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# Language Rights in the United States of America

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# Abstract:

Language planning and policy (LPP) in the United States of America has always been a matter of concern to American society and policymakers. This study reviews the LPP throughout the United States history, highlighting the challenges of linguistics in the United States since its foundation. This study principal aim is to document, analyze and synthesize as many previous studies on language planning and policy in the United States as our sources would allow. This review draws on the methodology of quantitative met synthesis, an inductive approach to historically synthesizing research through summarizing findings from various studies, while also offering interpretations about the reason behind every language policy stage in the US. The findings reveal that despite language being a minor topic, tolerance policies were primarily used throughout most of the US history.

Keywords: Language planning and policy, the United States

#### 1. Introduction

The field of language planning and policy (LPP) was only recognized and formalized as a separate academic topic during the 1960s. However, activities and policies related to language use, choice maintenance, correctness, and diffusion preservation have always attracted the interests of authorities, groups, and individuals over several millennia. In fact, societies have always valued appropriate, maintenance and correctness usage of languages to ensure respect of language's standards and norms. As an illustration, in approximately 3,000 BC, the much-revered Panini recorded the sutras of Sanskrit grammar; subsequently creating consensus and uniformity in the language usage (Misha & Prakhasan, 1982; Thieme, 1935). In the scope related to the new language policy as a separate academic subject, it has highly benefited from many other disciplines, such as history, political science, psychology, economic, linguistic and sociology. Namely, what Ricento describes that language planning and policy has been shaped by epistemological factors. Ricento points out that epistemological factors "... concern paradigms of knowledge and research, such as structuralism and postmodernism in the social sciences and humanities, rational choice theory and neo-Marxism in economics and political sciences, and so on." (2000, p. 196). Although language planning and policy is rather a new field, nowadays it has an important role in every society and its scope has been expanded. Language planning and policy outcomes are a critical issue for social coherency, political reformation, economic growth, human rights, history, and identity. In this work language planning and policy is understood as strategic, oriented activity, interventions, deliberations, rules, instructions, law manipulations, negotiations or tactics are undertaken by the federal government, a state, institution, or any authority with the effect of implementing and influencing language attitudes or behaviors.

Fundamentally, today's US linguistic picture is no accident nor an ordinary phenomenon in history. The domination of the English language in widespread communication in the US has appeared to be the result of deliberate, careful and purposeful strategies whose main goal has been to maintain an ideological dependence and a linguistic domination(Schmid, 2001). However, English achieved significant hegemony over other languages including indigenous, immigration and foreign languages throughout the US history, not through official policies but by its status achievement(Hornberger, 1998). Language planning and policy in the United States of America has been mostly tolerance orientation throughout its history. LPP in the United States has varied remarkably over time and has been shaped by language ideology that could broadly be pointed out as monolingual and multilingual(Wiley, 2014). Both ideologies have historically been reflected in the US's LPP at different times with different reasons. Hence, there is confusion occurring in popular discussions about the policies of language in the United States, maintaining strong disagreement over the fundamental historical orientation of language planning and policy in the US.

The focus of this paper is to explore, the history of language planning and policy as well as the current language policy in the United States. We offer a review of the US language planning and policy over several stages and periods, LPP throughout the United States history witnessed many turning points, thus, we explain these turning points and investigate the contemporary language attitude. Over all, this work offers highlights of the development of LPP in the US since 1789. Additionally, it shows what the social and political reason beyond LPP changes were. This study principal aim is to document, analyze and synthesize as many previous literatures on language planning and policy in the United States as our sources would allow. To get a better grasp of the scale of the US's LPP, it briefly contextualizes all available scholarships in order to offer a clear vision of the LPP on the US.

# 2. Methodology

While there are several approaches to investigate language planning and policy. In this study, we are interested in the approach of historical-textual analysis which is favorable for this work and it depends on to reach its goals. This approach examines language planning and policy from its "macro" tends because it focuses on large-scale sociopolitical events, policies texts in national and supra-national and historical movements. This approach answers a fundamental question of which historical and ideological activities had an impact on creating language planning and policy in a particular society? It also examines the global context in the language planning policy issues. The historical-textual analysis is essential for any type of language policy study. This review draws on the methodology of quantitative met synthesis, an inductive approach to historically synthesizing research through summarizing findings from various studies, while also offering interpretations about the reason behind every language policy stage in the US. It is important to note that to allow for such broad inclusion while maintaining consistency in the selection criteria, the search was limited to peer-reviewed scholarly journal articles.

