilingual education programs, as the bill states, include:

Instructions in the native language of the student and in English. Bilingual and bicultural education programs to acquaint students with the history and culture

associated with each language. Efforts to attract and retain as teachers those persons who have an intimate knowledge and understanding of the children. Establish closer cooperation between the school and the home of the students. Preschool programs. Adult education programs. Comprehensive programs involving counselors, teachers aides and other educational personnel who can contribute toward solving the problem of the children.¹¹³

As defined by the goals of the BEA, the success of its implementation is again, heavily predicated upon state and local efforts and outreach. Given the parameters of the BEA's operational language, implementation inevitably carries the possibility to vary state by state, district by district, all at the discretion of local officials. How and to what degree will curricula focus on bilingual and bicultural education, along with how schools will "establish closer cooperation" between school and parents are questions that inevitably invite creative design and methods of implementation.

Inevitably, the language within the BEA invites variances. This variance, whether measured by gauging the levels of parent-student cooperation schools foster, or by curriculum, the bill's language is extremely loose, which can possibly work both ways. Because the bill was not written with precision, this allows local officials to implement very specific programs that best suit the needs of their students, which of course might differ from the needs of students in another district. Whereas on the other hand, this ambiguity could work to benefit those school district's that may possess strong dissenting views of the policy. This is to say, those who oppose this policy can

hide behind this veil of ambiguity to implement as little as possible to meet the benchmarks of this federal act.

Section 703: Uses of Federal Funds

Section 703, the final BEA section this chapter dissects, exists perhaps the most specific discussion on what grants provided under the BEA may be used to create/achieve. Specifically there are four sections, 703 a-d that, like categorical grants, define how and in what manner the use of federal funds may be spent. Unlike block grants, which are large sums of federal money with little strings attached, the parameters defined by the BEA operate much like a categorical grant, whereas strict provisions regulate how federal funds can be spent. As it reads, section 703(a) provides federal dollars for:

Planning for and taking other steps leading to the development of programs offering high-quality educational opportunities designed to meet the special education needs of children of limited English-speaking ability in schools serving areas having concentrations of such children, including pilot projects designed to test the effectiveness of plans so developed and the development and dissemination of special instructional materials for use in bilingual education programs.¹¹⁴

Here, federal funds are not only available to consign with objectives that largely reflects language from the policies declaration and purpose, but locales are encouraged to take “other steps” toward meeting the needs of their “language minority” students through creative design. Whether it is measuring/testing for effectiveness through pilot programs

or otherwise, the demand to improve America's state of bilingual inclusion has lead to much latitude along the lines of creation and implementation at the local level to bridge this lingual gap, though with some specificity garnered from section 703 (c).

As the BEA's fiscal regulations become further defined, as does the BEA's overall objective. Because student inclusion and achievement is paramount, section 703 (c) offers substantive suggestions as to what tools schools can/should consider. These aides include the "acquisition of necessary teaching equipment and materials such as innovative computer- based learning systems, audiovisual devices and language laboratories."¹¹⁵ With the bills most direct passage on answering the question of "how," that is, how are schools to achieve the desired outcomes of this bill, state and local officials are provided with "forward-looking" examples of what federal dollars have been allocated for and what means they should consider when working toward closing the lingual divide.

The Bilingual Education Act of 1964 was the first step the United States Congress took toward rectifying the lingering problem of inclusion and access in for "language minority" students. While largely ambiguous in its language overall, the BEA was designed for more specific crafting and execution by local school boards to better mold the policies framework around their particular population of students. The argument could be maintained that while the BEA provides a national framework for implementation, ultimately state and local entities were the stewards of their own demise or success, which brings us to our next point of attention.

1970 proviso to Title VI of the Civil Rights Act of 1964

On May 25, 1970, Stanley Pottinger, then Director of the Office for Civil Rights, authored a memorandum that was circulated to all school districts across the nation with more than five percent national origin-minority group students. The subject of this memo, “identification of discrimination and denial of services on the basis of national origin,” sought to address one weakness prevalent within policy solutions on lingual inclusion and education, national origin. In many ways, Pottinger’s landmark memo serves as a progress report, one that discusses in clear terms, the rather poor state of education regarding “language minority children.”

Pottinger’s memo mixed no words stating the systemic problems uncovered during the Office for Civil Rights Title VI compliance review. The state of discrimination and denied opportunity was widespread noted Pottinger, who stated, “Title VI compliance reviews conducted in school districts with large Spanish-surnamed student populations. . . have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed students.”¹¹⁶ Seeing very little change in relation to access and equal education opportunity regarding national origin minority children, Pottinger used this memo to address these deficiencies by identifying four major areas of concern in relation with compliance of Title VI of the Civil Rights Act of 1964.¹¹⁷

The importance of this landmark memo resides in not only the addendum of national-origin to the federal discussion of discrimination and Latino politics, but also in

the 1974 *Lau v. Nichols* case, where the Supreme Court adopted two of Pottinger's key areas of concern. To begin, the first of Pottinger's four points noted that:

Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.¹¹⁸

The Office for Civil Rights in its review of Title VI compliancy found that while race has been given much federal discussion and some action, national-origin has not. As Josue Gonzalez and Ha Lam note, this memo represents an attempt by the federal government "to go beyond race in its efforts to assure quality education for minority children and youth."¹¹⁹ Here, under the grander scheme of equal access, Pottinger called on local school boards to take "affirmative steps" to cease the proliferation of lingual division that continued to disproportionately marginalize "Spanish surnamed students."

Pottinger's second point of concern involved academic tracking and the rationale employed by some school boards to place those with limited English proficiency in mentally retarded courses, thus refusing to end the discriminatory practices of exclusion. In Pottinger's words:

School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on

a basis directly related to the failure of the school system to inculcate English language skills.¹²⁰

Again, while matters of implementation largely rested at the local level, school boards possessed the ability to execute bilingual inclusion as they saw fit, with regard to their specific locale and students. Apparently, as a result of this localized power, many districts simply placed such students on academic tracks for which they did not belong. As was the case here, as opposed to providing these students with the needed instruction and materials, they were instead placed in mentally retarded courses, seeking to mask their discriminatory practices.

The introduction of “separate but equal” within bilingual education saw widespread use, particularly targeted at limited English proficient students, who overwhelmingly were Latino. Bilingual and bicultural education programs, argues Kenneth J. Meier and Joseph Stewart Jr., “are not antithetical, it is not uncommon for implementation of bilingual classes to produce segregated Hispanic classes.”¹²¹ Not only were these practices in violation of the Civil Rights Act, they dually worsened the educational problem, negating the learning and full-inclusion of these students. If the development of bilingual education programs have revealed anything thus far, it is that “language is more than a medium of communication; it serves as a storehouse of cultural values and an emblem of group identity,” whereas if LEP students were “unwilling” or unable to become “Americans,” they paid a heavy price by means of participatory exclusion.¹²²

This pattern of grouping gained further attention through Pottinger's third observation, which in turn was the second and final point cited by the Supreme Court in the *Lau* decision. In his words, "any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skills as soon as possible and must not operate as an educational dead-end or permanent track."¹²³ As opposed to the popular practice employed by some school districts of unloading their language minority students into dead-end situations/academic tracks and not addressing the problem, school boards must take action to meet the needs of their students. As seen here, which can also be argued to exist today, as opposed to closing the divide, some school districts simply chose to place such students in slower groups, placing them on track for continual failure.

In efforts to assure all students are provided for and treated equally, parental involvement is critical. If the current pattern of strategic discrimination is to be broken, school districts must not only meet the needs of their students, but also involve parents just the same. Just as Anglo parents were notified about school activities and such, the same outreach must be made to the parents of national origin-minority group students. School districts must take better steps in notifying the parents of these students in a timelier manner and in a language they understand. As Pottinger adds, "such notice in order to be adequate may have to be provided in a language other than English." Again, if full inclusion is to be achieved, school districts must take "affirmative steps" toward dismantling the discriminatory binaries they have created.

Pottinger's memo asked each school district to evaluate their current practices in light of the Office for Civil Rights' findings in order to assess for compliance. Although this landmark document is very brief, it did attempt to establish the grounds of corrective actions to be adopted and assessed regarding both parents and students of "national origin-minority groups." Given the broad strokes the BEA took discussing equality and inclusion, Pottinger's memo sought to better instruct school districts on this matter. Furthermore, as we shall now see, Pottinger's memo was instrumental in the 1974 *Lau v. Nichols* case, representing a brief shift in bilingual education policy from Latino to Chinese students.

Lau v. Nichols

Stemming from allegations that the San Francisco school system failed to provide English instruction to students of Chinese ancestry with limited-English proficiency, this case sought equal access for students from all language backgrounds. Of these 2,800 students, the San Francisco school system only provided supplemental assistance to 1,000 students, excluding the remaining 1,800. As a result, a class action law suit was filed claiming the San Francisco school system denied 1,800 students a "meaningful opportunity to participate in the public educational program and thus violates section 601 of the Civil Rights Act of 1964. . . and the implementing regulations of the Department of Health, Education and Welfare," along with the rights guaranteed under the fourteenth amendment.¹²⁴

This case, previously denied relief by the initial District Court and later reaffirmed by the Court of Appeals, the Supreme Court granted a petition for certiorari

given the “public importance of the question presented.” Following in stride with Stanley Pottinger’s memo along with the Office for Civil Rights’ findings, equality for all students, despite background, must be met. Within the confines of California education code, specifically section 71, English was the basic language for all school instruction, however it does note that instruction may be given bilingually if or when the situation deems itself necessary. As was the charge filed here, 1,800 non-English speaking Chinese students were left without supplemental English instruction, presenting a clear need for bilingual instruction that was never provided.

The lower courts for example, upheld there was no violation of the Equal Protection Clause or Section 601 of the Civil Rights Act of 1964, arguing that each student brings with them certain advantages and disadvantages completely separate from the school system. Given the various cultural, social and economic factors each student brings with them, there is no way schools can or are responsible to counteract. As a result of this argument and the public importance of the question before the Court, Justice Douglas delivered the Court’s opinion.

Justice Douglas’ first task was to strike grave dissent from the previous opinions derived from the two lower courts, along with the aforementioned California education code. Under these state imposed standards, wrote Justice Douglas, “there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education.”¹²⁵ That is to say, students who do not understand English and are not provided proper instruction cannot possibly partake in the same

learning environment and experiences of those who fully comprehend English. To impose a standard before a student can grasp the basic skills needed inevitably limits that student's participation and education.

Because the school district in question received federal dollars, they must abide by federal standards, of which include, equality for all. Although Justice Douglas did not reach the Equal Protection Clause argument advanced, violation of section 601 of the Civil Rights Act was clear and present. Section 601 bans discrimination on the basis of race, national origin or color in any program or activity receiving federal funds. It seems obvious, Justice Douglas writes, "that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system, which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by regulation."¹²⁶ It is here that Justice Douglas cites Stanley Pottinger's 1970 memo inasmuch to argue that districts must take "affirmative steps" when there is an inability to speak and understand English to rectify this deficiency.

Here, the Courts ruling required no in-depth or fully sustained grappling with state or federal law, the decision was reached largely upon the 1964 Civil Rights Act and Stanley Pottinger's 1970 memo. Quoting Senator Hubert Humphrey during a floor debate on the Civil Rights Act, Justice Douglass brings closure to his opinion, reciting, "simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination." Or, in plainer terms, the use of public funds must serve the very public

from which it was derived, anything short of this objective runs counter to the public who produced the funds.

For Justice Stewart, his concurring opinion asks whether or not section 601 alone would render illegal the expenditure of federal funds to these schools. However, when grappling with this question, Justice Stewart referred to the regulations within Stanley Pottinger's memo, particularly noting its adherence to Title VI of the Civil Rights Act. In doing so, Justice Stewart acknowledges the sufficient condition met in regards to affirming Justice Douglas' decision. In his words:

I think the guidelines here fairly meet the test. Moreover, in assessing the purposes of remedial legislation, we have found that departmental regulations and 'consistent administrative construction' are 'entitled to great weight'. . . The Department has reasonably and consistently interpreted section 601 to require affirmative remedial efforts to give special attention to linguistically deprived children.¹²⁷

Unlike Justice Douglass' opinion, Justice Stewart's concurring opinion was more focused, specifically upon the interpretation and application of section 601 of the Civil Rights Act. Finding no inconsistency within the interpretation and application of the law, it was for these reasons that Justice Stewart concurred with the Court on its ruling.

While Justice Stewart's remarks derived from questions of legal interpretation, application and consistency, Justice Blackmun's concurring opinion also sought to make clear one point. In his brief four sentence opinion, one sentence in particular articulates Justice Blackmun's opinion. As he notes:

I merely wish to make plain that, when, in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any language other than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute and the guidelines require the funded school district to provide special instruction. For me, numbers are at the heart of this case, and my concurrence is to be understood accordingly.¹²⁸

Through the eyes of Justice Blackmun, given the large number of students who were excluded, existed as the driving force, not the facts itself, that moved the Court to render their decision. Had this case involved far fewer students and perhaps another language, Justice Blackmun is not certain this decision would hold.

Overall, the *Lau* decision remains a landmark case for many reasons, but perhaps the most salient reason regards lingual accommodation. Although heard and ruled against by two lower courts, the Supreme Court sought to theoretically end all debate over the lingering question as to whether or not the San Francisco School System violated the section 601 of the 1964 CRA. Not only was discrimination found, however, the Court noted that it is simply not enough to provide the same education to children who are different if those students do not comprehend the language of instruction.

The *Lau* decision addressed the educational rights of students with limited proficiency in English who are enrolled in federally funded schools, closely resembling the substance of the Bilingual Education Act of 1968. More specifically, the *Lau* decision stated that the rights of students are violated if school systems are not equipped

with programs to remedy language deficiencies. By a vote of nine to zero in the affirmative, this case established the criterion of bilingual education on a nationwide scale, thus extending the rights of limited English proficient students by providing equal educational access to all students, regardless of race, color, sex, or national origin. Finally, it was the *Lau* decision that the Supreme Court famously reiterated that, “there is nothing less equal than the equal treatment of unequals.” The next movement at the federal level was the Equal Educational Opportunities Act (EEOA), aimed at learning from past mistakes and omissions by combining language from legislative actions into one comprehensive law.

Equal Education Opportunity Act of 1974

The Equal Educational Opportunities Act (EEOA), like Title VI of the 1964 Civil Rights Act, has its origins in the Civil Rights struggles of the 1950’s and 1960’s. Following the landmark Supreme Court case of *Lau v. Nichols*, Congress quickly codified *Lau* by means of passing the Equal Educational Opportunities Act of 1974 and in 1975, the Office for Civil Rights, in a similar fashion as Stanley Pottinger, issued what is popularly known as the “Lau Remedies” in efforts to provide guidance to the schools on how to interpret and comply with the ruling.

While the Equal Educational Opportunity Act did not exclusively or exhaustively discuss bilingual education, one key passage, section 1703 (f) sought to follow the Supreme Courts lead from the *Lau* decision.¹²⁹ In effect, no state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by “the failure by an educational agency to take appropriate action to

overcome language barriers that impede equal participation by its students in its instructional programs.”¹³⁰ Given the findings of not only the *Lau* decision but also Pottinger’s 1970 memo, this section of the EEOA sought to rid the lingering problem/negation of students whose native language was not English.

However, like previous legislative attempts, there continues to exist a glaring omission of specificity. Neither Title VI of the Civil Rights Act, the *Lau* decision, nor the EEOA defined the meaning of “appropriate action to eliminate language barriers.” Again, as previous legislative actions have illustrated, ambiguity generally allows the continuation of discriminatory actions harbored by the EEOA’s vague language, which in some cases, causes more problems than it intends to solve or clarify.

As these legislative efforts continued over time, each sought to reinforce previously discovered weaknesses in either articulation or application. As each piece of historic legislation was signed into law and each landmark court case was heard, another layer was added to the progression of bilingualism in America. From *Meyer* to *Lau* and from the BEA to our next point of focus, the “Lau Remedies,” represents a long road lined with uneven surfaces and seemingly endless redirections.

The *Lau* Remedies

Chiefly among the many reasons why both Congress and the Courts continued to address bilingual education and the rights of “language minority students” can be pinned not only to resistance, but also a continuing lack of specificity throughout supposedly prescriptive bilingual policies. The *Lau* decision created much confusion in the schools regarding not only interpretation, but also compliance. In a similar fashion as

orchestrated by Stanley Pottinger in 1970, the Office for Civil Rights under the Ford administration, issued their “Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful under *Lau v. Nichols*,” which later became referred to as the *Lau* Remedies.

The Office for Civil Rights identified eight areas local school districts should use to assess compliance with providing educational services to non-English speaking students. Under the “Lau Remedies,” schools were generally required to provide LEP students English-as-a- second-language instruction as well as academic subject-matter instruction in the student’s strongest language until proficiency in English was achieved. In order to meet these desires, Education Commissioner T.H. Bell, specified various approaches, methods and procedures in efforts to enforce *Lau*.

The first of the eight step compliance guide involved identifying student’s “primary or home language.” This step, according to the Office for Civil Rights, is the preferred method school districts will identify student’s primary/home language. A student’s primary/ home language can be defined as “other than English” by the OCR if it meets at least one of the following descriptions:

- A. The student’s first acquired language is other than English.
- B. The language most often spoken by the student is other than English.
- C. The language most often spoken in the student’s home is other than English, regardless of the language spoken by the student.¹³¹

In order for the above assessments to be made, the OCR required these observations be made by those who could “speak and understand” the necessary language(s). Once the

school district identified student's primary language, they must assess student's degree of "linguistic function or ability" in order to categorize student's into: 1) monolingual speaker of the language other than English 2) predominately speaks the language other than English 3) bilingual or 4) predominately speaks English. Once student's primary language has been identified and their level of linguistic ability assessed, the OCR outlines their "diagnostic/prescriptive approach."

The second area of the *Lau* Remedies required local school districts to describe their diagnostic/prescriptive measures used to address the educational needs of each student. In what resembles an Individualized Educational Plan (IEP) most commonly found within Special Education programs/curricula, the OCR required detailed explanations regarding how this "educational program" will satisfy the needs of that respective student. Explained in better detail by the OCR:

The determination of which teaching style(s) are to be used will be based on a careful review of both the cognitive and affective domains and should include an assessment of the responsiveness of students to different types of cognitive learning styles and incentive motivational styles. . . . Prescriptive measures must serve to bring the linguistically/culturally different student(s) to the educational performance level that is expected by the Local Education Agency (LEA) and State of nonminority students.¹³²

Again, as a result of the *Lau* decision, compliance involved assuring the OCR that all students who demonstrate a linguistic need, as defined by step one, received specific and appropriate materials and instruction. Furthermore, when Local Education Agencies

craft their educational goals for LEP students, such goals must not be “divorced or isolated” from the objectives of student’s in the “regular school program,” so notes the OCR.

Once the diagnostic/prescriptive approach has been identified, the next step toward assessing or achieving compliance involves “educational program selection.” The third step, notes the OCR, “must implement the appropriate type(s) of educational programs listed in this Section (III, 1-5), dependent upon the degree of linguistic proficiency of the students in questions.”¹³³ These programs included transitional bilingual education programs (TBE), bilingual/bicultural programs and multilingual/multicultural programs. The goal of step three was to adequately provide options for students whose level of English proficiency varied, though nonetheless providing them with an equal education on par with students in “the regular school program.”

In ways that mirror the OCR’s 1970 memo, the fourth step sought to cease “dead end” student placement, that is, school districts must show and prove that their courses were not designed to have a “discriminatory effect.” To this end, required courses such as American history, so notes the OCR, “must not be designed to exclude pertinent minority developments which have contributed to or influenced such subjects.”¹³⁴ Along the lines of elective courses, the OCR requires that schools must develop “strong incentives and encouragement” for students of color to enroll in elective courses where their presence has not traditionally existed. For this goal to be successful, the OCR requires:

Close monitoring. . . to evaluate to what degrees minorities are in essence being discouraged from taking certain electives and insist that to eliminate discrimination. . . districts must make affirmative duties to see that minority students are not excluded from any elective courses and over included in others.¹³⁵

To offset past practices of strategic over and under enrolling of LEP and students of color in certain courses, step four establishes guidelines to monitor this area inasmuch as seeking to reverse “exclusively designed” courses. This goal however, is largely dependent upon step five, instructional personnel.

The OCR requires that instructional personnel teaching such students must possess linguistic/cultural familiarity of the background(s) of “the students to be affected.” If the district does not possess the warranted instructional personnel, the OCR provides guidelines for implementing in-service training as an immediate and temporary response. In addition however, districts must include a plan for securing the needed number of qualified teachers to implement requisite student programs.

Step six of the “Lau Remedies” aligns more with step four, because both speak to racial and linguistic isolation and inclusion. In what the OCR named “racial/ethnic isolation and/or identifiability of schools and classes,” step five articulates this general premise along the lines of “it is not educationally necessary nor legally permissible” to create identifiable schools and classes that seek to “respond to student language characteristics.” Again, the goal here is to counteract past findings of racially and

linguistically clustered classes that were designed to have a “discriminatory effect” upon the students enrolled.

Step seven calls for strategic parental outreach in a manner that draws directly from the closing paragraphs of the Stanley Pottinger’s 1970’s memo. In such a manner, the OCR notes, “school districts have the responsibility to effectively notify the parents of the students identified as having a primary or home language other than English of all school activities or notices which are called to the attention of other parents.”¹³⁶ Again, to reverse past actions of discrimination, parental notification and involvement are critical, therefore notifying parents of LEP student’s in their primary language constitutes “an integral part of the total school program.” Once steps one through seven have been implemented, step eight requires for the first three years, following implementation, the local school district must submit a progress report to an OCR regional office outlining their completed steps along with those in progress.

Overall, the 1975 “*Lau* Remedies” were not met with eager acceptance and compliance. The *Lau* Remedies, as Guadalupe San Miguel Jr. recounts, “created more problems for school officials and increased their opposition to bilingual education as well as to the federal government’s involvement in it.”¹³⁷ Given the controversy surrounding these guidelines, amongst other reasons, the 1988 Bilingual Education Act later came into existence.

