

'Official English' Setback

Supreme Court denies review of Arizona case

Report by Robert Park

The final chapter in the long-running saga of Arizona's struggle to keep official English alive came to an abrupt end this January when the U.S. Supreme Court denied a *writ certiorari*.

In June 1998, the Arizona Supreme Court ruled the constitutional amendment was in violation of the First Amendment of the U.S. Constitution. Arizona's governor and attorney general refused to appeal.

'Let the will of the people stand'

While he openly disapproved of the measure making English the official language of Arizona, the hypocrisy of the attorney general's refusal lies in the fact that he cosponsored a referendum this past November that would prohibit the legislature (except in very narrow circumstances) from tampering with citizen initiatives, or the governor from invoking a veto. "Let the will of the people stand," he exhorted. But then he announced it was best to let this language initiative die.

While as leader of the initiative I found this a hard pill to swallow, I am not alone. John Tanton, Leo Sorensen, Gerda Bikales and a few others were in on the ground floor when this entire movement to make English the official language in the various states began. I am not suggesting that this signals the end of the road, but I am suggesting that it is a serious wake-up call for all Americans who are concerned about the trend to destroy our national cohesion.

Without going into too much detail, we note that this adverse decision by the Supreme Court has already been invoked to challenge both the current effort in Arizona to abolish bilingual education, and the move in Alabama to enforce the English-only drivers' license examination.

In 1990, ninety percent of Alabama's voters adopted

Robert Park is president of English Language Advocates (ELA). He lives in Prescott, Arizona.

English as their state's official language, and required that drivers' license exams be given in English. A

Mexican immigrant is demanding the exam be given in Spanish and a federal judge has ruled she has the right to sue under Title VI of the 1965 Civil Rights Act. Bill Lann Lee, Acting Attorney General, Civil Rights Division, has intervened on her behalf.

According to Lee, any state availing itself of federal funds (and they all do) cannot, under Title VI rules, deny services in languages other than English.

On the language battlefield over the past eleven years the names of *Yniguez* and *Ruiz* of Arizona stood out. Joining the "monkey wrench" gang now, from Alabama, is *Martha Sandoval*. English Language Advocates (ELA) has chosen to enter this latest fray.

Our Legal Sidekicks

I want to take this opportunity to heap credit and grateful appreciation on two longtime friends and barristers-of-distinction who have guided us through legal tangles for the past decade.

The first is Jim Henderson of Phoenix who stepped forward in the 1988 initiative campaign, and defended the resulting constitutional amendment in federal and state courts, on up to the state Supreme Court.

The second is Barnaby Zall who crafted Arizona's official English measure in 1987, and who has become one of the nation's leading authorities on First Amendment language issues. It was Barnaby whose legal prowess twice laid our case before the U.S. Supreme Court — first coming away victorious, and now suffering disappointment, along with the rest of us, when the high court declined "without comment" to hear our appeal.

There is no doubt in my mind that the failure of Arizona's highest officials to defend the citizen-sponsored amendment led to the high court's decision. It may be that the only salvation now lies with the Congress and the fifty states through a federal constitutional amendment. Whatever it takes. □