In order to divide the history of language policy in the United States into different stages depending on the policy attitude, we use Wiley (1999) classification of language planning and policy types. According to Wiley, LPP should be promotion, expediency, tolerance, restriction, or repression. Therefore, by applying the five types of language policy on the US status, we divide the language policy in the United States from 1789 to present into three stages: the tolerance toward all languages era, the English promotion and restriction against other languages era, and the other languages expediency and English promotion era, these three stages are the main arguments of this paper. The following is an explanation of Wiley's language policy classification:

- Promotion polices: Which mean the use of national or federal resources (substantive and symbolic) as part of a plan to further the use of a language or languages in a society. For example, president Ulysses S. Grant on April 16, 1872, submitted an executive order, a requirement, for appointing an American civil servant: "every candidate must have satisfactory English language knowledge" (Grant, 1872).
- Expediency policies: Which mean laws, policies and acts as a type of promotion, but in this purpose the LPP are not enhancing the minority languages, it only accommodates minority languages to facilitate political and education access. For example, the provisions of multilingual ballots which are ensured throughout the history of the United States.
- Tolerance polices: This refers to the absence of national interference in minority languages, and the State giving people the freedom to choose what they like regarding language; without any inherent expectations.
- Restriction policies: When the government made political, social, rights, benefits, opportunities and jobs conditional on speaking the dominant language. For example, For example, Arizona's Proposition 203 and California's Proposition 227. Those two acts clearly restrict bilingual education (O. García, 2009).
- Repression policies: In this stage of LPP, the state or the Federal government tried to exterminate one or more languages. It is like an attempt of linguistic genocide and most probably utilized racism against a particular language. For example, when enslaved Africans were forbidden to use their languages in the US, compulsory illiteracy and ignorance codes.

# 3. Tolerance toward All Languages Era

The first period of language planning in the United States was from 1789 to the 1880s. In this time there was a high amount of tolerance and neglect towards all languages in the American society especially northern Europe languages (Hakuta, 1986; Wiley, 1998). It was a new society in a new territory, with a big sense of psychological, geographical and cultural openness existed (Turner, 1989). If somebody did not like his neighbors, he could leave the land, there was a general sense of identity inside the new society, many of the newcomers used their native language without problem, they used their language in education, in religion and in media (Kloss, 1998). Some other argue that during this period there was "Defensive Pluralism" which referred to the vast number of immigrants who strongly promoted their languages, cultures, religions and traditions(Havighurst, 1978). Those immigrants believed that it was possible to keep their ancestral life and their new life in their new nation, simultaneously. Thus, at the beginning of the second half of the 19th century many states passed laws that allowed bilingual education in its territories: German in Ohio, Indiana, Pennsylvania, Illinois, Oregon, Nebraska, Missouri, Colorado; Norwegian, Swedish and Danish in Minnesota, Dakota, Iowa, Wisconsin, Illinois, Washington, Nebraska; Dutch in Michigan; Czech in Texas; Italian and Polish in Wisconsin; Spanish in the Southwest; French in Louisiana (Kloss, 1998).

Kloss also says that in 1900 there were about 600,000 children in the United States (approximately 4% of the school population) who received all or part of their education in German. Similarly Leibowitz (1971) indicates that at the beginning of the twenty century, New Mexico authorized educational instruction of schools could be in Spanish, English or both. Ovando (2003) in his historical article "Bilingual Education in the United States: Historical Development and Current Issues" discovers that although during this period there was a general sense of permissive toward all languages, it is crucial to know that during this period there was no promotion of bilingual, there was a type of tolerance of the new immigrants. It is important to know that this way of tolerance means that the founders of the United States knew exactly how to avoid social and political conflicts, keeping the unified spirit was at the top of their priorities in this stage.

# 4. English Promotion and Other Languages Restriction Era

Skutnabb-Kangas et al. (1995)in their book "Linguistic human rights: overcoming linguistic discrimination", and Ricento & Burnaby (1998)in their book "Language and politics in the United States and Canada : myths and realities"

clarify that the 1880s was an extreme turning point in the history of LPP in the US. There were many repressive policies enacted against immigrants, and restriction of immigrant languages were part of a general campaign to genocide Native American culture in order to "civilize" American's immigrants and contain them into the American society. The nation's xenophobia and isolationism manifested themselves distinctly in passage of the First Immigration Quota Act, on May 19, 1921. Accordingly, the number of admitting immigrants of any citizens was not to exceed two percent of the number of persons of those citizens listed in the 1910 census. "I think this chamber here," pontificated Representative J. N. Tincher of Kansas, "is a place where we ought to think, act and do real Americanism." By permitting more immigrants to enter this country, he argued, the day may come when a member of the House will have to say "Mr. Speaker in Italian or some other language" (Remini, 2008, p. 210). Additionally, since the 1880s there were anti-German legislations and sentiments, it came from anti-Catholic campaign. During this period, leaders of missionaries struggled against this new trend, they asked to continue to use Native American mother tongues at schools. But the efforts of those leaders were unsuccessful in facing restriction policies. Many scholars argue that during this time American Protective Association (APA) put a lot of efforts to promote all laws related to immigration restriction, some states such as Wisconsin and Illinois adapted restriction of immigrants' cultures and their languages rules in 1889(Lawton, 2010). Also, during the 1890s, the Immigration Restriction League was established, there was agitation against immigrants illiteracy, any immigrant or foreign want to settle in the US must has the ability to read (40) phrases or words in any language (Higham, 2002). Thus, the fear of foreign cultures and ideologies increased in the US. Consequently, there was a call for assimilating of immigrants into American language and culture. For instance, the Naturalization Act of 1906 stated that any immigrant desiring an American citizenship must have the ability to speak English (Tatalovich, 1995).