The Bilingual Education Act of 1988

With the 1970 findings of discrimination in bilingual education by the Office for Civil Rights along with the *Lau* decision, the 1974 EEOA, and the 1975 “*Lau*

Remedies,” the 1988 BEA revisits the policies on bilingualism with the addition of new provisions, but with great antagonist sentiment from the White House. Throughout the Reagan presidency, then, Secretary of Education, William Bennett delivered antagonist speeches toward bilingual education, and appointed likeminded antagonists to the Council on Bilingual Education. Finally, in 1988, the Congressional Hispanic Caucus brought special monies to address language-learning issues, but solely for support of learning English. They sponsored the English Proficiency Act which was enacted as part of an omnibus education measure and authorized \$25 million a year for adult ESL programs. It was no secret, like Secretary Bennett, President Reagan sought to cut the federal budget for bilingual education and to relax regulations on schools.

The BEA of 1988, which was a part of the Public Law 100-297, the Hawkins/Stafford Elementary and Secondary School Improvement Amendments, reauthorized bilingual education through September of 1993, despite President Reagan’s open despise of bilingual education. Marked most notably in one speech, Reagan explained, “it is absolutely wrong and against American concepts to have a bilingual program that is now openly, admittedly dedicated to preserving their native language and never getting them adequate in English so they can go out in the job market and participate.”¹³⁸ However, with a Democratic majority in both Chambers, the House of Representatives approved House Resolution 1755 by an overwhelming margin of 397 to 1, whereas the Senate followed in suit and approved the bill the next day.

Aside from the introductory section, the 1988 BEA contains six sections, labeled Parts A-E. Of particular interest to this chapter are its new provisions on funding, length

of student participation in a program, and preservice activities. This documentation will be discussed and drawn exclusively from Part A because this section contains the new provisions on federal assistance for bilingual education and its specificities therein.

The 1988 BEA authorized Congress to raise the previous ceiling on bilingual allocations to the tune of two hundred million dollars for the 1989 fiscal year. In doing so, this allowed for greater accountability for those at the state and local levels regarding the state of academic achievement for those students enrolled in these programs. Following in suit with Stanley Pottinger's 1970 memo, in particular, his observation on student placements in mentally retarded courses, the 1988 BEA recognized that "regardless of the method of instruction, programs which serve limited English proficient students have the equally important goals of developing academic achievement and English proficiency."¹³⁹ Here, school districts could no longer engage in the strategic placing of non native English speaking students in lower track courses due to their lingual deficiencies, this gap must be closed through instruction and application.

Further action to address this dilemma means nothing if not accompanied by strategic changes that acknowledge the shortcomings that ushered in its legislative existence. Given the exigencies herein, Part A of this Act discussed the intersection of federal funding and program establishment, operation, and improvement, the exact area of focus and most needy for federal intervention. Part A of the 1988 BEA gives us a great view into how Congress sought to strengthen bilingual education in America, learning from its past ambiguities and mistakes.

Transitional and Developmental Bilingual Education Programs

Transitional bilingual education programs were designed for limited English proficient (LEP) students in elementary and secondary schools to offer English instruction and when necessary, instruction in the students native language. Applications for federal grants to fund these programs must not only consist of parents and other representatives of the LEP children to be served, but these parents and representatives must comprise of a majority of such councils. Because each situation is different, the 1988 BEA took steps to place authority in the hands of those who know the needs of the student's best. Unlike past occurrences where LEP students were not adequately provided for and parents were not incorporated, the 1988 BEA took steps to rectify these issues.

The language within this Act both recognizes past findings of subordination and strategically addresses them through less ambiguous language. In efforts for LEP students to be included in mainstream classes and on track to meet standard grade promotion requirements, transitional programs must now provide grade appropriate instruction along with the opportunity for LEP students to be included with non-LEP students. As subsection 4B of the Act notes:

In order to prevent segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program transitional bilingual education may include the participation of

children whose language is English, but in no event shall the percentage of such children exceed 40 percent.¹⁴⁰

This new policy recommendation, largely drawn from the findings of Stanley Pottinger, articulates inclusion as paramount. Not only is inclusion the prescribed legal route to counteract past inequities, but also, inclusion contributes to the overall benefit of all parties involved—allowing for a greater cultural understanding between what was once a highly segregated and fragmented environment.

Continuing along this path of correcting past wrongdoings, subsection 4D adds greater specificity for LEP students in transitional bilingual education programs. These students shall, as the Act explains:

If graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages and levels of educational attainment are placed in the same class, the program. . . shall seek to ensure that each child is provided with instruction which is appropriate for such child's level of educational attainment.¹⁴¹

As opposed to the previous practice of placing and leaving LEP students in special education courses, this Act calls for age and grade appropriate class placement. What remains unique about this Act's language is how it seeks to incorporate inclusion. For example, if students are at different age and educational levels, although in the same class, the LEP guidelines mandate that those children be provided with instruction and

material that is at each child's level. Given the discretion of local level implementation via advisory councils, some aspects of this mandate will vary accordingly.

Developmental bilingual education programs on the other hand, differ in structure, while maintaining a similar scope. Developmental differs from transitional inasmuch as developmental provides both English and second language instruction.

Accordingly, this program:

Shall be designed to help children achieve competences in English and a second language, while mastering subject matter skills. Such instruction shall to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.¹⁴²

To better assist students in not only closing the lingual divide, but just as important, achieving subject mastery toward graduation, such instruction will be provided in all courses. Furthermore, the Act mandates that whenever possible, classes in programs of developmental bilingual education must have an equal number of LEP and native English speakers in the program as well.

While there are some differences between the scopes of transition and developmental bilingual education programs, their aims are similar in providing an inclusive, yet carefully tailored education that meets the needs of its LEP students however defined by each local advisory council. The next set of programs, "special alternative and "family English literacy" programs all seek to further the educational attainment of LEP students, yet in slightly different ways, as we shall now explore.

Special Alternative and Family English Literacy Programs

Unlike transitional and developmental programs, special alternative programs have specially designed curricula that reflect the particular lingual and instructional needs of the students enrolled. These programs, according to the Act:

Shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.¹⁴³

Although very brief in its wording, special alternative instructional programs possess the nature of being highly specialized and varying by school. Each classroom will address the needs of their students on levels that are most fitting to them. Given the nature of this program, close observation and involvement at the local level are crucial if success is to be achieved. The design and implementation of these programs seek to build upon the ultimate goal of achieving subject mastery and meeting or exceeding graduation requirements.

As a slight departure from the objectives and audience of the special alternatives program, is the family literacy program, as implied by its very name. Under this program, instruction is designed to aid LEP adults along with non-enrolled youth to achieve English competency. This program allows for either instruction in English only or in English and the student's native language. Furthermore, "where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement" of LEP students.¹⁴⁴ Again, striking a grave departure and

corrective posture from past acts of discrimination and sheer educational disregard, this provision encourages parental involvement in efforts to reverse this once dominant trend.

The family English literacy program, in one sentence, provides services toward achieving one goal that none of the other programs offer. As part of this new wave of English immersion, students are no longer the sole targets, for this Act seeks to incorporate a macro approach. Accordingly, the BEA states:

Such programs of instruction may include instruction designed to enable aliens who are otherwise eligible for temporary resident status under section 245A of the Immigration and Nationality Act to achieve a minimal understanding of ordinary English and a knowledge and understanding of history and government of the United States as required by section 312 of such Act.¹⁴⁵

This program casts its net wide in efforts to promote English competency to not only students, but their immediate family and/or guardians as well. In order for parents and guardians to qualify for this program, preference is given to LEP students who are already enrolled in any program under the BEA. If the parents or guardians of LEP students are struggling with English competency, why not try to improve the skills of the entire household, if needed? This section seeks to incorporate full inclusion in every sense possible by providing federal funds to include the entire family.

As the 1988 BEA sought forward-looking programs and incorporation, these major reforms were also added along the lines of funding the aforementioned programs. Of these provisions include (1) up to 25 percent of Part A funds can be used to fund

special alternative instructional programs; (2) transitional bilingual education, special alternative instructional and developmental programs may engage exclusively in preservice activities during the first 12 months of their grants and (3) there is a three-year limit on a student's participation in transitional or special alternative programs. However under special circumstances, the student may continue for up to two more years. In part, these additions placed pressure on local school boards to produce results by articulating clear timetables for federal funding.

What continues to exist, despite written with past actions of discrimination and ambiguity in mind, is the Act's rather terse nature, which can be interpreted as either positive or negative. However, being an amendment in reaction to correct past findings, ideally one would hope such language was strategically employed to fill any gaps found to exist.

In the fourteen years between this Act and the 2002 No Child Left Behind Act, the nation continued to thrive in ethnic and linguistic diversity, yet, bilingual education suffered from false correlation between bilingual education and a weakening in national unity. For instance, the 1990s saw increasing numbers of English-speaking children learning a second language by enrolling in enrichment bilingual education programs, whereas Title VII appropriation for special language programs for both minority language and mainstream groups experienced its largest increase in 1995. In some circles, largely conservative in scope, bilingual education was argued as discriminatory against European Americans, because minority students were gaining "unfair" advantages.¹⁴⁶ Using Chicago for an example, waves of Polish immigrants placed

political pressure on both public and parochial school systems to institute bilingual education programs, like those for Spanish-speaking students. As a result, Chicago in 2003 had Polish bilingual programs in 19 elementary schools and five secondary schools.

While efforts from conservative bilingual education dissenters continued to gain momentum throughout the 1990's, conversely, the international community, in nearly a unanimous famous, acknowledged bilingual education as a basic human right. Under the 1989 United Nations' Convention on the Rights of the Child, education is understood as a right that should cultivate a child's respect for his or her own language and that ethnic, religious, or linguistic minority children should not be prohibited from speaking their native tongue. Without surprise, the United States did not sign the Convention until 1995 and, as of today, remains the only country other than Somalia to abstain from ratifying it. As efforts across the nation continued to support the belief that bilingual education is largely divisive and "un-American," marked by the progression of states passing official language laws, No Child Left Behind, (NCLB), marked the nation's next step toward addressing bilingual education.

The 2002 No Child Left Behind Act

No Child Left Behind, (NCLB), despite later criticism, enjoyed large bipartisan support. As one of President George W. Bush's most desired domestic policies, both liberals and conservatives joined hands to give President Bush a victory, despite the policies nationwide criticism, primarily from teachers unions. Of this controversy, teachers unions were not pleased with the bill's provisions ultimately requiring

mandatory testing and reporting, whereas schools failing to show progress faced lost of funding. Despite this reality, when taken to vote in both chambers, President Bush gained bipartisan support in part because of a promise to increase funding to provide schools with the monetary assistance needed to comply, which never materialized. With a Republican majority in the House of the 107th Congress, NCLB passed overwhelmingly (384 to 45), and in the narrowly Democratic controlled Senate, it was passed by a 91–8 margin, allowing President Bush on January 8, 2002 to sign into law, Public Law 107-110, the No Child Left Behind Act.

With it, NCLB brought sweeping reform to schools nationwide, particularly along the lines of extensive annual testing as the method for demonstrating student and school achievement levels. With its specific demands for testing and English language requirements, Title III of this Act, entitled, “language instruction for limited English proficient and immigrant students” is of particular interest to this chapter.

Title III: Language Instruction for Limited English Proficient Students

Writ large within discussions and debates over the state of bilingual education in America, the No Child Left Behind Act is oftentimes cited because of the new direction it takes bilingual education. Unlike previous legislation, NCLB is multifaceted in its approach and specified goals. To begin though, it is imperative to note the nine purposes this Act identifies. The first three purposes simply reiterate language from the 1988 BEA inasmuch as they outline that NCLB is dedicated toward assisting LEP students develop “high quality” language instruction in order to meet the same academic standards as all children are expected to meet. Here, the goal is geared toward ensuring academic

proficiency with the overall aim of closing the academic and lingual divide that once and arguably still permeates today.

Continuing through the bills language, many of its stated purposes are quite familiar, incorporating past ideas and directions stated in the aforementioned court cases and legislative acts. For example, purpose four seeks to “develop and enhance their [state educational agencies] capacity to provide high-quality instructional programs designed to prepare limited English proficient children. . . to enter all all-English instruction settings.”¹⁴⁷ Again, this language reads nothing out of legislative precedence, just a continuation of previous attempts to transition LEP students into “mainstream” academic environments. Purposes five through seven speak toward streamlining students from special instruction courses into English-only courses. Through the involvement and cooperation of local school boards and parents, NCLB places this formula as not *the* solution, yet part of it.

Without much close reading, one could be led to believe that the multi purposes of this Act just fulfill its purpose as a reauthorization of the Elementary and Secondary Education Act; however, this could not be farther from reality. While the previously mentioned purposes of this Act advance nothing new to the legislative state of bilingual education in America, purposes eight and nine however, dissent drastically from its previous assumed trajectory. This is to say, the Act’s final two purposes begin the discussion that continues to draw much attention today-- accountability.

As advocated by President George W. Bush and Secretary of Education Margaret Spellings, NCLB contained a fair amount of language regarding accountability and

measuring achievement. As Purpose eight, Section A notes, part of the aim of this Act is to “hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children.”¹⁴⁸ While no detail is offered explaining how accountably will be measured and according to what standard(s) along with other imperative details therein, as quickly as Purpose eight began, it ended in a similar fashion, providing no specificity or further direction whatsoever. Like Purpose eight, Purpose nine follows directly behind with an identical stride. As Purpose nine states, NCLB, in part, seeks “to provide State educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research. . . . that the agencies believe to be the most effective for teaching English.”¹⁴⁹ Exactly what is, or what qualifies as “scientifically based” educational programs are both good questions, that the Act does not answer and closes on that note.

Throughout Part A of this Act, only here is the term “accountability” introduced, yet, in what lies ahead in subpart two, considerable space is dedicated toward defining what and how “evaluations” will be used and measured. As the Act states, at the end of every second fiscal year during which a grant is awarded, an evaluation must occur, which must include the following:

- (1) A description of the programs and activities conducted by the entity with funds received under subpart 1 during the two immediate preceding fiscal years;

- (2) A description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards;
- (3) The number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and a reliable assessment of English proficiency; and
- (4) A description of the programs made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.¹⁵⁰

At this part of the Act, the language becomes much more focused and direct as the Act moves toward perhaps the most controversial sections—evaluations and accountability. At its core, evaluations mirror academic progress reports for LEP programs and the students they instruct. Because direct citations from the actual legislation are consulted as opposed to merely summarizing, for now, little explanation is needed to extrapolate the parameters surrounding what is to be included in these evaluations.

Once we have a working understanding of what these evaluations must include, the Act goes into further detail regarding the use of evaluations, their components and measurements—all treated with brief, yet separate clauses. First to be explained is the use of evaluations, which as the Act notes, are used:

- (1) For improvement of programs and activities; (2) to determine the effectiveness of programs and activities in assisting children who are limited

English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State academic content and student academic achievement standards; and (3) in determining whether or not to continue funding for specific programs or activities.¹⁵¹

While by itself, this explanation over the “use of evaluations” is rather vague and leaves many questions unanswered, what is unequivocally clear however is the final sentence of that clause, the possibility of funding loss. Even with that possibility, questions still remain over (1), what exactly are the internal components of these evaluations and (2) further insight into accountability measures and procedures. In what remains of this chapter, these areas of inquiry will be discussed inasmuch as the legislative language provides us answers.

If nothing else, the evaluation components and arguably the overall goal of this Act is guided by an underlining maxim that all students, whether LEP or otherwise, are meeting the same academic standards. Though in order to help achieve this goal, so goes the language of this Act, not only must schools provide other information so deemed necessary by the “State educational agency,” evaluations must also provide data on those who:

- (A) Are making progress in attaining English proficiency, including the percentages of children who have achieved English proficiency; (B) have transitioned into classrooms not tailored to limited English proficient children, and have a sufficient level of English proficiency to permit them to achieve in English and transition into classrooms not tailored to limited

English proficient children. . . (D) [and] are not receiving waivers for the reading or language arts assessments under section 1111(b)(3)(C).¹⁵²

In what reads like a direct response to the findings that spurred Stanley Pottingers memo, along with the language extracted from the 1988 BEA, these evaluation components are largely concerned with collecting evidence of progress toward increasing English proficiency along with “mainstream” placement of LEP students. However, in seeking to achieve these benchmarks, or, as a result of these evaluations, accountability follows.

It is no secret that “accountability” was one of the more familiar buzzwords associated with NCLB. Under this law, state education agencies, through the reporting of these evaluations, monitor proficiency gains and content learning through the establishment of English language proficiency standards by creating statewide annual measurable achievement objectives. In the words of the actual Act, it states:

Each state educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measureable achievement objectives under subsection (a), including, making adequate yearly progress for limited English proficient children.¹⁵³

Because measureable progress is demanded, inasmuch as all schools need to illustrate continual growth, there are sizable consequences for schools that do not meet their state specific benchmarks, which is discussed under the grand theme of “accountability” within the Act.

If a school for two consecutive years has failed to illustrate continual growth as measured by a schools respective State educational agency, NCLB provides very

specific actions that will be taken should this occur. First, the respective State educational agency will require the development of an improvement plan to ensure schools will meet their objectives. Furthermore, each improvement plan, as the Act states, “shall specifically address the factors that prevented the entity from achieving such objectives.”¹⁵⁴ Inasmuch as the Act’s language notes, once this improvement plan is submitted, no further action by the state is required. However, should this improvement plan continue not to produce state desirable results, the permissible actions taken in response to this are what continues to draw the most controversies surrounding NCLB.

The actions deemed proper and fitting by NCLB after four consecutive years of failing to produce “annual measurable achievement objectives” can best be stated by the Act itself. If a State Educational Agency (SEA) deems an entity has failed to meet its respective benchmarks, each SEA shall:

- (a) Require such entity to modify the entity’s curriculum, program, and method of instruction; or (B)(i) make a determination whether the entity shall continue to receive funds related to the entity’s failure to meet such objectives; and (ii) require such entity to replace educational personnel relevant to the entity’s failure to meet such objectives.¹⁵⁵

Granted the authority to fire employees, strip funding and re-shift curricula if a certain measurable level of attainment is not met, is the most controversial aspect of this Act.¹⁵⁶

Who should be held “accountable” if the numbers do not meet a certain threshold?

Regardless of whether one believes that perhaps the empirical benchmarks need be

revisited, or whether the stripping of funds accomplishes anything positive for the students, NCLB believes and invests heavily in their chosen method for measuring achievement.

The passage of NCLB represents the latest and most controversial legislative movement within the history of bilingualism in America. While in many ways NCLB serves as a reauthorization of the Elementary and Secondary Education Act, this reauthorization came with sweeping reform along the lines of evaluations and accountability. As the Act's language illustrates, NCLB articulates *what* must be accomplished, however, is rather silent on *how* to accomplish these benchmarks. Because of this, critics of the NCLB argue that such ambiguity creates an atmosphere of high stakes testing without adequate preparation.¹⁵⁷

Conclusion

Reviewing the history of bilingualism in America is critical if one is to discuss or debate English-only legislation. This chapter was not only written in accordance with the diachronic development of landmark policies and court cases regarding bilingual education, but also with the intent of including much of the original language. Unlike most historical scholarship in this area that cites very little of the original language, this chapter was written to counteract this trend to illustrate that (1) ambiguous policy solutions passed by members of Congress was a rhetorical choice and (2) because of such weakness in articulation, allowed in many cases, the continuation of the same policy problems seeking solutions.

Beginning with the *Meyer* decision and ending with NCLB, it becomes apparent that bilingualism in America has and continues to undergo various shifts in policy and attitude. The history of bilingual education in America, in some forms and fashions, resembles our next area of focus, state led efforts to limit the scope of bilingualism through the promotion and passage of English-only laws. A close reading of these efforts will provide the much needed and deeply rhetorical history surrounding the debate to legislate English as the national language.

CHAPTER IV

¿SE HABLA ENGLISH? THE HISPANIC CHALLENGE AND THE 2006 ENGLISH
AS THE NATIONAL LANGUAGE DEBATE

Before the national stage was set to debate immigration reform and subsequently a national/official language amendment in 2006, historical precedence paved the way for proponents. As perhaps one of the most notorious state level campaigns aimed at immigration reform by way of barring all public services from illegal immigrants was California's 1994 Proposition 187. For proponents, such a measure was needed to guard against both a growing illegal Latino population along with various economic interests. Dissenters on the other hand, dismissed this ballot initiative as a political attempt to legitimize xenophobia toward those of Latino origin.¹⁵⁸ Leading up to the actual referendum vote, Latino students staged large-scale protests to Proposition 187 across the state, including a mass boycott of many high schools. What, in many instances, further supported proponent's correlation between Latino immigrants and national fragmentation was fueled in part by Latino protesters waving Mexican flags, a symbol viewed as evidence to suggest the dividing of the nation.

Ironically numbered one hundred eighty-seven, the same numeric pairing Los Angeles police use when referring to a homicide, Proposition 187, also known as the Save Our State (SOS) initiative, was a ballot initiative designed to create a state-run citizenship screening system in defense of illegal immigrants using health care, public education, and other social services. In its efforts to bar illegal immigrants from public services, especially education for instance, Proposition 187 draws a unique resemblance

to the 1982 Supreme Court case of *Plyler v. Doe*. Under Proposition 187 for instance, no public elementary or secondary school could admit/permit any child unless he or she has been verified as a United States citizen or as a lawfully admitted alien. Ironically enough, *Plyler v. Doe* addressed much of the same parameters. This case centered on revisions made to 1975 education laws in Texas that withheld state funds for illegal-immigrant children, whereas local school boards were authorized with the authority to deny enrollment to such students. In a narrow 5-4 decision, the Court's majority ruled that these legal revisions "directed against children, and impose[d] its discriminatory burden on the basis of a legal characteristic over which children can have little control." Furthermore, the Court found these revisions in violation of the fourteenth amendment, noting, illegal immigrant children are people "in any ordinary sense of the term," therefore protected from discrimination.¹⁵⁹ Proposition 187 on the other hand, was ruled unconstitutional because it overstepped the federal government's exclusive jurisdiction over matters relating to immigration and that it violates the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 insofar as the state seeking to regulate/restrict access of unauthorized immigrants to welfare benefits.

The prophesized economic and national identity/unity doom that proponents argued illegal immigrants bring upon California, in some respect, mirrors the national identity arguments waged by 2006 English-only proponents. Speaking to the overall sentiment of anti-immigration rhetoric, Vanessa Beasley makes two pertinent observations. These crises, argues Beasley, "have tended to be both loudest and most markedly anti-immigrant during times of economic hardship, when people fear

immigrants with ‘take American jobs’ or undercut wages.”¹⁶⁰ Whereas, along the lines of race relations, Beasley observes that within such political atmospheres, “the nation’s stated ideals of inclusion are juxtaposed with its practice of exclusion.”¹⁶¹ While the dust has settled in California’s debate over Proposition 187, the nation would see a reproduction of this debate, yet on a larger scale in 2006, with respect to “securing” our borders and “preserving” the English language.

Securing Our Borders

If historical precedence has been any accurate indicator, then the 2006 debate over immigration reform and its amendments should come as no surprise. This episode, like those before it, have followed a recurring path whereas “language laws, sentiments, and policies have been inextricably bound to immigration patterns and laws since colonial times,” as Bill Piatt observes.¹⁶² Generally linked to increasing numbers of “foreigners” entering the country, these debates have oftentimes transformed into crusades to keep “America” “America,” naming and defining the policy problem around language and nationality. These fears no less, are perhaps best demonstrated through the policies lawmakers seek to construct in response to such “problems” and the debates that follow.

In alignment with past policy attempts and debates, the 2006 Senate English as the national language debate did not detract from historical precedence, it too was linked with immigration reform. Under both House (House Resolution 4437) and Senate (S. 2611) bills, all contained similar elements. For instance, both versions introduced measures pertaining to a temporary workers program, worksite enforcement, criminal

penalties for existing illegal immigrants, and border fencing whereas the Senate's bill added a provision for the number of guest workers to be admitted annually, along with an amendment introduced by Oklahoma Republican Senator Jim Inhofe to declare English as the national language.

With just the House version of the bill, much strife ensued. The spring of 2006 bore witness to millions of Latinos protesting H.R. 4437 in the streets of cities across the nation. H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005" was introduced on December 6, 2005 by Wisconsin Republican Congressman James Sensenbrenner, and cosponsored by thirty-five House members.¹⁶³ Of these co-sponsors, thirty-four were Republican, where the largest clusters of House supporters came from the states of Texas and California, each providing six co-sponsors. This bill, like previous attempts at immigration reform, contained numerous parts, or "titles," totaling thirteen in all. Under the bill's initial title, named, "securing United States borders," section 101 directs:

The Secretary of Homeland Security (Secretary) to take all appropriate actions to maintain operational control over the U.S. international land and maritime borders, including: (1) systematic surveillance using unmanned aerial vehicles (UAVs), ground-based sensors, satellites, radar coverage, and cameras; (2) physical infrastructure enhancements to prevent unlawful U.S. entry and facilitate United States Customs and Border Protection border access; (3) hiring and training additional Border Patrol agents; and (4) increasing deployment of United States Customs and Border Protection personnel to border areas with high

levels of unlawful entry. Requires the Secretary to annually report to Congress respecting border control progress.¹⁶⁴

While sponsors of this bill sought to “protect America’s borders,” much attention was placed upon the nation’s southern border between Mexico and the United States. Supporters (Republicans) of this bill, consciously or not, favored unprecedented militarized measures through largely untested technological advancements to do so. If proponents were able to secure the passage of this bill, the Southern border would quite possibly resemble a combat zone, whereas in efforts to “secure” America’s southern border, war tactics would be employed against the enemy, “illegal aliens.”

As the bill continued to lay out how it would secure America’s borders, titles two and ten are amongst the most controversial. Title two, sections 203 and 204 discuss “combating alien smuggling and illegal entry and presence,” unveiling new criminal penalties for illegal entrants. For instance, section 203:

Makes illegal U.S. presence a crime. Increases prison penalties for first-time improper U.S. entry. Expands: (1) penalties for marriage and immigration-related entrepreneurship fraud; and (2) criminal penalties imposed upon aliens who illegally enter the United States or who are present illegally following convictions of certain crimes.¹⁶⁵

While no detail is offered regarding exactly how much such penalties will be increased, nonetheless, this section alone raised many eyebrows, especially in light of Section 204, which “provides mandatory minimum sentences, with a specified affirmative defense exception, for aliens convicted of reentry after removal.” Akin to state and local law

enforcements campaigns like the “war on drugs,” this bill sought to make a deep impact on how we talk about and enforce matters of illegal immigration, namely how we define and discuss Mexican immigration as a policy problem.

For reasons too numerous to list here, measures sought within this bill to “secure” America’s border were deservedly at the center of much debate. Title ten for instance, entitled “fencing and other border security improvements,” introduced many new, yet largely untested elements. Title ten, sections 1002 through 1004 contained language that would: 1) construct at least two layers of reinforced fencing, additional physical barriers, roads, lighting, cameras and sensors in five specified zones along the U.S.-Mexico border and 2) direct the Secretary to conduct a study and report to Congress respecting the necessity and feasibility of constructing a barrier system along the northern U.S. land and maritime border. Given the measure’s sponsors of this bill sought, the reaction amongst Latino protesters to this bill, as Matt Barreto, Sylvia Manzano, Ricardo Ramirez and Katy Rim note, “reverberated among supporters and gave rise to a sentiment among a majority of Latinos that immigrant marches were the beginning of a new Hispanic/Latino social movement that will go on for a long time.”¹⁶⁶ These mass protests, along with other efforts led by various Latino activists, media outlets, and political actors, represented a movement in response to the policy threat HR 4437 engendered, especially at the hands of inaction.¹⁶⁷

With much to both gain and lose, 2006 marked a particularly unique year for Latino politics. With just the House version of the immigration reform bill, much debate ensued not only in House chambers, but also in the streets of many U.S. cities. Given the

rather blatant racial and geographic qualifiers surrounding this debate, the relationship between Latinos, rhetoric and public policy could not be any stronger. This intersection, particularly regarding the debates produced, is of great importance for the rhetorical study of public policy. The racial and structural relationship that is forged by such legislation, through the eyes of Rodney Hero involves:

Understanding policy as it affects Latinos and other minority groups may be especially important because these groups are more often acted upon by government; they are often unable to shape the policies that governmental institutions adopt and implement.¹⁶⁸

Again, by recognizing the heavy frequency that populates this intersection, understanding the rhetorical maneuvers political actors employ in efforts to legislate upon people of color, particularly Latinos for this study, possesses the propensity to better inform our understanding of these episodes. If the 2006 debates on immigration reform like many other political occurrences both before and after are any indication then, race still matters,¹⁶⁹ whereas more specifically, Hero posits that “race and ethnicity are and have been pervasive influences in the political and social system” that continues to occupy an area of both concern and continual contemplation.¹⁷⁰

The 2006 English as the national language debate by no means occurred in a vacuum, past actions at state, local, and federal levels have contributed greatly to this debate.¹⁷¹ However, what is of great temporal and rhetorical importance to recent developments on the English-only front is Samuel Huntington’s “Hispanic challenge” thesis. Because Huntington’s infamous 2004 thesis provides the foundation for some

English-only proponent's claims, especially how "American" national identity is defined amidst the increasing number of Latinos in America, precisely how Huntington constructs both who is and is not "American" is of great importance and relevance to the topic at hand. Furthermore, it unveils the unique claims used to name and define Latino immigration and the Spanish language as our policy problem.

The "Hispanic Challenge"

On January 20, 2003, the United States Census Bureau announced Latinos, then 13% of America's population, overtook African Americans to become the nation's largest minority group.¹⁷² In what appears to be written as a direct response/warning concerning the rise of Latinos in America, Samuel Huntington published, "The Hispanic Challenge" in the March/April 2004 edition of *Foreign Policy*. While Huntington has "warned" America before about the ill-effects Latino immigration, particularly from Mexico, would bring upon the nation, his "Hispanic Challenge" thesis appears to be written in light of this new demographic shift in America. If nothing else, Huntington's thesis contributes to how Latinos, both those who are in America legally and illegally, became swept into English-only and limited immigration proponent's definition of the nation's policy problem.¹⁷³

Through the eyes of Huntington, America was "created" largely upon Anglo-Protestant values, these values in turn helped shape the cultural foundation that developed the United States of America.¹⁷⁴ However, these values and cultural traits, believes Huntington, have come under assault whereas America's once firmly rooted Anglo-Protestant heritage has begun to show signs of erosion. In his words, "in the final

decades of the 20th century, however, the United States' Anglo-Protestant culture and the creed it produced came under assault by the popularity in intellectual and political circles of the doctrines of multiculturalism and diversity.”¹⁷⁵ Given the direct threat diversity and multiculturalism attribute to our national identity and stability, Latino immigration remains a potential threat to our nation's overall cultural, linguistic and political integrity.

As the number of Latinos continued to increase from 2003 to the time of Huntington's 2004 thesis, Huntington's essay, like the larger debate surrounding proponent's efforts to secure English as the national language, focused upon articulating how Latino immigration is dividing the nation in two. In perhaps one of his most direct statements linking both cause and effect, Huntington posits:

The persistent inflow of Hispanic immigrants threatens to divide the United States into two peoples, two cultures, and two languages. Unlike past immigrant groups, Mexicans and other Latinos have not assimilated into mainstream U.S. culture, forming instead their own political and linguistic enclaves—from Los Angeles to Miami—and rejecting the Anglo-Protestant values that built the American dream.¹⁷⁶

Clearly not acknowledging or accounting for past legislative efforts and similar nativist sentiments surrounding America's first wave of English-only efforts regarding German (*Meyer v. Nebraska*), Huntington instead fast-forwards across the legislative and judicial timeline to sequester Latinos in a league of their own in efforts to fallaciously support

his “Hispanic Challenge” thesis. As a result, Huntington’s thesis thrives from not only historical inaccuracies but also restrictive renderings of “America.”

Questioning whether or not Latinos support, or in this case, arguing that Latinos do not support/follow “American” or Anglo-Protestant values, remains a largely unfounded claim steeped in the widespread belief that Latinos are not assimilating to “American” culture. This belief, through extensive empirical testing by such scholars as Rodolfo de la Garza,¹⁷⁷ Kathleen Dowley and Brian Silver¹⁷⁸ for example, find no such correlation to support Huntington’s claim. Moreover, de la Garza adds that, “Mexican Americans support American core values at least as much as Anglos do,” finding no statistical difference between Anglo and Latino patriotism.¹⁷⁹ Even prior to Huntington’s 2004 claim, the 1979 National Chicano Survey, the 1988 National Latino Immigrant Survey, the 1989 Latino National Political Survey, a 2002 Pew Hispanic Center “Language and Assimilation” survey, and most recently, a 2010 Pew “Latinos and the Census Survey” found no evidence to support the forming of a “divided states” of America.

Huntington’s running theme that Latinos represent all things “un-American” or to suggest their policy preferences and lack of allegiance to the “American creed” are to be attributed to America’s national identity crisis, represents his portrayal of the Latino enemy among us. Not only does continual Latino immigration pose a cultural dilemma upon the United States,¹⁸⁰ Latinos also pose a linguistic challenge as well. No longer are we one nation united under one flag and one language, yet Latino immigration threatens “Americans” ability to say “we.” As seen through Huntington’s eyes:

In this new era, the single most immediate and most serious challenge to America's traditional identity comes from the immense and continuing immigration from Latin America, especially from Mexico, and the fertility rates of these immigrants compared to black and white American natives. . . . Will the United States remain a country with a single national language and a core Anglo-Protestant culture? By ignoring this question, Americans acquiesce to their eventual transformation into two peoples with two cultures (Anglo and Hispanic) and two languages (English and Spanish).¹⁸¹

What becomes more evident throughout Huntington's thesis is at least one salient trait he seeks to employ in efforts to advance his claim. Following in historical precedence with immigration hysteria in America, Huntington's belief and fierce defense of a single ("Anglo") dominant culture advances a clear racial, linguistic and cultural hierarchy, one that rejects, as Huntington noted, "diversity and multiculturalism." However, what remains unique about Huntington's thesis is his encapsulating notion of what and who is and is not "Anglo" or "American," all in efforts to advance his policy problem that Latino immigration and the Spanish language threaten "American" stability.

To define what and who consists of "Anglo" or "American" values and beliefs, whether measured by policy preferences, cultural practices, or language, is what drives Huntington's "Hispanic Challenge" thesis. Huntington's "America" consists of a nation steeped in a rigid paranoia of heterogeneity, for as he reminds us, "American" culture was established by our nation's Anglo-Protestant "settlers," whereas Latinos fall outside

of this framing. Luis Fraga and Gary Segura discuss Huntington's rhetorical tactics this way, stating:

Defining who is part of the national collective people, and most importantly, defining who is *not* part of the American polity have always competed with one another to define central elements of American political discourse.¹⁸²

Again, as Fraga and Segura illustrate, through the framing of Latinos as “racialized others,” their continual presence in America threatens the founding cultural foundation “Americans” have come to enjoy. As Huntington views it, Latinos represent a disruption to the finely crafted balance/blend that unites us all as “Americans.”

The challenge that “America” faces is whether or not Latinos can fully assimilate to “American” culture,¹⁸³ an area that Huntington feels they have not. As opposed to being the United States, Huntington believes that Latinos possesses the propensity to form a divided states of America. In his words, if Latino immigration were to abruptly stop:

The inflow of immigrants would again become highly diverse, creating increased incentives for all immigrants to learn English and absorb U.S. culture. And most important of all, the possibility of a de facto split between a predominately Spanish-speaking United States and an English-speaking United States would disappear, and with it, a major potential threat to the country's cultural and political integrity.¹⁸⁴

By eliminating the Latino policy threat, the cultural, racial, and linguistic challenges would subside as well. If Latino immigration would cease, we could become a “united”

nation again, no longer threatened by a “foreign” culture and tongue. However, because we are driven by notions of diversity and multiculturalism, believes Huntington, imposing annual immigration limits would never materialize, leaving us with an unwanted “Hispanic Challenge.”

The reality of a rapidly growing Latino population occupies many concerns for Huntington, of which, his views on establishing a national language aptly apply. “Americans,” argues Huntington, need not concern themselves with learning “a non-English” language to communicate with other citizens, however, “this is what the Spanish-language advocates have in mind. Strengthened by the growth of Hispanic numbers and influence, Hispanic leaders are actively seeking to transform the United States into a bilingual society.”¹⁸⁵ Again, the challenge on our hands, if not mitigated by immigration restriction, threatens to rearrange life in the United States as we know it. If Spanish is allowed to flourish without limits, as bilingual advocates wish, our national unity will continue to tear away at the seams.

Assuming we ever achieved national unity in America, Huntington’s unsupported claims of America’s demise at the hands of Spanish for example, exists as the most serious threats facing America. Despite the opposition of large majorities of Americans, says Huntington:

Spanish is joining the language of Washington, Jefferson, Lincoln, the Roosevelts, and the Kennedys as the language of the United States. If this trend continues, the cultural division between Hispanics and Anglos could replace the

racial division between blacks and whites as the most serious cleavage in U.S. society.¹⁸⁶

Spanish, along with the consistent patterns of Latino immigration, if maintained, represents the gravest countervailing force in America. Not poverty, not religious intolerance, gender inequality, political representation or educational attainment gaps, yet the Spanish language represents the most pressing area of concern in America.

By correlating Spanish and immigration with national identity and the challenges/threats it produces, America occupies a fragile state of vulnerability at the hands of “subnational” identities and cultures. As the English language continues to lose its place as “America’s language,” it becomes replaced with a “foreign” tongue. The promotion of bilingual education and “minority languages” are contributing to the constant demise of the English language and our “core culture” argues Huntington.¹⁸⁷ Samuel Huntington’s “Hispanic Challenge” thesis mirrors what Leo Chavez names the “Latino threat narrative.” As Chavez explains, Huntington’s representation of Latinos “as the Other and as a ‘threat’ and ‘danger’ to the nation through such simple binaries of citizen/foreigner, real Americans/‘Mexicans’ or real Americans/‘Hispanics,’ natives/enemies, us/them” legitimizes a justificatory stance steeped in nativism.¹⁸⁸

This process of uniting and dividing, or what Kenneth Burke refers to as “congregation and segregation,” exists in discursive forms, most notably in presidential war rhetoric involving the process of naming and defining “us” and “them,” whereas similar rhetorical traits can be found throughout Huntington’s thesis.¹⁸⁹ The use of identification, whether in formal organizations, political campaigns, or otherwise, relies

heavily upon how our collective consciousness articulates who and what we believe ourselves to be.¹⁹⁰ After all, in order to reflect who we are, whether as a nation, citizenry, group, or otherwise, we must first be able to articulate who we are not, which in this case, we are not Latino, we do not speak Spanish and we do not identify with “foreign” allegiances. Because of this naming and framing, our policy problem is crafted.

The rhetorical construction of who we are as a people along with who we are not, not only concerns itself with identification, but also involves the creation, naming, defining, and maintaining of who we view as our subordinates, which in our case relates to naming and defining our policy threats. Threats are largely understood “as a savage, i.e. an aggressor, driven by irrational desires for conquest,” always named and defined in opposition to how we view ourselves, notes Robert Ivie.¹⁹¹ By eliminating the possibility for resemblance, Latinos exists as the “other,” inevitably sequestered within the confines of a threatening menace.

While some terms and images receive frequent usage throughout Huntington’s thesis, it by no means is coincidental. Usages of such terms and images of fear and instability for example, argues Vanessa Beasley, have been used as “signifiers for abstract concepts that, although clearly politically potent, can change in meaning across time, circumstance, or audiences.”¹⁹² As articulated by Huntington, these politically potent concepts take the form of a “brown tide rising,”¹⁹³ representing the ingredients of Leo Chavez’ “Latino threat narrative.” Together, such concepts become linked to the overall sentiments expressed by Huntington’s thesis, particularly, Latino immigration, English-only, and “American” national identity.

What is of particular interest in the pages to follow is the continuation of Huntington's thesis from Senate English-only proponents into a precise policy preference that supposedly reflects what is best for "America." This framing of "Americans" embodies a historical reoccurrence that Mary Stuckey recounts as moments in time whereas "true Americans adhered to the same yet of values, played out in the same ways. . .all true Americans were the heirs of a seamless political tradition, linear descendents of a singular philosophy exemplified by Washington, Jefferson, Jackson, and Lincoln."¹⁹⁴ Because Latinos and Latino immigration has been framed as a national identity, cultural and linguistic threat, English-only proponents not only reaffirm these fears, but because Latinos are such a threat, proponents prescribe the best way to counteract these dilemmas is to uphold a racial, cultural and linguistic order steeped in the makings of the Great Chain of Being.

2006 English as the National Language Debate

Following in similar fashion, minus the nationwide protests, the Senate's version, dubbed the "Comprehensive Immigration Reform Act of 2006," was sponsored by Pennsylvania Republican Senator Arlen Specter on April 7, 2006.¹⁹⁵ Senator Specter's bill enjoyed the support of six co-sponsors, five Republicans and one Democrat, Massachusetts Senator Edward Kennedy. This bill contained nearly twice as many provisions as the House version, however, provided on average, more specificity regarding how various programs would function. Of these provisions, the Senate's version contained titles regarding "border enforcement," a "border tunnel prevention

act,” “interior enforcement,” measures addressing “unlawful employment of aliens,” and a program for “temporary guest workers,” to name only a few.

Amidst the political atmosphere surrounding the various measures unveiled in the Comprehensive Immigration Reform Act of 2006, on May 18, 2006, Oklahoma Republican United States Senator Jim Inhofe introduced Senate amendment 4064, an amendment “to declare English as the national language of the United States and to promote the patriotic integration of prospective US citizens.” Inhofe, who represents a state where in 2006 Latinos comprised of 6.9% of the population, felt such a federal amendment was needed to guide immigrants toward assimilating to the “American” way of life, which, as this amendment notes, includes speaking English.¹⁹⁶ On the issues, Inhofe represented the values of most fiscal and social conservatives. In 2002 for instance, Inhofe voted no on a measure to add sexual orientation to the definition of hate crimes, during the time of this debate in 2006, Inhofe voted yes on a constitutional ban on same-sex marriage, received a 0% approval rating from the Human Rights Campaign and a 7% approval rating from the National Association for the Advancement of Colored People (NAACP).

Inhofe’s English-only amendment received the support of eleven co-sponsors, ten were Republicans from the states of: Kentucky, Montana, Georgia, Wyoming, Alabama, South Carolina, and Arizona, along with both Republican Senators from Tennessee and Oklahoma. Although the 2006 immigration reform bill failed, Senator Inhofe’s amendment carried sixty-two yeas and thirty-five nays. Of its sixty-two supporters, six were Democrats from the states of: Montana, West Virginia, Delaware,

South Dakota, Florida, Nebraska, and both Senators from North Dakota. Of those thirty-five Senators who voted nay on this amendment, all were Democrats, including then, the Democratic Senator from Illinois Barack Obama.

Armed with Huntington's "Hispanic Challenge Thesis," Senate proponents took to the floor to urge their colleagues to pass the Inhofe amendment. First, to approach his colleagues was the amendments chief architect, Senator Inhofe. In efforts to shape what otherwise reads as a purpose clause, Inhofe attempted to defend why such an amendment is needed, especially in light of the larger immigration reform debate. In his words:

Basically, what it does is it recognizes the practical reality of the role of English as our national language. It states explicitly that English is our national language, providing English a status in law that it has not had before. It clarifies that there is no entitlement to receive Federal documents and services in languages other than English. It declares that any rights of a person and services or materials in languages other than English must be authorized or provided by law. It recognizes the decades of unbroken court opinions that civil rights laws protecting against national origin and discrimination do not create rights to Government services and materials in languages other than English, and establishes enhanced goals of the DHS as redesigned.¹⁹⁷

For Senator Inhofe, federally declaring English as the national language is long overdue and desperately needed. Far too long has the role of English in America either been ignored or not recognized as the uniting language that it is. The purpose of this amendment is to not only recognize the English language as "Americas" language, but in

doing so, place under scrutiny the rights of “language minorities” to receive governmental services in languages other than English. By citing no specific court cases when speaking to the “decades of unbroken court opinions” this amendment seeks to rectify, Senator Inhofe’s ambiguity invites many questions from skeptics he does not address. Again, as a statement that was intended to clarify the role and purpose of his amendment, Senator Inhofe’s intentions continued to be clouded in ambiguity.