Therefore, according to many sources at the turn of twenty century, the United States moved away from laissezfaire language policy which had been adopted before its declaration of the war against Germany during World War I (Wiley, 1998). Higham in his work "Crusade for Americanization" argues that as a result of the war with Germany there was a strong push for adopting monolingualism, teaching in German over the US was eliminated because German speakers and supporters were portrayed as anti-American. From 1918 to 1920, the Bureau of Naturalization and the Bureau of Education of the United States sponsored bills that "provided for substantial federal aid to states, on a dollar-matching basis, to finance the teaching of English to aliens and native illiterates" (Higham, 1992, p. 82). Kloss (1998)"The American Bilingual Tradition" confirms Higham's argument, when he indicates that by 1923, more than 34 states in the US passed laws dictating English-only at schools, not only in public schools but private schools, as well. This trend for homogeneity continued during most of the first half of the 20th century. Many factors along with World War I stimulated monolingual policy such as the needs for national unity during this era, the desire of American leaders to centralize national gains around the country's goals, and additionally bureaucratization and standardization of urban schools (Gonzalez, 1975; Tyack, 1974). Similarly (Higham 2002), "Strangers in the Land: Patterns of American Nativism, 1860-1925" says that during the first half of the 20th century, schools in the US created Americanization program, it was an integration program for the newcomers of immigrants. Americanization programs were a way to prepare immigrants to be part of American society and American language was essential. Also, Americanization stimulated immigrants to leave their ancestral language and culture, adopting American values and language.

Ovando & Combs (2012) have a rather different argument whereas they argue that this period was called sink-orswim and sometimes known as submersion. Due to the fact that most policymakers and educational leaders believed that it was up to minority students to assimilate into American society, but when those students got academic failures, their mother languages and cultures were blamed. Teachers and policymakers did not agree on their responsibility to improve minority students linguistically. In other words, students who were non-English speakers had to learn only by using English language, and they usually did not prosper academically because of their linguistic background as policymakers and education administrators believed, so immigrants' students had to speak English fluently to avoid failures.

While Baker & Jones (1998) address that although the strong trend for restricting foreign language during the first half of the 20th century and adopted English-only rules, there was debate over foreign language speakers' right to use their language at schools and public services. For example, in Meyer v. Nebraska in 1923, the decision of the Supreme Court considered the prohibition against teaching foreign languages in elementary schools by Nebraska to be unconstitutional depending on the 14th Amendment. Kloss argues this decision as a Magna Carta for private nationality schools because it enabled "all immigrant groups to cultivate their languages as a subject matter in private elementary schools" (1998, p. 73). However, these demands and court declarations left the acceptance of language diversity in American society unaffected as monolingual movements were still strong all over the United States of America. Wiley (1999) argues that at the end of the 1930s some of the stringent LPP directed at Native American languages were relaxed.

Crawford (1993)in his essential book on bilingual education history in the US entitled "Hold your tongue: bilingualism and the politics of English Only" mentions that this period (from the 1880s to the end of World War II) could be called "instrumental and symbolic politics," or the process of promoting ideologies' objectives and principles, during this period proponents of monolingual pushed policies to teach non-English speakers English as fluently as possible. Also, proponents insisted that immigrants should show respect to the language of their adopted country. Throughout the US history before the 1940s there was a practical objective, meaning that language policymakers believed that if they make an exception for one group, the other groups would demand to have the same exception (Bybee, Henderson, & Hinojosa, 2014). So, language policymakers in the US chose to push all groups to be English speakers. Furthermore, Bybee et al. (2014) indicate by the time during the 1930s and 1940s, where American civilization was superior and the main goals for language policies were to destroy minorities' languages and cultures in order to maintain the domination of colonial. The human right movements did not appear yet, many tools were used to restrict foreign languages, particularly Spanish and

German. For example, the U.S.-appointed commissioner of education in Puerto Rico stated, "Colonization carried forward by the armies of war is vastly more costly than that carried forward by the armies of peace, whose outposts and garrisons are the public schools of the advancing nation" (Crawford, 1993, p. 50).