Although he does not acknowledge this, Senator Inhofe’s opening comments raise many questions regarding the rights of national origin minorities, specifically relating back to Title VI of the 1964 Civil Rights Act, Stanley Pottinger’s landmark 1970 Title VI compliance memo and the 1972 *Lau* decision. Alone, his statement that “there is no entitlement to receive Federal documents and services in languages other than English,” would lead many to believe that this amendment would require many changes to how and in what languages federal documents and services are communicated, potentially harming the reach of the message. For instance, Senator Inhofe represents a state located in an area between the Rocky and Appalachian Mountains, encompassing an area colloquially referred to as “tornado alley.” If a large-scale tornado, one that ranks as an F-4 on the Fujita scale of tornado intensity struck and the Federal Emergency Management Agency (FEMA) was deployed, their abilities to communicate information regarding disaster assistance in languages other than English would be curbed, or at least that is what his amendments language leads us to believe.¹⁹⁸ Without an account of the rights national-origin minorities have, the language within Inhofe’s amendment affirms a racial and linguistic order regarding “the role” of English in America. Because the larger

debate concerns immigration from Mexico, Senator Inhofe's comments must be understood in this context, recognizing the racial, cultural, and linguistic hierarchical elements within his rationale.

Speaking to the degree of skepticism and dissent Senator Inhofe's amendment received by Senate Democrats and others, Senator Inhofe acknowledged these sentiments and offered a response. In Senator Inhofe's "re-making" and articulation of the "American" people, Inhofe noted:

I would only say that this is something that is more significant probably to the American people than it is inside this Chamber. I know there is opposition to this. There are some people who don't believe that English should be our national language. If you look at some of the recent polling data, such as the Zogby poll in 2006, it found 84 percent of Americans, including 77 percent of Hispanics, believed that English should be the national language of Government operations. A poll of 91 percent of foreign-born Latino immigrants agreed that learning English is essential to succeeding in accordance with the United States, according to the 2002 Kaiser Family Foundation poll.¹⁹⁹

Posited in this fashion, Inhofe presents his actions as no different from that of active representation, or, interest-based representation guided by the desires of his constituency.²⁰⁰ Presented with overwhelming empirical data, in his mind, Inhofe articulates his actions as simply responding to the desire of the "American" people. However, Inhofe's use of the 2002 Kaiser Family Foundation polling data to support his actions, presents a non-sequitur whereas his conclusion does not support his premise. To

say that English should be recognized as our national language and to conclude with a claim that 91% of foreign-born Latino immigrant agree that learning English is essential to success, does not support/endorse his or any English-only statute. If nothing else, the 2002 Kaiser poll Inhofe cited acknowledges that foreign-born Latino immigrants already know and overwhelmingly understand the importance of learning English, whereas such an amendment is largely unnecessary.

The rhetorical creation of English as “America’s” language, despite the early influences of the Spanish language by figures such as Juan Ponce de León along with the various Native American languages, is a task steeped in remaking the nation’s identity. Although speaking to the degree which presidents construct a nation’s identity, Mary Stuckey’s point is germane when referring to Senator Inhofe’s efforts as well. Nation building, Stuckey asserts, “inevitably requires reduction. It therefore also implies inclusion and exclusion.”²⁰¹ Inhofe’s decision to exclude and reduce the “American” people to fit the narrow build of his “America,” informs us of who in Oklahoma he is speaking to and who he is speaking about. Again, representing a state whose motto is “Native America” and in 2006 reported a Native American population of 8% and a Latino population of 6.9%, it becomes quite evident that Inhofe is speaking *to* the 72% Anglo population, and speaking *about* Oklahoma’s growing Latino population, which in 2000 was 5.2%, representing the fastest growing group in Oklahoma.

Coming to the immediate defense of the Inhofe amendment was Arizona Republican Senator John Kyl. Representing a state where in 2006 Latinos comprised of 29.6% of the population, Senator Kyl felt deeply committed to “unifying” the country, as

he believed this amendment possessed the propensity to do.²⁰² In his words, Senator Kyl asks then responds to the question of:

What are some of the things that do unify us? Well, our language unifies us.

Senator *Alexander*, who will speak in a moment, was responsible also for working with Senator *Inhofe* to include provisions in this amendment that help us to recognize the importance of English in our country and the importance--not just for our new immigrants but for all Americans--of speaking this language that is our national language. So an amendment that recognizes that it is our national language is very positive for both immigrants and nonimmigrants alike. I would also like to make a point about what this amendment is not. This is not an English-only amendment. That is an important point. We do speak a lot of different languages in this country, but English is our national language, and I think we can all agree on those great principles.²⁰³

Following the lead of Senator *Inhofe*'s opening remarks; Senator *Kyl*'s advocacy reflects an attempt toward defining "America" and "Americans" by means of linguistic commonality. To assert that the *Inhofe* amendment is needed to "help us to recognize the importance of English in our country" assumes at least three things. One, new (Latino) immigrants refuse to speak or believe learning English is not important, two, the English language is losing its place in America and being replaced by a "foreign" tongue and three, the *Inhofe* amendment is needed in response to or to stabilize "America" amidst the increasing number of immigrants from Mexico. Senator *Kyl*'s line of advocacy reflects what Benedict Anderson refers to as an "imagined community," whereas each

nation has in its mind, who is and who is not a member of that community, along with what measures are needed to create it.²⁰⁴ The imagined community/nation depicted throughout Senator Inhofe's and Kyl's remarks, defines and legitimizes linguistic homogeneity as what "Americans" want and need. Language policies within the grander scheme of community/nation formation, argues Ronald Schmidt, "can be understood best in terms of the politics of identity," an ongoing process that (re) creates, (re) defines, and (re) identifies "us" and "them," or, "Americans" from "foreigners."²⁰⁵

Despite the claim from Senator Kyl that "this is not an English-only amendment," neither he nor Senator Inhofe offered anything to the contrary. Arguments from English-only proponents have raised many questions about race and definitions of national identity and equality, whereas the English as the national language amendment, although guised as a "common sense" amendment, could not be anything further from actuality. Such competing notions of equality, whether along the lines of "language minorities" or otherwise, argues Mary Stuckey, "has been contentious throughout our national history and has provided both the means of excluding members of groups and the basis for the inclusion of groups."²⁰⁶ What English-only proponents succeed in is not only illustrating what and who "Americans" are, but simultaneously defining who and what characteristics are not belonging to our "American" community, much like Samuel Huntington's "Hispanic Challenge Thesis." For example, Huntington argues, "a massive Hispanic influx raised questions concerning America's linguistic and cultural unity. . . . The celebration of diversity replaced emphasis on what Americans had in common."²⁰⁷ Through Huntington's worldview, the dilemmas of Latino immigration have caused

much strife, no longer allowing us, as “Americans,” to say “we.” For Huntington and like Inhofe and Kyl, to be “American” or a part of the “American” community is to embody a common linguistic and cultural community; anything else threatens what binds us together as “Americans.”

Concerned over the nations shifting demographics, Alabama Republican Senator Jeff Sessions follows Senator Kyl in support of the Inhofe amendment. Senator Sessions, representing a state that in 2006 reported less than a 3% Latino population, is concerned with “uniting” all “Americans” under one nation, one flag, and most importantly, one language. In this spirit, Senator Sessions remarks:

I thank the Senator from Oklahoma for his good work because we are now a Nation of people of different faiths, different skill sets, different backgrounds, different colors of skin, and different nationalities. Where we once were apart, now we have become Americans. The thing that makes this country effective is being able to communicate with one another in a common language. I think that is an ideal of America that is important. I think any Nation, historically, that has divisions based on language, begins to have a lot of complications and problems. So I am pleased that Senator *Alexander* and Senator *Inhofe* have worked hard on this, that they have come up with language that also includes more extensive training and learning on behalf of new citizens about what it means to be an American. No one has been more articulate over the years on this than Senator *Alexander*.²⁰⁸

As a “nation of people of different faiths, different skill sets, different backgrounds, different colors of skin, and different nationalities,” the time to federally legislate “American” principles is now. If we, as a nation, are to mitigate against the conflicts that linguistic heterogeneity brings, our first task must be one that establishes what resembles a racial and linguistic order. These hierarchical orders, like racial institutional orders, are “durable alliances of elite political actors, activist groups, and governing institutions united by agreement on racial policy.”²⁰⁹ Out of the fear that our nation is rapidly forgetting “what it means to be an American,” proponents, representing the most powerful and prestigious chamber of Congress, justify their actions in efforts to protect “America” against the possible perils a changing national landscape might bring.

The desire to create one from many is an ambitious task, where from the standpoint of proponents, can be accomplished through a declaration upholding the vital role English plays in America. Proponents of this measure follow in tradition with the continuation of a racial institutional order that mirrors the Great Chain of Being, or, the hierarchical conception of the universe “composed of an immense. . . number of links ranging in hierarchical order from the meagerest kind of existents. . . to the highest possible kind of creature.”²¹⁰ Of the three basic components of the Great Chain of Being identified by historian Arthur Lovejoy, one component in particular finds frequent usage throughout this debate. Known as the Principle of Gradation, this linear hierarchical ranking of society, sometimes referred to by polygenists as the “natural order” ordained by God, is essentially an arrangement of beings placed from highest to lowest. To say, as Senator Sessions did, that, “I think everyone can support that will help unify us as a

Nation and make sure we are one people, all Americans, adhering to the highest ideals of this great country,”²¹¹ provides “structure and content to American racial identities,” as Desmond King and Rogers Smith argue.²¹² The legislative privileging of one culture, language, or “ideals” over another, as this debate encourages, ultimately argues the utility of a racial order. As African Americans were delegated to the lower rung on the Great Chain of Being throughout the eighteenth, nineteenth and turn of the twentieth century,²¹³ Spanish and undeniably Latinos have become intertwined to represent a new lower rung whose presence and influence must be curbed by means of immigration reform and the establishment of English as our national language.

All too often, legislative solutions written with the intent to “solve” or “protect” the policy preferences of elite political actors have resulted in the formation of socio-political and economic barricades constructed in defense of those defined as “the other,” or, societies supposed threatening menace of that time. Whether these groups were Native Americans, women, African Americans, or otherwise, their perceived threat to “American” stability was articulated and executed through numerous policy barricades. Moreover, I believe Jennifer Hochschild is correct when making the relationship between governmental structures, policy processes and racial statuses in America, whereas these structures and processes control, define and redefine how racial orders become upheld or changed through public policy.²¹⁴

The strategic and restrictive framing of the “American” people, as an attempt to uphold a racial institutional order thought to benefit those labeled as “white,” reveals a unique, yet longstanding relationship between race, national identity, and policy

outcomes. To this end, Tennessee Republican Senator Lamar Alexander, a co-sponsor of this amendment, takes to the Senate floor to offer this:

This amendment is as important as any amendment which is being offered because it helps take our magnificent diversity and make it something even more magnificent. It recognizes that only a few things unite us: our principles, found in our founding documents, and our common language. We are proud of where we have come from, where our ancestors have come from, but to make this land of immigrants truly one country, we must have and honor our national language, our common language, and that language is English.²¹⁵

It is the statement of Senator Alexander that is perhaps most revealing of the belief that homogeneity is a, if not, *the* precursor to societal order. To say that our nation's diversity could be made into "something even more magnificent," or perhaps better unified by means of this amendment while simultaneously likening unity with "our founding documents" presents yet another non sequitur. For example, if Senator Alexander is referring to the Constitution, or perhaps more accurately would be the Bill of Rights as one of our "founding documents" where we derive "our" principles, then the question now becomes or focuses upon "whose unity is he speaking about?" If nothing else, these founding principles and documents, through such episodes such as Indian Removal²¹⁶ and anti-miscegenation statutes²¹⁷ to name only a few vigorously fought for the preservation of an Anglo racial order. Like the Great Chain of Being, Senator Alexander's advocacy privileges the recognition and application of supposed "ideal

American principles” as those beliefs and values that occupy the highest rung, whereas Spanish and inevitably Latinos represent all that is lower.

This contemporary remaking of the Great Chain of Being through the linear ranking and legislative privileging of “American” ideals, exist frequently throughout attempts at defining national identity. Whether the focus is upon nineteenth polygenist and their efforts to exclude Africans from definitions of “America,”²¹⁸ or how President Theodore Roosevelt’s speeches noted that everyone could be an “American” so long as they embraced his vision of “Americanism,”²¹⁹ attempts at defining who “we” are and what “we” do as “Americans,” rarely, if ever, departs from this tradition of essentialism. For example, as Alabama Republican Senator Lindsey Graham spoke on the Senate floor, initially over the utility of speaking an additional language, noting his ability to speak “enough German just to be dangerous,” he quickly switched gears. Through the eyes of Senator Graham, “from a national perspective, to make sure we maintain our national unity and our common sense of being one nation, it is important that we emphasize the need to assimilate into America by mastering the English language,” later adding, “from a national perspective, we need to promote assimilation in our society.”²²⁰ Senator Graham’s frequent usage of “our” and “we” align well with the formation of a hierarchical racial order. Graham, along with other co-sponsors and proponents of this amendment, largely represent predominately Southern Anglo constituents, whereas their definitions and articulation of “our,” “we,” and “American,” speaks to the distinctiveness embodied within Southern identity.²²¹ As their arguments reveal, the

Great Chain of Being asserts itself through the linear ranking and privileging of identities.

When analyzing proponents framings of how “American” is defined, along with who is included when saying “we” and “our,” one must consider not only their development of Samuel Huntington’s “Hispanic Challenge Thesis” into a precise policy preference, but also the role their audience/constituency plays in this framing. In order to achieve a policy outcome that mirrors the Great Chain of Being, proponents must not only speak directly to those selected mediators of change but in doing incorporate them into their message, allowing them to see themselves in the policy goal or agenda. Speaking best to this point is Senator Inhofe, who noted, “new immigrants have a responsibility to enter the mainstream of American life.”²²² For the Southern Anglo constituency he is speaking to, deductive reasoning leads me to believe that his framing of “mainstream American life” embodies a rather homogenous linguistic and cultural spirit and set of principles present within his amendment.

Aside from hierarchical, the Great Chain of Being, like the racial order thesis, is a perennial philosophy. It is perennial, as Ken Wilber notes, “precisely because it shows up across cultures and across the ages with essentially similar features.”²²³ The existence and continual proliferation of racial hierarchies is precisely the spirit embodied by proponents throughout this debate. The political role and “importance of Congress to the United State’s racial orders hardly needs elaboration,” as King and Smith argue, because American political development is replete with examples of this philosophy.²²⁴ As Senate

proponents fought to “unify” their racial and cultural preferences as articulated through this amendment, they received assistance from the White House.

Despite campaigning for Texas Governor and the Presidency in Spanish, President George W. Bush offered his support of the Inhofe amendment. President Bush stated, “if you learn English, and you're a hard worker, and you have a dream, you have the capacity from going from picking crops to owning the store, or from sweeping office floors to being an office manager.”²²⁵ With a clear racial undertone, President Bush articulated his English-only advocacy under the grand scheme of the mythic “American dream,” seizing this defining moment to evoke the power of presidential definition. This rhetorical force, according to David Zarefsky, enables “the president, by defining a situation . . . to shape the context in which events or proposals are viewed by the public.”²²⁶ By seizing this opportune moment, President Bush follows in the footsteps of Huntington and Inhofe by subtly advancing the unfounded claim that Latino immigrants refuse to learn or do not speak English. Equipped with the rhetorical forces of both the bully pulpit and presidential definition, President Bush interprets the context of this debate and makes it readily available for the public in a manner that justifies the Inhofe amendment as a solution to this policy problem.

President Bush’s reading of the Inhofe amendment along with the policy problem it supposedly resolves, argues that if Latino immigrants would embrace the Protestant work ethic and simply learn English, they too can partake in “*the* American dream,” the ultimate “American” symbol. In a weekly radio address, President Bush continued to evoke the power of presidential definition, stating, “Americans are bound together by

our shared ideals, an appreciation of our history, respect for our flag and the ability to speak and write in English."²²⁷ Here, President Bush creates, defines, and disperses an encapsulating image of what is "American," contending, "and I think people who want to be a citizen of this country ought to learn English. . . and they ought to learn to sing the national anthem in English."²²⁸ President Bush's framing of "America" in and around strategically restrictive qualifiers to assist current Senatorial utterances in defense of the Inhofe amendment reveals his interest and approval in a federally constructed racial order.

Concerned with the amendments language and the arguments offered by proponents, Illinois Democratic Senator Dick Durbin rises to question Senators Graham and Inhofe. As the amendments only dissenter who was present on the Senate floor during this debate, Senator Durbin offered a reading of national identity that runs counter to the hierarchical racial order thesis affirmed by proponents. In his words:

The Spanish language has become an important symbol for so many people in this country. It reflects on their heritage. It is a source of pride. They are proud to be Americans, but they are equally proud to have a heritage they can point to. To be "American," according to Durbin, does not limit or force you to choose "us" or "them," English or Spanish. As a nation built on the backs of slaves and immigrants, to be "American" equates to having more than one heritage, and more than one source of pride.

While Senator Durbin acknowledged that knowing only Spanish will limit your horizons, the amendments language regarding the availability of governmental services

in languages other than English disturbs him. Speaking directly to Senator Graham of Alabama, Senator Durbin remarks:

But what troubles me, and I am still wrestling with it. . . is the rest of the amendment. What happens in the situation where a person is here legally in the United States but has limited English language skills? What kind of guarantee can we give that the person will be treated fairly? Because just as English is at the root of who we are as Americans, so is the concept of fairness.²²⁹

This area of concern Senator Durbin raises, reflects back upon Senator Inhofe's opening remarks stating, this amendment "clarifies that there is no entitlement to receive Federal documents and services in languages other than English." Not convinced this amendment would provide for those with limited English proficiency, Senator Graham seeks to relieve Senator Durbin of his skepticism. Affirming that no rights would be violated under this amendment, Senator Graham responds, "the truth is that a variety of Government services are authorized and provided by law in languages other than English. . . my goal is to make sure, in trying to bring us together, focusing on English as an essential part of who we are, not to disturb that legal setting."²³⁰ While not providing a response that confronts the amendments language, Senator Graham merely defends his position and nothing more. Given this rather ambiguous response to their only dissenter present, Senator Inhofe rejoins the debate to provide better clarity to Senator Durbin's legal inquiry.

Speaking to the larger concern over the right to due process for those with limited English proficiency, Senator Inhofe refers back to the language of the

amendment. First, says Senator Inhofe, “if you look at the second page of the bill, it provides: unless otherwise authorized or provided by law. So we have that set up for exceptions that are already in law.”²³¹ Citing *Negron v. New York*, a case involving twenty-three-year-old Rogelio Negron who spoke no English and no efforts were made to translate the trial into Spanish, Negron was convicted of killing a fellow worker in a brawl. Because Negron spoke no English and his attorney neither spoke nor understood Spanish, neither Counsel nor client could communicate without the aid of a translator. As a result, the 2nd U.S. Circuit Court of Appeals overturned his conviction and in doing so inspired Congress to pass the federal Court Interpreters Act of 1978.²³² After citing both the *Negron* decision and the Court Interpreters Act, Senator Inhofe closes, noting, “I believe that exception takes care of the problem you have.”

In what Senator Inhofe believed was the needed response to encourage Senator Durbin’s support, the senior Senator from Illinois was not convinced. Because Senator Graham technically had the floor, he offered his reassurance to Senator Durbin while repeating why he supports this amendment. In reference to the *Negron* decision indirectly and the Court Interpreters Act directly, Senator Graham remarks, “not only do I think that is just, but I want to preserve it.”²³³ With that said, Senator Graham, again, explains to Senator Durbin why he supports the Inhofe amendment. As spoken by Senator Graham, “the reason I am going to vote for this is because I think it tries to unite us without taking off the table exceptions to English or services provided other than English.”²³⁴ Although both Senators Inhofe and Graham believed their advocacy was

clear and established that it sought not to overturn existing federal statutes, Senator Durbin was not convinced.

Although Senator Inhofe could have risen and asked that Senator Graham yield so that he may engage Senator Durbin, he did not. Still uncertain over exactly what this amendment will do, change, and its overall purpose, Senator Durbin continues his line of questioning to Senator Graham. Citing Title VI of the 1964 Civil Rights Act and the Department of Justice publication, “Know Your Rights,” Durbin asked:

If you come to a hospital and you have limited English proficiency, they are supposed to be able to try and help you understand what your rights are and treat you. Are we changing that? Will the Inhofe amendment change that? If it doesn't, why are we enacting this?

Again, still uncertain and rather skeptical over the amendment, Senator Durbin's line of questioning represents what he believes to be a pointless amendment. Feeling his skepticism, Senator Graham, not the amendments architect, Senator Inhofe, engages Durbin. Graham noted, “the language to me is intended to make sure that whatever service is provided in a language other than English, our Federal Government is not disturbed. If you want to disturb it, you would have to come back and do something else.”²³⁵ If nothing else becomes apparent at this point, three things should be noted. One, Senator Graham, as opposed to its chief architect, Senator Inhofe, is carrying this debate with Senator Durbin. Two, the language of this amendment, while supposedly written with precision, contains levels of ambiguity that invite skepticism, and three, the reasons given by proponents articulate a deeply seated paranoia over Latino

immigration, a paranoia they believed can be overcome through the federal enacting of an Anglo racial order.

Before Senator Specter motioned to proceed, a procedural move that would ultimately end the debate, Senator Graham sought to offer the final word in favor of the Inhofe amendment. Responding to Senator Durbin's overall objection to this amendment along with his question of intent, Senator Graham provided his definition of what it means to be "American," which, like proponents before him, articulated anxieties tantamount to the affirmation of an Anglo racial order. We have gone through great debate in this country, observes Senator Graham, which is long overdue. "What does it mean to be American? And what role unites us and what divides us?" Later adding, he believes Congress must do two things, one being to continue providing services in languages other than English, however, his final point speaks more toward assimilating Latinos.

In his response to Senator Durbin's skepticism, Senator Graham, like proponents of the Immigration and Nationality Act of 1952, sought to avoid explicitly racist language and err on the side of classical sociological models of rigid "one-way" assimilation. In Senator Graham's words:

As we debate how to assimilate 11 million people, we need to it clear that it is the policy of our Government not to change the law but is the goal of our Government to enhance our common language, English. To me, that is a good thing to say because when the demonstrations are in the streets with Mexican flags. . . I am not going to sit on the sidelines and watch demonstrations that

destroy national unity. . . I want individuals who are here and undocumented to be documented by taking civics classes and taking an English proficiency exam.²³⁶

Senator Graham, akin in some ways to James Aune's observation that proponents of the Immigration and Nationality Act of 1952 sought "to avoid explicitly racist language in favor of a seemingly more neutral sociological language of assimilation," argued in defense of "uniting" the nation around one language and one culture.²³⁷ As opposed to Senator Durbin's reading of national identity inasmuch as Latinos having their own cultural heritage to be proud of, Senator Graham follows in thought with Samuel Huntington, Senator Jim Inhofe, President George W. Bush and other proponents paranoia over Latino immigration and the perceived need to legislative their presence.

Senator Graham's response to Senator Durbin, if nothing else, is intertwined with a belief that Latino immigration introduces a policy problem that must be resolved for the sake of "national unity" through the legislation of an institutional racial order that speaks to Anglo anxieties. Assuming that national unity has ever been achieved in America or that the English language is capable of "bringing us together," proponents gave credence to two beliefs. First, proponents placed their belief in the utility of an Anglo racial order while secondly, affirming Desmond King and Rogers Smith conviction that "no American racial 'project' has gone far without aid from some such institutions,"²³⁸ as this Senatorial debate represents, a racial project guised under the theme of national unity.

One month following this debate and its 62-35 passage, largely along party lines, Senator Inhofe authored an op-ed article in the *USA Today* entitled, “Our Language Unites Us.” As an amendment labeled “racist” by some, Senator Inhofe vigorously defended his efforts through the repeated theme of unifying “America.” The passage of his amendment, according to Inhofe’s opening line, is “to our nation's great credit and advantage, we have advanced English worldwide. It is the official language of 51 nations and 27 states in the USA.”²³⁹ By reciting the same Zogby polling data as he did on the Senate floor, although, during the floor debate he cited that 77% of Latinos support this measure, whereas his article notes 71%, Inhofe situated his amendment and actions as fulfilling the desires of the “American” people. At face value, Inhofe’s article appears to mirror the arrangement and style of his Senate remarks; however, Inhofe departed from his talking points and took aim at his political adversaries.

As impeters of progress, Inhofe extended his previous Senatorial argument with the addition of caustic partisan politics. Occupying the antithetical role of “divider,” Inhofe took aim at his adversaries, arguing:

In the same way the Pledge of Allegiance and the National Anthem bring this nation together, English is something we share and should promote. Yet Senate liberals voted against English as our national language and against the will of our constituents. Instead, they kowtowed to radical leftist groups, such as the National Council of La Raza.²⁴⁰

As opposed to Senate liberals, who in this case served as the nation’s “dividers in chief,” refuse to recognize not only the desire of the “American” people but also the unifying

role the English language serves. For Inhofe, as Vanessa Beasley illustrates, “if the American people are ultimately united by a certain set of beliefs, it would obviously be important to know more about what these beliefs are.”²⁴¹ For Inhofe, these shared beliefs, values and attitudes that bind “us” together as a nation, reflect what Gunnar Myrdal refers to as an “American Creed.”²⁴² This unifying value system informs us of who and what is and is not “American,” where for Inhofe, radical left-wing groups such as La Raza, and those they serve, threaten this value system by not allowing “us” to say “we” in English.

Framed by Inhofe as “multilingual entitlements,” government services offered in languages other than English “distress American unity” by violating our shared “American Creed.” The promotion of and catering to multilingual services provides no impetus for Latino immigrants to become “American.” These divisive services, sponsored by Senate liberals, radical left-wing groups and others, as the claim goes, only delays national unity. However, thanks to Senate Republicans, Inhofe argued, “the message is loud and clear: Unite America behind our proud national language, help new immigrants advance by learning it and save taxpayer dollars by making English the national language.”²⁴³ Senator Inhofe, akin to his remarks on the Senate floor, continued to support the erroneous claim that Latino immigrants do not know/speak English whereas to “enhance the role of English in America” harbors similar Anglo anxiety sentiments regarding immigration as found throughout the Progressive Era and more recently, the remarks of Senator Lindsey Graham.

Although Inhofe's op-ed article is carefully worded not to reflect or capture the level of paranoia in his Senate remarks, the belief in a superior system of beliefs, group of people and linguistic order are still present. Because Inhofe's Senatorial remarks were a crucial component for securing the needed votes for the amendments passages, his op-ed article was made ready available for public consumption, reaching not only his constituents, but those "Americans" who believe in the role that English plays in America and believes Latino immigrants must learn and speak it. Make no mistake; both the Senate debate and Inhofe's op-ed article represent critical moments in the English-only movement. These episodes were about more than "enhancing the role of English," these debates illustrated the rhetorical strategies proponents undertook to define and link national identity with the utility of an Anglo racial order, because of America's Latino policy problem.

Conclusion

The crafting of national identity amidst the larger debate over comprehensive immigration reform paved the way for the Inhofe amendment. Concerned with the changing racial and linguistic demographics of Latino immigrants, this debate represented the anxieties present within proponents whose overwhelming paranoia became articulated under the guise of national unity and assimilation. In many ways, Nathan Glazer says it best, "everyone can be an American; but some people, it seems, can be better Americans than others, and they have been defined through most of our history by race, religion, or ethnicity."²⁴⁴ For proponents, whether you entered the country legally or not, to be "American" embodies not only a national pledge of

allegiance to “our” founding principles, fathers and documents along with speaking English, but also in their framing of who “we” are as “Americans,” immigrants must understand assimilation. Grown out of Anglo fears about Mexican immigration and its perceived threats to the United States, Latinos must not only assimilate, but do so in a manner that understands and respects the Anglo racial order articulated throughout this debate.

Speaking in response to the supposed problem of Latino immigration the Inhofe amendment seeks to resolve, to be “American” meant more than just linguistic homogeneity. While speaking to nature of Latino politics witnessed throughout 2006, Leroy Dorsey reminds us that, “matters of race, ethnicity, and identity in American society are often at the forefront of national and international discussions,” particularly regarding “conflicting concerns about the meaning of national identity.”²⁴⁵ Within this framing of who “we” are and who “we” are not, Raymond Tatalovich views the overall efforts to establish English as the national language as racism “conceptualized by the majority toward a minority,” whereas “fear of racial minorities by the majority inevitably will extend to political elites,” as this debate illustrates.²⁴⁶

The possibility of cultural coexistence can only materialize if political efforts are taken to “Americanize” Latino immigrants in accordance with an Anglo racial order thesis that evaluates, ranks and upholds cultural and linguistic “norms” in accordance with an elite Anglo hierarchy. This framing of national identity and ultimately the privileging of an Anglo racial order mirrors attempts found throughout American history. Previous attempts at “Americanizing” immigrants during the Progressive Era for

instance, typify such instances. Noting the efforts made in large cities during this time, James Andrews reminds us of “settlement workers like Jane Addams and Lillian Walk [who] spearheaded efforts to teach newcomers the ways of American culture through civics lessons and English-language instruction,” identical in spirit and scope of what Senator Lindsey Graham and other proponents wish to reproduce.²⁴⁷

Policy efforts toward disciplining the “foreigner” have illustrated the affirmation of a hierarchical Anglo racial order. Akin to how the Great Chain of Being classifies those from “least desirable” and up, this debate illustrates its modern evolution regarding Latino national identity and efforts to legislate English as the national language.²⁴⁸

CHAPTER V

FOR OUR BORDERS, FOR OUR CULTURE, FOR OUR FUTURE:

TOM TANCREDO FOR AMERICA

Removed from the confines of the Senate chambers, this chapter explores the rhetorical contributions to the English-only movement from one of the nation's most outspoken supporters of limited immigration and a federally declared national language amendment, Tom Tancredo. His construction of immigration and subsequently English as the national language as policy problems became largely embraced by not only his own constituents but various regional and national blocs of conservative voters, whereas his policy problems became their policy problems.

The grandson of Italian immigrants, Thomas Tancredo was born and raised in Denver Colorado. A graduate of the University of Northern Colorado, Tancredo began his political career at a young age. First by serving as a member of the Colorado state legislature from 1976-1981, then appointed by President Ronald Reagan and reappointed by President George H.W. Bush as Secretary of Education Regional Representative from 1981-1992 before his election to the one hundred sixth Congress in 1999. Upon his arrival to the House of Representatives, Tancredo was instrumental in the founding of the House Immigration Reform Caucus (IRC), becoming their first Chairman. Initially, a self-described caucus advocating "limited and controlled immigration," the focus of the IRC has changed over the years as the immigration issue itself has evolved. Although the IRC boasts about its bipartisan membership, of its ninety-six members, six are self-

identified members of the House Blue Dog coalition, whereas its largest membership cluster comes from the state of Texas, providing fourteen members.

Following his initial election to Congress in 1999, Tancredo enjoyed reelection to the four succeeding Congresses thereafter until his unsuccessful 2008 bid for the Republican presidential nomination, more on this later. Tancredo represented the sixth Congressional district (CD) of Colorado, an area encompassing southern portions of the Denver-Aurora Metropolitan area, including the cities of Littleton (location of Columbine high school) Highlands Ranch, Southglenn and Centennial. This district, according to *Congressional Quarterly*, has the state's largest white-collar workforce, highest median income and largest percentage of residents with at least a bachelor's degree, shaped largely by the corporate headquarters of employers Lockheed Martin and First Data.

Tancredo represented a district known for its strong GOP ties, oftentimes referred to as a "safe seat" for Republicans. According to the 2000 census, Tancredo's district comprised of 614,466 residents with a median household income of \$73, 393, whereas 88% identified as non-Hispanic White, 2% African American, 6% Hispanic and 8.4% of his constituents spoke a language other than English.²⁴⁹ In 2000 for example, George W. Bush secured 62% of the districts vote and in 60% in 2004. During his time in the House, Tancredo's constituents were pleased with his limited and controlled immigration stance, even when it led to vocally opposing President Bush and Karl Rove over amnesty. Tancredo's anti-amnesty stance against President Bush soared Tancredo into the national spotlight, a place he has yet to fall.

On the issues, Tancredo's voting record was both loved and hated. Tancredo's record received praise by many of his Colorado constituents along with many fiscal and social conservatives nationwide. On issues that mattered to social conservatives, such as opposition to same-sex marriage, Tancredo joined his Colorado colleague, (R) Marilyn Musgrave and supported the failed 2006 Marriage Protection amendment, a measure that sought to constitutionally define marriage between one man and one woman.²⁵⁰ On another failed amendment offered by Musgrave, this time to add a constitutional amendment banning same-sex marriage, Tancredo voted yes.²⁵¹ Regarding the failed Employment Non-Discrimination Act of 2007, an amendment to "prohibit employment discrimination on the basis of sexual orientation," sponsored by Massachusetts Democratic Congressman Barney Frank, Tancredo voted no.²⁵² On H.R. 2527, an amendment introduced by Oklahoma Republican Congressman Steve Largent to ban adoptions in Washington D.C. by gay or other individuals not related by blood or marriage, Tancredo voted yes. For many of those he represented and for some he did not, his voting record reflected staunch social conservative values they cherished.

On the other hand, those who did not admire Tancredo's record were largely associated with civil rights organizations. In 2002 for instance, the American Civil Liberties Union assigned scores to members of Congress who best represented the organizations preferred position by voting yea or nay on related resolutions. According to their 2002 Congressional scorecard, Tancredo scored a 7%, reflected by not only his aforementioned votes, but also many others.²⁵³ For example, Tancredo voted against a 2002 agriculture bill that sought to grant food stamps for immigrant children and persons

with disabilities, refugees and legal permanent residents who have lived in the United States for five years or have met certain work requirements. A 2006 Human Rights Campaign scored Tancredo at 0% for his voting record on issues pertaining to gay, lesbian, bisexual and transgender people.²⁵⁴

Although a lightning rod of controversy for many left-leaning and centrist voters, Tancredo is nonetheless a beacon of admiration for many fiscal and socially conservative Republicans. As 2006 bore witness to much unrest over the state of immigration in America, along with efforts to legislate English as the national language, the nation turned to Congress for reform. Responding to the call, Tancredo, like many Senate proponents of the Inhofe amendment, offered his solution for a nation “in mortal danger” at the hands of an unrefined immigration policy and no national language.

A Nation in Mortal Danger

Following the numerous protests in opposition to HR 4477, the “Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005,” for which Tancredo both voted for, and simultaneously introduced and later withdrew an amendment,²⁵⁵ he authored the book, *In Mortal Danger: The Battle for America’s Border and Security*. Written in response to a nation engulfed in debate over immigration reform, degrees of assimilation, Latino national identity, and the declaration of a national language, Tancredo offered his policy solution to save “America” from mortal danger.

From the outset, Tancredo mixed no words; there is only one way for new immigrants to become “American,” he argues, “I want immigrants seeking that

citizenship to assimilate and sever their ties to their countries of origin. . . . Perhaps even more audaciously, I want to do what I can to defend the West in the clash of civilizations that threatens humanity with a return to the dark ages.”²⁵⁶ Following the repeated theme of “securing,” “uniting against,” and “defending,” Tancredo gives further credence to an alienizing rhetoric that continues to operate in essentialist terms. Such rhetoric is best explained by Mark Lawrence McPhail, who notes, “the socio-political realities of negative difference are products of a language defined in essentialist terms,” whereas Tancredo, like President Bush, Senators Inhofe, Graham and Kyl, employ to define “America.”²⁵⁷ This rhetorical task of nation-building, as Tancredo seeks to do, takes aim at shaping collective attitudes toward who is and who is not “American,” along with defining what values must be adopted to become “American.”

In order to “defend” the nation from further attacks at the hand of one of its most lingering policy problems (Mexican immigration), limits must be imposed. Tancredo believes that society must impose more constraints around the path to citizenship for immigrants to assist them in becoming “Americans.” He writes, “today’s immigrants quickly become aware that there is no need to leave their old language or various attachments because they only cause they will be required to espouse is allegiance to the ideology of radical multiculturalism.”²⁵⁸ Tancredo’s sentiments over the process of becoming “American” reveal at least two threads. First, Tancredo’s remarks ignore that many Native American tribes inhabited the United States prior to the arrival of European “immigrants,” questioning when and according to whom did the nation progress out of the “dark ages” to become “America.” Secondly, what these remarks reveal speaks to

Robert Asen's view of citizenship, whereas it is "always conditioned by social status, relations to power, institutional factors, and material constraints; as such, citizenship enactment necessarily involves hegemonic struggles over the very meaning of the term citizen."²⁵⁹ Tancredo's framing of "American" is predicated upon not only social status and relations to power, but it also thrives from the belief in one-way acculturation, that is, like some sociological models of assimilation, immigrants must conform unconditionally when immigrating to a new land and culture.²⁶⁰

The policy problem that places the nation "in mortal danger," according to Tancredo, derives from south of the border. Today, many Republican lawmakers, like those featured here, "blame America's problems on an alien invasion and propose a definition of nationality along racial and ethnic lines" to answer the age old question posed by Hector St. John Crevecoeur, "what then is the American, this new man?"²⁶¹ As opposed to answering Crevecoeur's question directly, Tancredo instead decides to describe what he believes to be the identity problem of Mexican immigrants. As Tancredo views it:

Too many new immigrants continue to be loyal to their native countries. They desire to maintain their own language, customs and culture; yet they seek to exploit the success of America while giving back as little as possible in return.²⁶²

Again, without evidence to support his claim of Mexican fragmentation, Anglo paranoia exists as Tancredo's proof to a frequently reappearing, yet invalid claim. Under Tancredo's guise of "new immigrants" exist a typology that Marouf Hasian Jr. and Fernando Delgado argue, "becomes a signifier meaning Mexican (collapsing distinctions

among Mexicans, Mexican Americans, Latinos) in a stereotypical manner similar to the social construction of the welfare mother as African American female.”²⁶³ By collapsing these distinctions, the mortal danger that faces the nation becomes intertwined with race, culture, and a framing of national identity wrapped in essentialist rhetoric.

The desired outcome of “American” assimilation, the only way new immigrants can become “American,” continues to suffer at the hands of the nation’s “cult of multiculturalism.” This “cult,” explains Tancredo, teaches our children and new immigrants “anti-American” sentiments that “degrades and debases our uniquely American culture as well as Western civilization in general. It teaches our children that there is no value to who we are and what our country has accomplished,” as a result, this encourages new immigrants to retain their previous nation’s allegiance and language.²⁶⁴ Tancredo’s overall belief that immigrants refuse to assimilate; therefore depriving the nation of cultural, linguistic and political unity is a claim that seen much usage regarding nearly every new group of immigrants. For instance, this repeated theme was upheld regarding Chinese exclusion in the 1884 case, *Chew Heong v. United States*. This case involved a Chinese laborer who resided in the United States in 1880, left the country in 1881 and was denied reentry in 1884 because he did not possess a certain certificate, challenged the constitutionality of what he believed to be an anti-Chinese statute. Although Justice John Harlan ultimately led the Court’s reversal to Justice Stephen Field’s decision, Field argued that the Chinese, “have remained among us a separate people, retaining their original peculiarities of dress, manners, habits, and modes of living, which are as marked as their complexion and language.”²⁶⁵ Like the sentiments

expressed by Tancredo, Justice Field's opinion was steeped in an essentialist notion that "these people" are not "American" on account of their refusal and/or failure to become "Americans." The supposed policy problem that "foreigners" represent oftentimes exists at the intersection of language and national identity, as Tancredo and others continue to draw our attention toward.

To be or become "American" is to reject the cult of multiculturalism that is responsible for "destroying our roots." Through Tancredo's eyes, multiculturalism is divisive and is tearing "America" apart; however, this can be remedied with the passage of firm immigration restrictions along with the teaching and practicing of a common culture and language. Speaking to this, Tancredo argues:

English is America's native tongue and always has been, but the cult's influence over our politicians and national policies has led to our essentially telling millions of immigrants and first-generation Americans that they *shouldn't* learn English. Instead, we will teach their children in their native tongue.²⁶⁶

Again, to say that English is "America's" native tongue denies the cultural and linguistic contributions of our nations native inhabitants and replaces this history with one that privileges Anglo hierarchy and articulates sentiments of the existence of a superior status, one that explicitly seeks to marginalize "non-Americans."²⁶⁷ Here, Latino immigrants become suspects of interest due to their supposed refusal to become "Americans" whereas a result, immigration restrictions must be imposed.

Contemporary immigration, particularly regarding those from Mexico, pose the greatest challenge to "American" identity. Following in succession with Samuel

Huntington, Tancredo believes the “concept of multiculturalism” does not promote the same values and ideas embraced by “American heroes” like Thomas Jefferson, Abraham Lincoln, George Washington and John Adams. The problem with multiculturalism, argues Tancredo, is that it “doesn’t advocate assimilation of American culture. . . rather it is a movement to supplant American traditions and customs with non-American traditions and customs because, we are told our traditions and customs are selfish, egocentric, and exclusive. That’s just rubbish!”²⁶⁸ Here, assimilating to “American” culture requires Latinos to embrace an un-learning process, where the supposed result is full “American” incorporation. Tancredo’s brand of “Americanizing” embodies unique variables of diversity management concerned with questions of how much is too much diversity along with identifying both “good” and “bad” diversity. In this light, proponents like Tancredo, Senators Inhofe and Graham, argues Amardo Rodriguez, assume the belief “that without proper mechanisms any society can have too much diversity or even foster the wrong type of diversity. As such, the focus is on diversity management.”²⁶⁹ Simply put, diversity uncontained threatens to deter “American” prosperity and upward mobility.

Tancredo’s argument in many ways thrives upon defining and articulating precisely what is required, whether it be language, degrees of assimilation or otherwise, to become an “American.” From his description, Tancredo constructs Mexican immigrants in opposition to how he views and defines “Americans,” casting Mexican immigrants as society’s outliers. Tancredo’s belief in a “American” culture and persistence that “new immigrants” must embrace these values and traditions advances a

“fully developed racist ideology. . . as the explanation for the boundaries of nationality,” writes Eric Foner.²⁷⁰ Writing on similar ideological underpinnings embraced by proponents of California’s Proposition 187, Kent Ono and John Sloop trace arguments, like Tancredo’s, to a body of identity politics steeped in Anglo paranoia leading immigrants to become “them” and nativist to become “us.” As Ono and Sloop explain:

Because of the importance of Anglo-Saxon Protestantism in the early definition of the United States as a nation-state, immigration of non-Anglos and non-Protestants was very often seen as a threat to a coherent nation-state identity, the destabilization of what makes “America” ‘America.’”²⁷¹

This “non-American” policy threat, articulated through the legislative stances that affirm immigration restriction and an insistence upon mandating English as the national language speaks directly to the degree of nativism upheld by Tancredo and discussed by Ono and Sloop. The policy threat that places the nation “in mortal danger” is among us and will continue to infiltrate and divide “America” unless political actions are immediately taken, so goes Tancredo’s argument.

Not only does Tancredo sound the alarm, he also provides “steps for reform,” his prescription for a nation sickened by multiculturalism. His policy solution incorporates not only limited immigration, but also a process of subtractive one-way acculturation that takes immigrants from the status of “them” to “us.” For the sake of keeping the nation united through the promotion of cultural and linguistic un-learning, Tancredo’s “steps for reform,” while largely ambiguous, instructs his followers to uphold their

proud “American” culture and values and spread them to our nation’s newcomers. If “America” is not to return to the “dark ages,” “American” principles of citizenship must return.

The losing of “our” national identity and “American” principles of citizenship requires specific steps to rectify the continual downward spiral that engulfs the nation. Although, nations, as Mary Stuckey reminds us, “are, in fact, brought about by specific sorts of political and rhetorical actions,” Tancredo’s common topics and policy trajectory constructs a nation where subtractive one-way acculturation for immigrants is the final process of becoming “American.”²⁷² To this end, Tancredo offers his solutions toward “restoring the meaning of citizenship” and “reforming legal immigration.” First, for restoring the meaning of citizenship, Tancredo offers these solutions:

- End birthright citizenship for illegal aliens
- Eliminate dual citizenship
- Make English the national language
- Write the oath of citizenship into law
- Strengthen safeguards against voter fraud²⁷³

Tancredo’s policy solution for restoring the meaning of citizenship reflects a larger platform advocated by the House Immigration Reform Caucus. These solutions, which ran counter to the desires of the Bush Administration, took a singular articulation to the meaning of “American” citizen, one that only has room for one nation, one flag and one culture. “Americans” are those who quite literally pledge allegiance to one nation, under one God, with English as the national language. There is no room for cultural heterogeneity, as Tancredo believes; because this is precisely the problem multiculturalism continues to sicken “America” with.

The policy steps needed to secure our borders, protect our culture, and preserve our language begin with upholding “our” national identity. For Tancredo, “we” must commit to “reaffirm[ing] the principles of citizenship of American identity if we are to survive as a free people in the twenty first century.” The rhetorical portrayal of Latino immigrants as enemies of “American” progress “is a fundamental logic of national identity,” as Lisa Lowe argues.²⁷⁴ As enemies of “American” progress, not only does Tancredo rely on this rhetorical divide to solidify his “American” base against the mortal danger posed by new Latino immigrants, but as Kent Ono and John Sloop argue, this rhetorical divide is “needed to explain existing political, economic, or social problems.”²⁷⁵ Here, Tancredo frames new Latino immigrants as sole contributors to the nation’s political, cultural, linguistic, and without ending temporary worker visas (H-1B), economic problems as well.

Aside from his 1999 founding of the House Immigration Reform Caucus, which began his political branding, Tancredo’s 2006 book received recognition and support from such groups as the Federation for American Immigration Reform (FAIR), a right-wing group that by some accounts blurs the distinction between nativists and political action committee. This book began the political branding of Tom Tancredo that would only intensify over the years, particularly during and after his failed 2008 GOP bid for Presidential nominee.

Representing his second national attempt toward galvanizing his base and extending his conservative appeal in preparation for his 2008 Republican nomination for President, Tancredo previews his policy platform before officially filing his 2008 bid.

The policy problems introduced in his book would remain consistent over time, staying true to his initial political branding. As Tancredo began to gain national attention for his policy stances, particularly on immigration, his political base began to expand as well, attracting voters from outside his Congressional district and outside the state of Colorado. The rise of Tancredo's appeal is best captured from 2008 onward. His 2008 *Washington Times* op-ed, "Speak English: What's Good for Golf, Should be Good for U.S.," marked his second attempt at defining the nation's policy problem by means of language and Mexican immigration, while also extending his political reach to a rising number of extremist groups in America, as first reported by the Southern Poverty Law Center.

Speak English: It's Good for America

On defining who we are as a nation, it was Edward Countryman who said it best, "with the exception of ancient Israel, no people have argued more than Americans about the terms of their own existence. No other people at all have made the argument a major reason for their being. The quarrel begins with the contradiction between what Jefferson wrote and the continuing realities of American life."²⁷⁶ Of great salience to this conversation, especially pertaining to the policy platform Tancredo adopted for his GOP bid for president, includes his legislative efforts toward "preserving and enhancing the role of English" in America. This supposed policy problem, presented in an "us vs. them" fashion, aptly illustrates Ayo Bamgbose's description of an exclusionary political sentiment that "has always had a way of making distinctions between groups, sometimes purely for classifying, but also as a way of determining participation and exclusion."²⁷⁷

For Tancredo, this type of classification is critical not only for shaping his cornerstone policy problems, but also for the shaping of his presidential platform.

One rhetorical relationship that receives much pairing throughout Tancredo's argument revolves around the relationship between naming and negativity, that is, how certain populations, such as Latino immigrants, have suffered from the rhetorical power of its force. Kenneth Burke for example, addresses this pairing well, acknowledging that, human beings are the creators of the negative, whereas negativity does not exist in nature unless named and defined as such by humans.²⁷⁸ The negative labels we create to define others, seeks not only to justify our place and existence in society, yet these negative labels, argues Haig Bosmajian, "we attach to people and groups have effects on their identities and perhaps their survival."²⁷⁹ One possible objective within the rhetorical construction of negativity, especially within the confines of defining national identity is exclusivity, simply put, not everyone possesses the characteristics or qualifications to be considered a part of our community, whereas a result, limits must be imposed. Along the lines of linguistic restrictions and community/nation formation, "our dominant view of language shows a consciousness that accepts distrust, selfishness, suspicion, fear, and aggression as natural attributes of human relations," drawn upon a "worldview that tells us that race, ethnicity, gender, and other such differences explain the origin of hierarchy," posits Amardo Rodriguez.²⁸⁰ Tancredo seizes this worldview of suspicion and distrust as justification toward his English-only platform.

Discussing the Ladies Professional Golf Association (LPGA) announcement requiring all tour players, beginning in 2009, to pass an oral English exam, Tancredo

believes this requirement makes “perfect sense,” adding, “what’s good for golf should be good for [the] U.S.” Tancredo believes the spirit of the LPGA’s new “common sense” rule only adds to the argument that English, if “persevered and enhanced,” is “good” for the nation because it represents what defines and ultimately unites us as “Americans.”

The LPGA, writes Tancredo:

Is evidently not going to enter the ‘press one for English and press two for xyz’ ballgame. English will be the official language of women’s professional golf played in the United States. This leads me to wonder. If English is good enough for the LPGA, why is it not good enough for the USA? Why can’t it be the official language for applying for a driver’s license at the DMV or applying for veterans’ benefits or food stamps? Why can’t such simple logic be applied to our court system?²⁸¹

Through Tancredo’s eyes, the problem of not declaring an official language has caught the attention of the LPGA, whereas in the interest of unifying their organization, English prevailed as the chosen language of unity. No longer will tour players have the luxury of translators and other language aides, if they are unable to speak English, no longer will they be allowed into the LPGA community, which is the same sentiment Tancredo wishes to see federally adopted.

Language is key in shaping and reshaping national allegiance and overall success of immigrants, according to Tancredo.²⁸² “If you want to advance in this world, learn English. This is the same message the federal government should be sending to immigrants. . . instead, under the pressure from ‘immigrant rights’ organizations and

the Congressional Hispanic Caucus, government agencies bend over backward to make it easy for immigrants to avoid learning English,” Tancredo argues.²⁸³ Without evidence to suggest Latino immigrants do not speak or refuse to learn English, Tancredo captures a growing number of Americans who believe their welfare is threatened by a growing number of Latino immigrants who will “take” their jobs, who pay no taxes and speak no English. Tancredo’s persistence upon securing a policy solution that is linguistically subtractive in nature, thrives from the fear “that parts of the United States may effectively become bilingual. . . with Spanish attaining virtual parity with English.”²⁸⁴ This fear and distrust of Latino immigrants allows Tancredo to identity with and attract a growing of immigration reform/English-only advocates who believe in restricting the number of immigrants, building a fence along America’s southern border and federally declaring English as the national language.

Language is central to the proliferation of culture, speaking ones native tongue greatly contributes to the strengthening or weakening of many aspects of ethnic culture, however no evidence suggest that speaking ones native tongue diminishes any allegiances toward their host country. Nonetheless, according to Tancredo and others, English is what defines and unites us as “Americans,” whereas bilingualism is “divisive” and represents a failure in assimilation. Speaking about the 2008 Republican presidential primary race, Tancredo remarks:

In 2008, even the Republican Party surrendered to the illusion of bilingualism by endorsing a presidential primary debate broadcast in Spanish from the University of Miami in Florida. Since all new citizens must pass an English-language exam,

why do we think there are Hispanics voters who do not know enough English to follow a presidential debate? Why would we want to encourage new voters not to learn English? In Europe today, more than 20 languages are spoken in the countries of the European Union. Can you guess which is the default language used in business when there are no translators available? It is English. . . . We can only wish that ‘immigrant rights’ groups would show as much wisdom and stop obstructing immigrants’ economic progress by opposing English only policies.²⁸⁵

According to Tancredo, the continual failure to anoint English as the national language and instead “surrendering” to bilingualism forces the nation to occupy a comprising cultural and linguistic position. This “illusion of bilingualism” or the refusal to conduct business in English only, “seems to some a threat to the hitherto unquestioned hegemony of the English language and the American culture that is embedded in it” notes Richard Alba and Victor Nee.²⁸⁶ For America to guard itself against the mortal danger of Latino immigration and the Spanish language, the nation must defend, preserve and enhance the role of English through federal efforts, however, bilingual accommodations, such as those made during the 2008 University of Miami presidential primary debate, only hamper such unifying efforts. Simply put, “Americans” speak English and nothing else.

For the sake of national identity and unification, Tancredo takes aim at a comment made by President Barack Obama regarding immigration and the English-only debate. In condemning President Obama, Tancredo writes, “Barack Obama remarked that Americans should not worry about whether immigrants are learning English, they

should be sure their children are learning Spanish. Wrong, and bad advice for both.”²⁸⁷

As Tancredo continues to advocate for “America-only” values and policies, how he constructs “American” national identity resembles earlier efforts by President Bush along with other Republicans from both chambers of Congress. Speaking Spanish in a nation “settled” by European “immigrants” runs counter to “our” founding values believes Tancredo, despite the visibility of German and other languages during the writing of America’s Constitution.

Unlike House and Senate proponents, who are guided largely by the concerns of their constituency, which does not afford them the time to continuously pursue one or two issues, Tancredo’s case is different. Afforded the luxury of previously serving in the House of Representatives, Tancredo is well familiar with establishing talking points and galvanizing a political base, this time, Tancredo has no formal constituency to answer to, affording him with the time and energy to pursue his landmark platform. Tancredo’s efforts to define and articulate Spanish and inevitably Latinos as America’s menacing policy problem threatening “our” unity, has attracted the attention of many voters, namely those associated with the growing number of right-wing extreme groups, along with the rapidly-growing Tea Party. His keynote address at the National Tea Party Convention in Nashville, Tennessee, speaking to a seemingly ever-growing political base, Tancredo continued to define Mexican immigration and the absence of a national language as policy problems in much need of solutions. Again, beholden to no formal constituency, yet growing more popular among many right-wing voters, Tancredo was an obvious choice to address this tea party crowd.

America's Unsweetened Tea Party

As one of the fastest- growing political movements in the nation, the American Tea Party continues to attract once self-identified conservative Republicans to their “leaderless,” “grass roots” movement. The Tea Party takes its name from the 1773 demonstration in Boston where tea was thrown into the Boston Harbor protesting “taxation without representation,” whereas in some contemporary circles, “taxed enough already” exists as the new battle cry. Once party-line conservative Republican voters, members of the modern day Tea Party stand united against “big government” and “over-taxation,” experiencing tremendous membership boost following the election of the nation’s first African-American president, the passage of the 2010 economic stimulus package along with health care reform. With rally cries insistent upon “taking back our country,” a rather identical battle cry of the “White Power” movement of the Klu Klux Klan, those associated with the Tea-Party, especially those elected officials, have drawn the interest of national and international media, as this anti-establishment movement continues to gain momentum.

Those who identify themselves with the Tea Party represent in many ways, a select homogeneous group. According to a 2010 New York Times/CBS News poll, of the eighteen percent of Americans who identify with the Tea Party, they primarily support Republican candidates, are white, male, married and over forty-five. Tea Party members are more likely to describe themselves as “angry,” more than half believe the policies of the Obama Administration favor the poor, while twenty-five percent believe the administration’s policies favor African Americans. More than ninety-percent believe

the country is headed in the “wrong direction,” ninety-two percent believe President Obama is moving the country toward socialism, and list their three main areas of concern as: health care reform, government spending, and the belief that their voices are not being represented in Washington. One Tea Party supporter, speaking about President Obama, noted, “he’s a socialist. And to tell you the truth, I think he’s a Muslim and trying to head us in that direction, I don’t care what he says.”²⁸⁸ Comments like this typify the beliefs of most Tea-Party followers.

As a self-described conservative “grassroots” movement, the Tea Party prides itself by having no particular spokespersons for their cause. However, this has not restricted the support from various elected official, both active and those no longer in office. Of these lawmakers include former 2008 GOP Vice Presidential running mate and former Alaska Governor, Sarah Palin, House Republican Speaker of the House, John Boehner of Ohio, House Republican Majority Leader, Eric Cantor of Virginia along with House Republican, Michele Bachmann of Minnesota.

Held at the exclusive Gaylord resort in Nashville, the three day five hundred forty-nine dollar admission ticket, excluding the cost of transportation and lodging, came under criticism by some members of the movement, arguing that such a steep price excluded many of its own members from attending. Of the estimated six hundred supporters who could afford to attend, Tom Tancredo greeted them as their opening day speaker. Knowing that many Tea Party supporters held common concerns over immigration reform and declaring English as the national language, Tancredo was an obvious choice and one who did not disappoint those in attendance. Continuing to speak

about what he frames as the “cult of multiculturalism” that has our nation in duress, Tancredo advanced this line of argumentation with the added threat of socialism he believes has invaded the White House. In a remark targeting Mexican immigration and English-only laws, Tancredo remarked that voters of President Obama “could not even spell the word ‘vote’ or say it in English and they put a committed socialist ideologue in the White House- Barack Hussein Obama,” followed by, “English is our language. We are Americans. We’re not Hispanic-Americans, or African Americans- we are Americans.” His commitment against amnesty, against unrestricted immigration and against bilingualism, became more focused throughout his rather short, four-minute address.²⁸⁹

Although Tancredo’s address did not solely focus upon restricted immigration and English-only, the remarks he made in this area drew much attention and controversy, a pairing that Tancredo is all too familiar with. To illustrate his disgust in the election of President Obama, Tancredo contends that because “we do not have a civics literacy test before people can vote in this country” Barack Obama was elected President. It was this remark that drew the most controversy because such methods were precisely the tactics southern segregationists executed to prevent African Americans from voting before the passage of the Voting Rights Act of 1965, a historical allusion that was either not immediately recognized or simply disregarded by supporters who greeted Tancredo’s policy solution with applause and laughter. Tancredo’s remark only illustrates mounting concerns raised by the Southern Poverty Law Centers Mark Potok, who writes, “although the tea party and similar nascent groups are not fairly described as extremist,

they are laced with extreme-right ideas, conspiracy theories and racism.”²⁹⁰ Nonetheless, despite his openly xenophobic worldview, Tancredo received thunderous applause and cheers as he once again, linked the nation’s policy problems with immigration, no official language and new to his arsenal, the election of a “socialist” president.

The demographic remaking of the American landscape occupies a critical point of concern for Tancredo. Whether this concern be forwardly expressed in his remarks made before the Tea Party, or those uttered previously, the prospect of the predicted loss of a white majority in the year 2050 along with the consequences that came with the election of the nation’s first African American president are all problems that can be solved, if acted upon now. Best captured by Tancredo himself, he urges this Tea Party crowd, “this is our country, let’s take it back. Cultures are not the same, some are better. Ours is best!” In what appears to be a dog whistle tactic, that is, speaking in such a fashion that only certain populations hear the message, Tancredo calls upon the nearly, if not all white conservative crowd to resist the “cult of multiculturalism,” and defend “their” culture and values amidst the rising “brown tide” that is coming south of the border.

Speaking to a crowd that exhibits what Richard Hofstadter’s defined as a “paranoid style of American politics,” Tancredo gave his best rallying cry to an “angry” and overtly paranoid crowd looking for marching orders. The recent developments within the Tea Party such as their accusations of a socialist presidential agenda, the destruction and disregard of the Constitution by members of Congress, the belief held by some that President Obama is not an American citizen, amongst other claims, aptly fit

the build of Hofstadter's paranoid style. In Hofstadter's words, "I call it the paranoid style because no other word adequately evokes the sense of heated exaggeration, suspiciousness, and conspiratorial fantasy that I have in mind."²⁹¹ To repeat the phrase, "let's take back our country," while later adding, "we really do have a culture to pass on to our children: it's based on Judaeo-Christian values, whether they like or they don't," speaks well to this brand of paranoia. Out of the belief and fear that "our" culture, language, and founding principles are vanishing right before us, Tancredo's adopts a paranoid style with the goal of galvanizing supporters around his restrictive immigration and English-only policy solutions.

Following his Tea Party address, many questions swirled, of particular interest were those regarding his remarks on race and national identity. In an interview granted to David Usborne of London's, the *Independent*, Tancredo defended his remarks, arguing, his address had "nothing to do with colour or ethnicity or any of that crap," but "has everything to do with people coming to America and wanting to be American. . . . Under the cult of multiculturalism, we don't make them do that and that will have great implications."²⁹² Again, out of the belief that Anglo supremacy is on the verge of losing its footing, Tancredo urges the crowd to support his platform by electing candidates who best represent these values, especially following the recent election of Scott Brown to the Senate in the traditionally Democratic state of Massachusetts. Tancredo's brief, yet urgent call to Tea Party supporters to "put on your running shoes," embodies a key tenant within the paranoid style that "time is forever running out. Like religious millenarians, he expresses the anxiety of those who are living through the last days."²⁹³

Akin to an apocalyptic warning,²⁹⁴ Tancredo warns that if the current Administration continues down its “liberal” and “socialist” path, the downfall of “American” values and culture is inevitable. Tancredo’s belief that “his political passions are unselfish and patriotic, in fact, goes far to intensify his feeling of righteousness and his moral indignation,” as exhibited throughout his brief address.²⁹⁵

Although conspiratorial beliefs laced with bigotry and unsupported allegations of “government takeover” can best describe Tancredo’s remarks, his address however must not be disregarded because of these observations. While Tancredo’s remarks are troubling, his successful galvanizing of one the nation’s fastest growing political movements is nothing to ignore. In his aptly titled book, *Worst Case Scenarios*, legal scholar Cass Sunstein writes, “if people are outraged, above all because the incident is associated with an identifiable perpetrator, they will demand an especially strong response” from those like Tancredo, who mix no words toward identifying the mortal danger amongst us.²⁹⁶ This creation of suspicion toward nonmembers, as Sunstein writes in his book, *Going to Extremes*, can lead precisely to the degree of political extremism that continues to attract many followers toward both Tancredo and the Tea Party movement. In Sunstein’s words, “extremists are especially prone to polarization. When people start out at an extreme point and are placed in a group of like minded people, they are likely to go especially far in the direction toward which they started.”²⁹⁷ While the political future of Tancredo is unclear, his affiliation with the Tea Party will not fade, nor will the growing number of those who identify themselves with this movement. If nothing else, we can expect to see more of this paranoid style in the future, as both

Tancredo and the Tea Party continue to gain political momentum as a force that is not to be ignored.

Conclusion

From past to present, the rhetorical contributions from Tom Tancredo regarding a nation in duress continues to capture the imagination of many social and fiscal conservatives, though most recently with many minuteman militias and the growing Tea Party movement. Tancredo's writings have remained consistent in his framing of restricted immigration and subsequently a national language declaration as his policy problems since elected to Congress in 1999. Following his failed 2008 bid for the GOP Presidential nominee, Tancredo has managed to keep a steady presence on various local, regional and national media outlets. Furthermore, Tancredo co-founded Team America, a political action committee "dedicated to securing our nation's borders" as well as founding the Rocky Mountain Foundation, an organization Tancredo uses to disseminate his policy platform by means of both audio and video files.

By no means have we heard the last of Tom Tancredo and his brand of assimilation that advocates the decline of ethnic distinction by means of subtractive acculturation. Because assimilation is rarely forsaken, this subtractive process continues to thrive as both natural and necessary. Unlike the classic Chicago School definition of assimilation, which embodies a more open-ended approach toward the development of a common national existence, Tancredo sides with Sociologist Milton Gordon and others who view assimilation as a conforming process to *the* "dominant" culture. Phrases like "acculturation," "Americanization," and "melting pot," contribute to a shared worldview

that reaffirms assimilation as a societal necessity whereas a result, Senate English-only proponents and others proliferate a shallow worldview of cultural diversity that defines, privileges and prescribes what is “correct,” or in this case, “American,” ultimately seeking to eradicate behaviors that fall outside the boundaries of “American.”

Through Tancredo’s eyes, achieving subtractive assimilation amounts to societal union. What remains problematic throughout Tancredo’s rationale, along with other English-only proponents, exist in and around how we arrive at defining and “modifying” those who do not fit the desired build of “American,” after all, for assimilation to succeed, a “dominant” group must exist to regulate accepted norms, values, beliefs, and behaviors. Simply put, for the sake of a “good” or united society, diversity must be contained.²⁹⁸

Underneath this ideological formation rests a “paranoia of the unknown” steeped in a rigid binary of “right” and “wrong,” “normal” and “not normal.”²⁹⁹ Speaking to the societal utility of subtractive assimilation Tancredo and other English-only proponents endorse, Peter Salins asks, “how could America’s intellectual and political leaders be so short-sighted as to cast away thoughtlessly the paradigm of assimilation that had provided invaluable in unifying the nation for over a century and a half?”³⁰⁰ For Salins, like Tancredo and others, the very thought of discounting, much less discontinuing assimilation is tantamount to inviting societal chaos. For those like Tancredo, the worst-case scenario of a divided nation is amongst us, leaving no room for office seekers and holders who will not promote “American” values by means of opposing amnesty, fencing the southern border, and making English the national language.

The maintenance of the nation's national identity is reliant upon successful one-way acculturation that denies the existence of "hyphenated peoples." The paranoid style Tancredo embodies when constructing and delivering his policy crises, without fail, presents the architects of his policy problems (liberals and Mexican immigrants), as the enemy that must be defeated by the passage of his solutions. By quickly electing officials who oppose amnesty, support limited immigration and declaring English as the national language, Tancredo believes these measures will ensure the livelihood of "American" principles, values, and culture. If not acted upon in his prescribed manner, "our" culture and language will continue to erode at the hands of the "cult of multiculturalism."³⁰¹

CHAPTER VI

CONCLUSION

Fear of a changing national landscape continues to cause much political strife, whereas political actors, writes Cass Sunstein, “use probability neglect so as to promote attention to problems that may or not deserve public concern.”³⁰² State, local and federal governments alike continue to associate heterogeneity with instability, whereas a result, debates continue to surface across the nation over defining who and what is and is not “American.” Following in spirit of the nation’s first and second English-only wave, twenty-one states have passed official language bills since 1984. In Florida for instance, then United States Senate hopeful, (R) Marco Rubio, in efforts to speak to the states large Latino community, unveiled a Spanish campaign ad entitled “padres.” In this thirty-second spot, Rubio speaks about the sacrifices his parents made to ensure he could live the “American dream,” arguing that a change in Washington politics is needed if the “American dream” is to remain alive. While on face value, Rubio’s Spanish campaign ad is nothing new to American politics, recounting identical tactics employed by 2008 GOP Presidential hopeful Rudolph Giuliani, amongst many others, yet, for Rubio, while he is willing to campaign in English and Spanish, Rubio is a firm proponent of English-only legislation. Following in motion with former President George W. Bush, Senator Jim Inhofe and Tom Tancredo, Rubio defends his English-only stance citing that English is the “language that unites the people.”

In what can be classified as America’s “third wave” of English-only, recent developments within this movement continues to put both GOP incumbents and hopefuls

at the center of various controversies and as chief architects of many English-only bills. March of 2009 saw the introduction of H.R. 1621 by Georgia Republican Congressman and member of the House Tea Party Caucus, Paul Bourn. This bill, unlike those before it, takes the debate over an official language in a new direction. H.R. 1621 sought “to withhold federal funds from schools that permit or require the recitation of the Pledge of Allegiance or the national anthem in a language other than English.” With fifteen cosponsors, all Republican, this bill has been referred to the Subcommittee on Early Childhood, Elementary and Secondary Education, where it currently rests. Just two months following the failed Bourn bill, Oklahoma Republican Senator Jim Inhofe introduced both the English Language Unity Act of 2009 and the National Language Act. The National Language Act, strongly resembling his failed 2006 amendment, sought to legislative 1) English as the national language of the United States government and 2) ending the service of providing federal documents in other languages, “unless required by statutory law.” Inhofe’s English Language Unity Act goes a step further than his previous attempts by proposing the establishment of a uniform testing of English language ability for naturalization purposes. To date, neither bill has become law.

Following the May 2009 introduction of H.R. 2499, the Puerto Rico Democracy Act, two amendments immediately arose in reference to both the English and Spanish language. For example, Illinois Democratic Congressman Luis Gutierrez introduced House Amendment 621, a measure that sought to provide ballots in the plebiscite “to be conducted under the bill are printed in Spanish and that ballots printed in English could only be acquired by special request.” To counter this amendment, Indiana Republican

Congressman Dan Burton introduced House Amendment 622, which, amongst other things, made two demands. One, any official language requirements of the federal government shall apply to Puerto Rico to the same extent as throughout the United States; and (2) it is the sense of Congress that the teaching of English be promoted in Puerto Rico in order for English-language proficiency to be achieved.” Offering no rationale or evidence to suggest that English proficiency is lacking in Puerto Rico, Congressman Burton’s amendment, unlike the Gutierrez amendment, passed by a 301 – 100 margin.

As 2009 continued, as did the lingual hysteria, however, this time, by a rather visible former office holder. In December of 2009, following the release of her book, *Going Rogue: An American Life*, former Alaska Governor and GOP Vice Presidential running mate, Sarah Palin scheduled a book signing at the Mall of America, in Bloomington, Minnesota. In a controversial leaked internal memo, Palin made several requests for her book signing, which included, (1) being addressed only as “governor,” (2) banning “foreign” reporters, and (3) only allowing “English speaking press” to attend the event. Developments by English-only proponents would lead many to believe that the nation is jeopardy of becoming a “divided states of America,” however, this could not be further from the truth. While much attention was paid to the claim that Latino immigrants refuse to or do not speak English, a 2009 National Council of La Raza (NCLR) conference on bilingualism received little to no attention. Despite hosting a conference titled, “bilingualism: creating world-class learners,” this San Antonio, TX gathering, which underscored the importance of knowing and speaking both Spanish and

English, fell on deaf ears. Unfortunately, the lingual paranoia witnessed throughout 2009 was quite contagious, as the year 2010 unveiled more lingual hysteria.

The year 2010 introduced new candidates and new debates to the English-only movement. In April of 2010, just four months following the Palin controversy, Alabama GOP gubernatorial candidate Tim James, son of former Alabama Governor Fob James, released an English-only campaign ad. Introduced as a “cost-saving measure,” in his “we speak English” ad, James vows to offer the states drivers license exam in English-only, adding, “this is Alabama; we speak English. If you want to live here, learn it.” Episodes like these are becoming more visible throughout the country as the debate over immigration reform and the paranoia of a Latino majority weigh heavily on the minds of many Republican office holders, seekers, and constituents. The prophesized threats of multiculturalism, as preached by English-only advocates, continued to occupy much time and political campaigns, as efforts toward “protecting” the English language and the “American” way of life came at the expense of demonizing Latino immigration.

Efforts underway in Baltimore County Maryland, with House Bill 865, if passed, would designate English as the official language of Baltimore County. Chief architect, Maryland Republican House Delegate Patrick McDonough, follows in stride with other proponents, who believe that one nation is best served by one language. In Oklahoma, State Question 751 asked voters whether English should be the state’s official language. According to the ballot question, this measure “dictates the language to be used in taking official State action. It requires that official State actions be in English.” While this question only applies to the states “official actions,” a term the bill does not define; the

question was nonetheless placed on the ballot. Introduced by Oklahoma Republican State Representative Randy Terrill, this ballot question, while continuing to recognize and provide for Native American languages, would eliminate **all** other bilingual publications and translators in efforts to cut costs, notes its supporters. As it was, on November 2, 2010, Oklahoma became the thirty-first state to pass an official language bill.

Largely Republican and typically pursuant upon immigration reform or concerns over “national unity” as their catalyst, English-only proponents oftentimes construct the official language and limited immigration issues as “a series of choices between similarity or difference, wholeness or fragmentation, assimilation or dissimulation, and uniformity or diversity” ultimately seeking to define and differentiate between “American” and “foreigner.”³⁰³ The continual linking of a homogenous “American” identity and the making of a “stable society” will continue to surface so long as the nation continues to experience racial, ethnic, and linguistic growth. In what appears to be a desperate rallying cry to reaffirm a distinct brand of “White” supremacy mirroring the hierarchical structure of the Great Chain of Being, English-only proponents are steadfast in their rhetorical efforts to create an “America” versus “foreigner” dichotomy. However in doing so, proponents develop a case of selective historical amnesia, forgetting that their families too immigrated to America, whereas English was not the official language then or ever. Nonetheless, omitting these important facts from public debate provides the needed distance to deny the existence of resemblance between proponents and immigrants, English and Spanish.

This rhetorical struggle to reclaim the narrative of a country founded upon subtractive acculturation can easily be interpreted, as Roderick Hart suggest, as hate. Whether we examine past and present English as the national language campaigns or begin with the forced “Americanizing” of Native Americans, especially with respect to their native tongues, the quest toward achieving “national unity” has come with much cost.³⁰⁴ Defining who we are as a nation along with what language we speak represents amongst other things, “a reflection of underlying discursive assumptions about self and other, identity and difference,” assumptions that link homogeneity with the belief that a foreseeable social order is obtainable.³⁰⁵ However, in order for the Great Chain of Being, or even efforts made by the “uncommunal” to be successful, discursive rhetorical strategies, largely those that define and differentiate “us” from “them” are undertaken to create this reality. A rhetorical study of this campaign provides insight into how proponents defined and articulated, as Jim Cummins notes, “who is an insider and who is on the outside looking in. They set the rules for entry and the conditions for staying. They make clear who are the landlords and who are the tenants.”³⁰⁶ Because rhetorical discourse occupies such a heavy presence within the realm of public policy, how we understand unity and fragmentation is largely dependent upon our understanding of rhetoric, the missing link within studies of race and politics within Political Science.

Dear Political Science: Rhetoric Matters

As discussed in the opening chapter, rhetoric possesses the propensity to create problems/crises and identify their solutions, oftentimes causing much strife in the process, especially those problems and solutions pertaining to people of color. Because

rhetoric plays such a vital role in naming and framing policy problems and their solutions, it also carries the ability to alter what we believe to be “real” or “true.” In his book, *Constructing the Political Spectacle*, Murray Edelman discusses the overall impact rhetorical discourse has on the creation of political realities, underscoring both the place of rhetoric within public policy and its importance within the study of politics. Rhetorical discourse, or what Edelman refers to as “political language,” frames “the construction of our beliefs about events, policies, leaders, problems, and crises that rationalize or challenge existing inequalities.”³⁰⁷ Possessing this ability, it seems only fitting that Political Science scholars who study race and politics should consider or attempt to include a rhetorical framework in their largely empirical analyses. After all, as this project has consistently illustrated, rhetorical discourses largely govern the policy domain on many levels, creating multiple realities of supposed fragmentation.

The study of speeches and other such rhetorical documents can provide invaluable insights into the various worldviews of policy makers. Particularly for the purposes of this project, rhetorical discourse, as Edelman notes, “often evokes a belief that particular groups are evil or harmful even when the language of history, analysis, and science suggests that they are scapegoats rather than enemies.”³⁰⁸ The belief that the United States is in “mortal danger” at the hands of immigrants from Mexico precisely fits the build of Edelman’s point, while English-only proponents argue that continual immigration threatens to fragment the nation, rhetorical and historical analysis proves otherwise. No evidence, historical, empirical or otherwise has been offered to bolster the claim of a fragmented society at the hands of Mexican immigration, yet because rhetoric

possesses the capability to create “facts” and realities, these policy “problems” become incorporated into national debate, party platforms and candidate pledges, immediately becoming a part of peoples “ways of worldmaking.”³⁰⁹

How individuals, groups, political parties and others “make sense of the world” is deeply predicated upon the rhetorical discourse that surrounds or enters their reality. Despite claims from Political Scientists such as George Edwards III that Presidential rhetoric carries no importance,³¹⁰ as Edelman suggests, language is the “aspect that most directly interprets developments by fitting them into a narrative account providing a meaning for the past, the present, and the future compatible with an audience’s ideology.”³¹¹ As the most direct channel between speaker and audience, rhetorical discourse can create policy crises, political enemies, national security threats, capture the imagination of constituents, drive people to voting booths, move gallop polls and build political coalitions, amongst other things. To say that rhetoric has no place within public policy or to ignore its contributing factors within analysis of public policy leaves many nuances unaddressed and many questions unanswered.

In so many words, rhetoric matters within the study of race and politics and undoubtedly shapes not only how we perceive various policies but also how these policies become implemented, deciding who gets what, when, why and how. Continuing through the eyes of Murray Edelman, this time from his book, *The Politics of Misinformation*, Edelman continues to point toward the value of studying political rhetoric within the realm of public policy. The study of “political discourse,” says Edelman, “helps determine beliefs about the past and present and what specific changes

will mean for various groups in the future, and it shapes beliefs about which interest groups and public officials should be regarded as allies and which as threats or enemies.”³¹² Operating within this rhetorical reality of “us” versus “them,” proponents as George Lakoff remarks, create frames, or “mental structures that shape the way we see the world,” which contain the assumptions and mental images we associate with certain terms like “foreigner,” “illegal alien,” “terrorist,” and “welfare queen,” affecting our perception of certain words and policies.³¹³

Critical to shaping policy outcomes are the naming and framing of allies and enemies, contributing to how constituents view or feel about a particular political party, policy, individual or group of people. The naming and defining of enemies, largely defined by their perceived lethality against societal progression, unity, and stability, are constructed to fit the build of a threatening menace, jeopardizing “our” pursuit of happiness.³¹⁴ Within the English-only movement, Jim Cummins argues, “diversity has been constructed as ‘the enemy within,’ far more potent than any external enemy in its threat to the fabric of nationhood.”³¹⁵ It is only through the study of proponent’s political rhetoric do we begin to understand when, why, and how Latino immigrants and their language became the threatening menace of “American” unity and stability. By casting Latino immigration and Spanish as the enemy, therefore the policy problem/crisis, proponents were able to justify their solutions along the patriotic lines of “national unity.” After all, in order to reflect who “we” are as a nation, we must be able to define and articulate who we are not. If nothing else, the 2006 Senate debate, state and local

resistance to bilingual education and the nation's first and second wave illustrate is that "we" are one nation, indivisible with English as the national language.

As demonstrated, a rhetorical study of public policy offers insight into an integral piece of the policy puzzle most overlooked by those who study race and politics within Political Science. For instance, a rhetorical study of public policy can illuminate our understanding of what Ernest Bormann refers to as a "fantasy type," or, those stock scenarios "repeated again and again by the same characters or by similar characters" to create a shared common consciousness and sense of identity.³¹⁶ Through this study, national identity along with the rhetorical creation of homogeneous communities play a vital role in dissecting how national or official language policies become created and debated. Because a rhetorical analysis provides insight into the fantasy types surrounding the English-only movement, empirical data can be aided by the addition of the textual/rhetorical element to provide a more complete picture. While I believe empirical evidence is important, scholars in Political Science who solely rely upon such data while studying race and politics without consideration of the rhetorical leave many questions unanswered.

Closing Thoughts

Although failing to provide insight into the rhetorical developments that ultimately steer public opinion and polling data, scholars in race and politics within Political Science do provide the much-needed backdrop in many areas pertaining to race and public policy, especially Latino politics. If rhetorical scholars are to fulfill what Ernest Wraga argues is the chief goal of public address scholarship, that is, unfolding

“the history of man’s ideas, hopes and fears,” not only is much needed to address this lacuna, but rhetorical scholarship need pay close attention to the developments in race and politics from Political Science scholars.³¹⁷

The intersection of race, rhetoric and public policy, particularly pertaining to Latinos, is an area in need of much work. While some scholars in Rhetorical Studies have contributed to the development of this subfield, the overall body of work remains infinitesimal, leaving many questions and case studies unanswered and unaddressed.³¹⁸ If the study of race, rhetoric and public policy is to respond to the various policy transformations that a changing demographic landscape continues to usher in, collaborative efforts from both scholars in Political Science and Rhetorical Studies are needed to bridge the divide currently separating this scholarly pursuit.

While discussions on methodological divide, especially those pertaining to the study of race and public policy have occupied a fair portion of space within this project, allow me a brief moment to speculate on forthcoming trends/movements as they pertain to Latino politics. With the rise of America’s Tea Party movement and fairly widespread elections of those who gather under its banner, I believe the nation, at least in some pockets, will experience an ideological shift toward the right and with this, a more aggressive pursuit of policies resembling initiatives aimed at “preserving and enhancing” the nation’s identity. If in 2012, the momentum from the political right continues, we can expect to see more campaigns like those of former Nevada Republican Senate candidate, Sharon Angle, who embodied a particular paranoia over the supposed identity crisis that Latinos, regardless of legal status, bring upon the nation. Whether “they” continue to

drain our fragile public services/resources or choose to continue speaking Spanish, I imagine that the “Latino threat” will continue to be a real fear used in future elections.

Because historical trends, at least at this point, have not failed us, a poor domestic economy combined with the falling value of the dollar internationally, makes for the “perfect storm.” I oftentimes wonder if the 1992 Clinton/Gore cliché, “it’s the economy, stupid,” speaks not only to economic conditions, but could also serve as a barometer to gauge degrees or waves of hate in America. Jubilees in 2008 over the arrival of a “post-racial” America have been anything but. If we briefly turn away from race, we also notice that current statistics reflect a surge in both physical and verbal attacks on the nation’s gay population. While the relationship between intolerance and violence continues to take form, reflecting in some degree the prophesized race wars discussed in the infamous *Turner Diaries*, the current political climate has not previewed glimpses of a nation devoid of our obsession with a supposed destined order, which Kenneth Burke refers to in his dramatistic conceptualization as hierarchical psychosis.³¹⁹

Because race, gender, sexual orientation, religion, physical/mental ability, amongst other variables, are used to divide and form hierarchies, the quest for union seems far from reality. It is no coincidence that various groups of immigrants, including America’s native settlers, have faced scores of discriminatory policies aimed at debilitating their movement in society and access to resources. In moments like these, I turn to Erich Fromm, who asks if the quest for freedom is “a psychological problem” too large of a burden for us to bear.³²⁰ For Fromm, in his book, *The Anatomy of Human Destructiveness*, quests for freedom must allow “for the full growth of a person, for his

mental health and his well-being; its absence cripples man and is unhealthy.”³²¹ If nothing else, the current effort to repeal health care reform notwithstanding, mental, physical and spiritual unrest continues to plague largely poor communities, particularly those of color. While I possess no firm understanding of the current trajectory, particularly regarding communities of color, if one even exists, I remain hopeful that current nativist’s waves subside at low tide.

NOTES

¹ Aristotle, *On Rhetoric: A Theory of Civic Discourse*, 2nd ed., trans. George Kennedy (New York: Oxford University Press, 2007), 39.

² Aristotle, *On Rhetoric: A Theory of Civic Discourse*, 1360a.

³ Aristotle, *On Rhetoric: A Theory of Civic Discourse*, 53.

⁴ Aristotle, *On Rhetoric: A Theory of Civic Discourse*, 53.

⁵ Aristotle, *On Rhetoric: A Theory of Civic Discourse*, 2.

⁶ Robert Asen, "Reflections on the Role of Rhetoric in Public Policy" *Rhetoric and Public Affairs* 13 no. 1 (2010): 125.

⁷ See, Davis Houck, *FDR and Fear Itself: The First Inaugural Address* (College Station: Texas A&M University Press, 2002).

⁸ See, Robert Ivie, *Dissent From War* (Bloomfield, CT: Kumarian Press, 2007).

⁹ See, James Arnt Aune and Enrique D. Rigsby, ed. *Civil Rights Rhetoric and the American Presidency* (College Station: Texas A&M University Press, 2005).

¹⁰ See, Martin J. Medhurst and Kurt Ritter, ed. *Presidential Speechwriting: From The New Deal to the Reagan Revolution and Beyond* (College Station: Texas A&M University Press, 2004).

¹¹ See, Martin J. Medhurst, Robert L. Ivie, Philip Wander, and Robert L. Scott, *Cold War Rhetoric: Strategy, Metaphor and Ideology* (New York: Greenwood Press, 1990).

¹² Martin J. Medhurst, Robert L. Ivie, Philip Wander, and Robert L. Scott, *Cold War Rhetoric: Strategy, Metaphor and Ideology* (New York: Greenwood Press, 1990). 47.

¹³ See, David Zarefsky, *President Johnson's War on Poverty* (Tuscaloosa: University of Alabama Press, 1986).

¹⁴ See, Amos Kiewe, ed. *Modern Presidency and Crisis Rhetoric* (New York: Praeger Publishers, 1993).

¹⁵ See, Thomas W. Benson, *Writing JFK: Presidential Rhetoric and the Press in the Bay of Pigs Crisis* (College Station: Texas A&M University Press, 2004).

¹⁶ Stephen H. Browne, *Jefferson's Call for Nationhood* (College Station, Texas A&M University Press, 2003), 4.

¹⁷ Amos Kiewe, "Introduction," in *Modern Presidency and Crisis Rhetoric*, ed. Amos Kiewe (New York: Praeger Publishers, 1993), xv.

¹⁸ Kiewe, "Introduction," in *Modern Presidency and Crisis Rhetoric*, ed., Amos Kiewe, xvii.

¹⁹ Racial struggles in the United States have seen many episodes, far too many to reiterate here. However, oftentimes guided by the great beckon of "freedom," both proponents and opponents of various racial grievances have claimed "freedom" as the basis for their "pursuit of happiness," and their respective policy preferences. For example, within Justice Taney's 1857 majority opinion in the *Dred Scott v. Sanford* case, Justice Taney argued the Missouri Compromise unconstitutional on the grounds that it violated the rights and freedom of slaveholding citizens of their property—slaves. Freedom, writes Eric Foner, "helps bind our culture together and exposes the contradictions between what America claims to be and what it actually is." See, Eric Foner, *The Story of American Freedom* (New York: W.W. Norton, 1998).

²⁰ See, Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (Minneapolis: University of Minnesota Press, 1980).

²¹ The battle to prevent racial comingling, anti-miscegenation statutes and court cases that upheld anti-miscegenation were plentiful. See, Alfred Alvins, "Anti-Miscegenation Laws and the Fourteenth Amendment: The Original Intent," *Virginia Law Review* 52 no.7 (1966): 1224-1255. James Kinney, *Amalgamation! Race, Sex and Rhetoric in the Nineteenth Century American Novel* (Westport: Greenwood Press, 1985). Werner Sollors, *Interracialism: Black and White Intermarriage in American History, Literature and Law* (Oxford, UK: Oxford University Press, 2000). Elise Lemire, *Miscegenation: Making Race in America* (Philadelphia: University of Pennsylvania Press, 2002).

²² Arguments waged in defense of African American inferiority were numerous and widespread, especially amidst the nineteenth century. Arguments centered on human difference, inequality reached a new apex through the field of social science, and perhaps most notably through the "field" of "craniometry," or the measuring of human skulls and bones to prove innate White supremacy at the cost of African American inferiority. For more on this, see, Stephen J. Gould, *The Mismeasure of Man* (New York: W.W. Norton & Company, 1981).

²³ Jim Crow or more specifically, the policies enacted and upheld as of result of this racial and political posturing, can perhaps best be explained by the following. See, Comer Vann Woodward, *The Strange Career of Jim Crow* (Oxford, UK: Oxford University Press, 1960). Richard Wormser, *The Rise and Fall of Jim Crow* (New York: Macmillian, 2003). Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford, UK: Oxford University Press, 2004). Jane Dailey, *The Age of Jim Crow* (New York: W.W. Norton & Company, 2008).

²⁴ Other examples include Civil Rights. While works in this area are far too numerous to list here, of particular interest include: Davis Houck and David Dixon, *Rhetoric, Religion and the Civil Rights Movement 1954-1965* (Waco, TX: Baylor University Press, 2006). James A. Aune & Enrique D. Rigsby, ed. *Civil Rights Rhetoric and the American Presidency* (College Station: Texas A&M University Press, 2005). Garth Pauley, *The Modern Presidency and Civil Rights: Rhetoric on Race from Roosevelt to Nixon* (College Station: Texas A&M University Press, 2001).

²⁵ The debate over reparations for descendents of slaves along with the controversy within the 2009's Senate "official" apology for slavery has drawn much attention and debate on the state of race relations in America. See the official apology: U.S. Congress. Senate. *A Concurrent Resolution Apologizing For the Enslavement and Racial Segregation of African Americans*. S. Con. Res. 26. 111th Congress. 1st Session (June 18, 2009). On the reparations debate, see, Walter Block, "On Reparations to Blacks for Slavery," *Human Rights Review*, 3 no. 4 (2002): 53-73. Jacqueline Bacon, "Reading the Reparations Debate," *Quarterly Journal of Speech*, 89:3 (2003): 171-195. Charles Ogletree Jr., "Repairing the Past: New Efforts in the Reparations Debate in America," *Harvard Civil Rights-Civil Liberties Law Review*, 38 (2003): 279-320. Charles P. Henry "The Politics of Racial Reparations," *Journal of Black Studies* 34 no. 2 (2003): 131-152.

²⁶ Despite the various fields of study that controversies regarding race and public policy embody, despite the methodological variances that oftentimes divides more so than unites how we study and approach race and public policy, if nothing else, one thing remains constant, the presence of rhetorical discourses. Whether such controversies regard questions of economics, or otherwise, if nothing else, what remains constant are the various dimensions of rhetorical discourses involved, providing and inviting scholars of rhetoric and public affairs to contribute by expanding upon the discourses either in a synchronic or diachronic fashion. The study of race and public policy is not a science; it possesses the ability to shift across time for various reasons, (i.e. policy makers, coalitions, political capitol, etc.).

²⁷ This is to say, whether or not some believe race is no longer a substantial policy concern, giving the election of President Barack H. Obama, causing some to posit the existence of a "post-racial society."

²⁸ See, Eugene Bardach, *A Practical Guide for Policy Analysis* (Washington D.C.: CQ Press, 2009).

²⁹ While there is a considerable body of scholarship in the area of educational policy, here are a few notable selections. Kenneth J. Meier, Joseph Stewart, and Robert E. England, *The Politics of Hispanic Education* (Albany: State University of New York, 1991). Javed Ashraf, "Differences in Returns to Education: An Analysis By Race," *American Journal of Economics and Sociology* 53 (1994): 281-290. David Leal, Valerie Martinez-Ebers and Kenneth J. Meier, "The Politics of Latino Education: The Biases of At-Large Elections," *Journal of Politics* 66 (2004): 1224-1244.

³⁰ See, Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2001). Rodney Hero, "Multiple Theoretical Traditions in American Politics and Racial Policy Inequity," *Political Research Quarterly* 56 (2003): 401-408. Rodney Hero, "Social Capital and Racial Inequality in America," *Perspectives on Politics* 1(2003): 113-122. Eric Uslaner, "Trust and Social Bonds," *Political Research Quarterly* 57 (2004): 501-507. Rodney Hero, "Response to Uslaner," *Political Research Quarterly* 57 (2004): 509-510.

³¹ See, James Balkwell, "Ethnic Inequality and Rate of Homicide," *Social Forces* 69 (1990): 53-70. Robert Preuhs, "State Felony Disenfranchisement Policy," *Social Science Quarterly* 82 (2001): 733-748. Kevin Smith, "The Politics of Punishment: Evaluating Political Explanations of Incarceration Rates," *Journal of Politics* 66 (2004): 925-938. Jeff Yates and Richard Fording, "Politics and State Punitiveness in Black and White," *Journal of Politics* 67 (2005): 1099-1121. Harry Holzer, Paul Offner, and Elaine Sorensen, "Declining Employment Among Young Black Less-Educated Men: The Role of Incarceration and Child Support," *Journal of Policy Analysis and Management* 24(2005): 329-350.

³² See, Douglass Massey, Jorge Durand and Nolan Malone. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell Sage, 2002).

³³ See, Robert Preuhs, "The Conditional Effect of Minority Descriptive Representation," *Journal of Politics* (2006):585-599.

³⁴ Two of the guiding texts in this area include: Karlyn Kohrs Campbell and Kathleen Hall Jamison, *Presidents Creating the Presidency: Deeds Done in Words* (Chicago: University of Chicago Press, 2008). James A. Aune and Martin J. Medhurst ed. *The Prospect of Presidential Rhetoric* (College Station: Texas A&M University Press, 2008).

³⁵ Although more of a blend between Presidential rhetoric and Presidential speechwriting, which sheds light into the rhetorical origins of crafting Presidential speeches are: Amos Kiewe, *FDR's First Fireside Chat: Public Confidence and the Banking Crisis* (College Station: Texas A&M University Press, 2007). Kurt Ritter and Martin J. Medhurst eds., *Presidential Speechwriting: From the New Deal to the Regan Revolution and Beyond* (College Station, Texas A&M University Press, 2004).

³⁶ Mary Stuckey, *Defining Americans: The Presidency and National Identity* (Lawrence: University of Kansas Press, 2002), 2.

³⁷ Vanessa Beasley, *You, the People: American National Identity in Presidential Rhetoric*. (College Station: Texas A&M University Press, 2004), 7.

³⁸ Beasley, *You, the People: American National Identity in Presidential Rhetoric*, 15.

³⁹ Stuckey, *Defining Americans: The Presidency and National Identity*, 2.

⁴⁰ Natalie Masuoka, "Defining the Group: Latino Identity and Political Participation," *American Politics Research* 36 (2008): 52.

⁴¹ Michael Omi and Howard Winant, *Racial Formation in the United States From the 1960's to 1990's* (New York: Routledge, 1994), 55.

⁴² Kirt Wilson, *The Desegregation Debate: The Politics of Equality and the Rhetoric of Place* (Lansing: Michigan State University Press, 2002), 198.

⁴³ See, Rodney Hero, "Multiple Theoretical Traditions in American Politics and Racial Policy Inequality," *Political Research Quarterly* 56 no.4 (2003):401.

⁴⁴ Just as a matter of reference, it should be noted that Carl Linnaeus and his work could be found under two different names, Carl von Linné and Carolus Linnaeus.

⁴⁵ Of the many genres of pro-slavery argumentation, religious rhetoric in its defense was perhaps most dominant. For a more informed reading of this rhetorical transformation, see: Sylvester Johnson, *The Myth of Ham in Nineteenth Century American Christianity* (New York: Palgrave Macmillan, 2004). David Goldenberg, *The Curse of Ham: Race and Slavery in Early Judaism, Christianity and Islam* (Princeton, NJ: Princeton University Press, 2003). Geo Armstrong, *The Christian Doctrine of Slavery* (Cambridge, MA: C. Scribner, 1857). Albert Barnes, *An Inquiry into the Scriptural Views of Slavery* (Philadelphia, PA: Parry and McMillan, 1855).

⁴⁶ Desmond King and Rogers M. Smith, "Racial Orders in American Political Development," *American Political Science Review* 99 (2005):75.

⁴⁷ One text that speaks toward the competing hierarchical notions intertwined with public policy along the lines of race is Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth Century America* (New York: W.W. Norton & Company, 2005).

⁴⁸ Desmond and King, "Racial Orders in American Political Development," 75.

⁴⁹ See, *Plessey v. Ferguson*, 163 U.S. 537 (1896).

⁵⁰ Desmond King and Rogers Smith, "Strange Bedfellows? Polarized Politics?: The Quest for Racial Equality in Contemporary America," *Political Research Quarterly* 61 no.4. (2008): 688.

⁵¹ See, Alisa Hicklin and Kenneth J. Meier, "Race, Structure, and State Governments: The Politics of Higher Education Diversity," *The Journal of Politics* 70 no. 3 (2008): 851-860. Kenneth J. Meier, Eric G. Juenke, Robert D. Wrinkle and J.L. Polinard, "Structural Choices and Representational Biases: The Post Election Color of Representation," *American Journal of Political Science* 49 no.1 (2005):758-769. David Leal, Valerie Martinez-Ebers and Kenneth J. Meier, "The Politics of Latino Education: The Biases of At-Large Elections," *Journal of Politics*

66 (2004):1224-1244. Tim Sass and Stephen Mehay, "Minority Representation, Election Method and Policy Influence," *Economics and Politics* 15 (2003): 758-769.

⁵² For more on this episode, see: H. Mencken, *The American Language: Supplement I*, (New York: Knopf, 1945).

⁵³ See, Charles Anderson, *White Protestant Americans*. (Englewood Cliffs, NJ: Prentice, 1970).

⁵⁴ See, Robert Haig, "The Revenue Act of 1918," *Political Science Quarterly*, 34 no. 3 (1919): 369-391.

⁵⁵ J. Michael Hogan, "Preface: Rhetoric and Community," in *Rhetoric and Community: Studies in Unity and Fragmentation*, ed. J. Michael Hogan (Charleston: University of South Carolina Press, 1998), xiii.

⁵⁶ Noam Chomsky, *Language and Responsibility* (Sussex, UK: Harvester Press, 1979), 191.

⁵⁷ Hogan, "Preface: Rhetoric and Community," in *Rhetoric and Community: Studies in Unity and Fragmentation*, xii.

⁵⁸ Hogan, "Preface: Rhetoric and Community," in *Rhetoric and Community: Studies in Unity and Fragmentation*, xiii.

⁵⁹ State of Nebraska, 1919, *Sessions Laws*. Lincoln.

⁶⁰ Raymond Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States* (Lexington: University of Kentucky, 1995), 35.

⁶¹ For perhaps what is the best discussion on constitutive rhetoric, see: James Boyd White, *When Words Lose Their Meaning: Constitutions and Reconstructions of Language* (Chicago: University of Chicago Press, 1984). And also by White, see: *Essays on the Rhetoric and Poetics of the Law* (Madison: University of Wisconsin Press, 1985).

⁶² Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States*, 36.

⁶³ Jack Citrin, "Language Politics and American Identity" *Public Interest* 99 (1990): 96.

⁶⁴ Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States*, 37.

⁶⁵ Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States*, 50.

⁶⁶ Dennis Baron, *The English-Only Question: An Official Language for Americans?* (New Haven, CT: Yale University Press, 1990), 143.

⁶⁷ John Higham, *Strangers in a New Land* (New York: Atheneum, 1967), 235.

⁶⁸ Roderick P. Hart, "Introduction: Community by Negation- An Agenda for Rhetorical Inquiry," in *Rhetoric and Community: Studies in Unity and Fragmentation*, ed. J. Michael Hogan (Charleston: University of South Carolina Press, 1998), xxv.

⁶⁹ Hart, "Introduction: Community by Negation- An Agenda for Rhetorical Inquiry," in *Rhetoric and Community: Studies in Unity and Fragmentation*, xxv.

⁷⁰ James Crawford, *At War with Diversity: US Language Policy in an Age of Anxiety* (Cleveland, OH: Multilingual Matters LTD, 2000), 21.

⁷¹ Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States*, 67.

⁷² Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States* 68.

⁷³ J. Michael Hogan, "Preface: Rhetoric and Community," in *Rhetoric and Community: Studies in Unity and Fragmentation*, ed. J. Michael Hogan (Charleston: University of South Carolina Press, 1998), xiii.

⁷⁴ See, Desmond King, *Making Americans: Immigration, Race and the Origins of a Diverse Democracy*. (Cambridge, MA: Harvard University Press, 2002).

⁷⁵ Ronald Schmidt, *Language Policy and Identity Politics in the United States* (Philadelphia: Temple University Press, 2000), 47.

⁷⁶ Mari Matsuda, "Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction," *The Yale Law Journal* 100:5 (1991): p. 1330.

⁷⁷ Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States*, 196.

⁷⁸ Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States*, 199.

⁷⁹ Amardo Rodriguez, *Communication, Space, & Design: The Integral Relation between Communication and Design* (Lanham, MD: Hamilton Books, 2005), 28.

⁸⁰ Howard C. Hill, "The Americanization Movement," in *Race and Ethnicity in Modern America*, ed., Richard Meister (Lexington, CT: D.C. Heath and Company, 1974), 33.

⁸¹ Robert Lieberman, *Shaping Race Policy: The United States in Comparative Perspective*. (Princeton, NJ: Princeton University Press, 2005), 5.

⁸² Tatalovich, *Nativism Reborn: The Official English Language Movement and the American States*, 200.

⁸³ See, James Baldwin and Toni Morrison, eds., *Collected Essays* (New York: Library of America, 1998).

⁸⁴ Crawford, *At War with Diversity: US Language Policy in an Age of Anxiety*, 27.

⁸⁵ Chaim Perelman and Lucie Olbrechts-Tyteca. *The New Rhetoric: A Treatise on Argumentation*. Trans. John Wilkinson and Purcell Weaver (Norte Dame, IN: University of Norte Dame Press, 1969), 411.

⁸⁶ Of interest to those interested in more on dissociation, see: Edward Schiappa, *Protagoras and Logos* (Charleston: University of South Carolina Press, 1991) and Edward Schiappa, "Dissociation in the Arguments of Rhetorical Theory," *Journal of the American Forensic Association*, 22 (1995): 72-82.

⁸⁷ Erich Fromm, *The Art of Loving* (New York: Harper & Row, 1956), 17.

⁸⁸ Hogan, "Conclusion: Rhetoric and the Restoration of Community," in *Rhetoric and Community: Studies in Unity and Fragmentation*, 292.

⁸⁹ Hart, "Introduction: Community by Negation- An Agenda for Rhetorical Inquiry," in *Rhetoric and Community: Studies in Unity and Fragmentation*, xxvi-xxvii.

⁹⁰ Rodriguez, *Communication, Space, & Design: The Integral Relation between Communication and Design*, 35.

⁹¹ Guadalupe San Miguel Jr., *Contested Policy: The Rise and Fall of Federal Bilingual Education in the United States 1960-2001* (Denton: University of North Texas, 2004), 1.

⁹² Luis Ricardo Fraga, Kenneth J. Meier and Robert E. England, "Hispanic Americans and Educational Policy: Limits to Equal Access," *The Journal of Politics*, 48 no. 4 (1986): 851.

⁹³ David Marshall and Gerda Bikales, *The Question of an Official Language: Language Rights and the English Language Amendmen*, (Ann Arbor: University of Michigan Press, 1986), 14.

⁹⁴ Dennis Baron, *The English-Only Question: An Official Language for Americans?* (New Haven: Yale University Press, 1990), 149.

⁹⁵ When used in this regard, foreign languages refer to all languages other than English.

⁹⁶ See, Carlos Ovanda, "Bilingual Education in the United States: Historical Development and Current Issues," *Bilingual Research Journal* 27 no:1 (2003).

⁹⁷ 107 Neb. 657 (1919).

⁹⁸ 262 U.S. 390 (1923).

⁹⁹ 262 U.S. 390 (1923).

¹⁰⁰ See, William Ross, "A Judicial Janus: Meyer v. Nebraska in Historical Perspective," *University of Cincinnati Law Review* 57 (1988): 1-25.

¹⁰¹ See, Peter Wang, *Legislating Normalcy: The Immigration Act of 1924* (San Francisco, CA: R&E Research Associates, 1975).

¹⁰² Beasley, *You, the People: American National Identity in Presidential Rhetoric*, 97.

¹⁰³ See, Otis Graham, *Unguarded Gates: A History of America's Immigration Crisis* (Lanham, MD.: Rowman & Littlefield Publishers, 2004).

¹⁰⁴ See, David Zarefsky, *President Johnson's War on Poverty* (Tuscaloosa: University of Alabama Press, 1986).

¹⁰⁵ United States Congress, *Elementary and Secondary Education Amendments of 1967* Public Law 90-247; 81 Stat. 783 [H.R. 7819], 90th Congress, 1st Session (January 2, 1968).

¹⁰⁶ This statement in favor of the 1968 BEA was given as testimony by Rep. Edward Roybal during his 1967 subcommittee on Education, under the larger guise of the House Committee on Education and Labor. See, *Bilingual Education Programs: Hearings on H.R. 9840 and H.R. 10224* Before the General Subcommittee on Education of the House Committee on Education and Labor, 90th Congress, 1st Session. 144-47 (1967). To read more onto the actual hearings themselves, see, *Bilingual Education Programs: Hearings Before the General Subcommittee on Education 90-1 on H.R. 9840, H.R. 10224*, June 28, 29, (1967).

¹⁰⁷ Rachel Moran, "Bilingual Education as a Status Conflict," *California Law Review* 75 (1987): 327.

¹⁰⁸ James Crawford, *Bilingual Education: History Politics Theory and Practice* (Los Angeles: Bilingual Education Services, Inc., 1995), 40.

¹⁰⁹ United States Congress, *Elementary and Secondary Education Amendments of 1967* Public Law 90-247; 81 Stat. 783 [H.R. 7819], 90th Congress, 1st Session (January 2, 1968). p.24.

¹¹⁰ United States Congress, *Elementary and Secondary Education Amendments of 1967* Public Law 90-247; 81 Stat. 783 [H.R. 7819], 90th Congress, 1st Session (January 2, 1968). p.24.

¹¹¹ Within Congressional protocol, all monetary bills, generally those resolutions where financial allocation(s) are sought begin in the House of Representatives.

¹¹² United States Congress, *Elementary and Secondary Education Amendments of 1967* Public Law 90-247; 81 Stat. 783 [H.R. 7819], 90th Congress, 1st Session (January 2, 1968). p.25.

¹¹³ *Ibid.*, p. 25.

¹¹⁴ *Ibid.*, p. 29.

¹¹⁵ Ibid., p. 29.

¹¹⁶ United States Department of Health, Education, and Welfare, *DHEW Memo Regarding Language Minority Children* (Washington, DC: Federal Registry), 35.

¹¹⁷ See, Kenneth J. Meier and Joseph Stewart Jr., *The Politics of Hispanic Education: Un Paso Pa'lante y Dos Pa'Tras* (Albany: State University of New York Press, 1991).

¹¹⁸ United States Department of Health, Education, and Welfare, *DHEW Memo Regarding Language Minority Children* (Washington, DC: Federal Registry), 35.

¹¹⁹ Josue M. Gonzalez and Ha Lam, "The Lau v. Nichols Supreme Court Decision," in *Latino Education in the U.S.*, ed., Lourdes Diaz Soto (Lanham, MD: Rowman & Littlefield Education, 2007), 285.

¹²⁰ United States Department of Health, Education, and Welfare, *DHEW Memo Regarding Language Minority Children* (Washington, DC: Federal Registry), 35.

¹²¹ Meier and Stewart Jr., *The Politics of Hispanic Education: Un Paso Pa'lante y dos pa'tras*, 78.

¹²² Meier and Stewart Jr., *The Politics of Hispanic Education: Un Paso Pa'lante y dos pa'tras*, 72.

¹²³ United States Department of Health, Education, and Welfare, *DHEW Memo Regarding Language Minority Children* (Washington, DC: Federal Registry), 35.

¹²⁴ *Lau v. Nichols*, 414 U.S. 563 (1974).

¹²⁵ *Lau v. Nichols*, 414 U.S. 563 (1974).

¹²⁶ *Lau v. Nichols*, 414 U.S. 563 (1974).

¹²⁷ *Lau v. Nichols*, 414 U.S. 563 (1974).

¹²⁸ *Lau v. Nichols*, 414 U.S. 563 (1974).

¹²⁹ What should not be forgotten about this act is that many civil rights leaders and groups opposed the EEOA because it contained language that sought to stop busing to achieve segregated schools. The EEOA's companion piece of legislation was entitled the "Student Transportation Moratorium Act" and was intended by President Nixon to stop busing and preserve "neighborhood schools." For more on this, see section 1703 (c).

¹³⁰ Equal Educational Opportunity Act, 20 USC Sec. 1703.

¹³¹ United States Office for Civil Rights, *Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful under Lau v. Nichols* (Washington D.C.: Department of Health, Education, and Welfare, Office for Civil Rights, 1975), 1.

¹³² Ibid., p. 2.

¹³³ Ibid.,p. 2.

¹³⁴ Ibid.,p.3

¹³⁵ Ibid., p. 4.

¹³⁶ Ibid.,p.5.

¹³⁷ Guadalupe San Miguel, Jr. *Contested Policy: The Rise and Fall of Federal Bilingual Education in the United States, 1960-2001* (Denton: University of North Texas Press, 2004), 36.

¹³⁸ Rebecca Freeman, *Bilingual Education and Social Change* (Bristol, UK: Multilingual Matters, 1998), 46.

¹³⁹ United States Congress, *The Hawkins/Stafford Elementary and Secondary School Improvement Amendments*. Public Law 100-297 [H.R. 1755], 96TH Congress, 1st Session, April 28, 1988.

¹⁴⁰ United States Congress, *The Hawkins/Stafford Elementary and Secondary School Improvement Amendments*. Public Law 100-297 [H.R. 1755], 96TH Congress, 1st Session, April 28, 1988.

¹⁴¹ United States Congress, *The Hawkins/Stafford Elementary and Secondary School Improvement Amendments*. Public Law 100-297 [H.R. 1755], 96TH Congress, 1st Session, April 28, 1988.

¹⁴² United States Congress, *The Hawkins/Stafford Elementary and Secondary School Improvement Amendments*. Public Law 100-297 [H.R. 1755], 96TH Congress, 1st Session, April 28, 1988.

¹⁴³ United States Congress, *The Hawkins/Stafford Elementary and Secondary School Improvement Amendments*. Public Law 100-297 [H.R. 1755], 96TH Congress, 1st Session, April 28, 1988.

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