Some authors believe that despite the assimilation and restrictive environment, many members of minority groups continued to maintain their native tongue in thriving, such as Wilkerson & Salmons (2008) in their article under the title " 'Good old immigrants of yesteryear' Who didn't learn English: Germans in Wisconsin" debunk the allegation that the 19th century newcomers to the US typically became bilingual immediately after arriving, providing much evidence that Germans in Wisconsin mainly remained monolingual German speakers effectively into the 20th century. Wilkerson and Salmons additionally, point out that during the first half of the 20th century many immigrants resisted non-English restriction policies by purposely maintaining their native languages.

Overall, we can say that the huge number of immigrants who reached America's shores during the late 19th century was the main reason behind linguistic diversity restriction in the US. Along with the unstable political and social satiation in the US from 1880s to 1940s caused by the Spanish War in 1898, the World War I &II and the transition to the industry sector played important roles in adopting the English-only rules and principles, anti-foreign languages occurred clearly during this period of American's language policy history

#### 5. Other Languages Accommodation and English Promotion Era

Another important work in language planning and policy in the United States is Wiley (2014), in his work, Wiley argues that World War II served as the crucial wake-up response regarding the inadequacies of foreign languages in the United States, foreign languages, science and math skills were essential for the US military, for diplomatic and for commercial. Later during the Cold War era, these subjects became on the top priorities of the US national defense. Similarly, Meyer Weinberg, (1995)confirms that after World War II and when Sputnik was launched by the Soviet Union on October 4, 1957, the Federal government agendas and policies shook in the importance of foreign languages, mathematics, and science. This shiny Sputnik object making its way through the atmosphere of the earth led to the creation of the National Defense Education Act in 1958. One of the main goals of this act was to improve the level of foreign languages in the United States. Henceforth, a new stage of language planning and policy started in the United States, diversity and foreign languages became a goal for the US policymakers. Ovando & Wiley (2003) indicate that generous effort and fellowship were awarded to promote teaching foreign languages, National Defense Education Act put much effort to increase the number of teachers and students who would evolve in foreign languages. But Ovando (2003)critics that although this promotion, the National Defense Education Act did not alter the disjointed linguistic tradition among American's society. The federal government was encouraging its citizens to learn other languages and at the same time, those citizens were monolinguals. So, in practicality the National Defense Education Act was inefficiency even cost a lot.

Ricento (2005) addresses the role of the global human rights movement in the 1660s especially the American's Civil Right Act in 1964 and its impact on LPP in the US, the act was passed and led to the creation the Office of Civil Rights. In fact, human rights movements not only in the US but all over the world, at that time, helped to create a general sense of minorities rights and how the US could utilize the linguistic gifts which came from non-English students at American schools. Also, Molesky (1988) points out that the changes in immigrants' laws contributed in the new stage of LPP in the US and rebirth of accepting languages other than English. Molesky argues that during 1966 there were large numbers of Latin Americans and Asians who started to arrive in the US as a result of the 1965 Immigration Act which revoked the Naturalization Act of 1906. The Immigration Act in 1965, replaced the 1924 national origin quota system.

With these demographic changes, many new minority languages appeared on the US territory.Bybee et al. (2014) refer to Fidel Castro's Cuban Revolution of 1959 as one of the factors of LPP in the US at the beginning of the 1960s, because the Cubans who were exiled from their country to Florida envisioned that they would stay in the United States for a short time. Thus, they asked their children to remain in their native culture and language in preparation for returning to their home. Cuban refugees in the US established a useful two ways bilingual program in order to balance teaching their children in English and maintaining Spanish at the same time. This program was launched in 1963 at Coral Way Elementary School in Florida. It was a highly successful experiment and it was supported by Cuban Refugee Act. Many scholars believe that the success of Coral Way with bilingual education in the United States opened the door for other bilingual programs in the whole country (Gonzalez, 1975; Ovando & Combs, 2012). Henceforth other languages and programs started to appear since 1966, being bilingual became acceptable.

Courts, federal, states and society support of language diversity throughout the 1970s were considered by many scholars as an important victory because schools during this time were forced to deal with bilingual speakers in unprecedented ways (Gándara, Moran, & Garcia, 2004; C. Ovando, 2003). For example, a declaration from the Supreme Court announced that school administrations have to provide "affirmative remedial efforts to give special attention to linguistically deprived children" (U.S. Supreme Court, 1974, p. 5). As Wright (2010) in his book entitled "Foundations for Teaching English Language Learners: Research, Theory, Policy, and Practice" notes that during the 1970s and 1980s there were federal and states efforts to encourage language learning. For example, in Texas there was a decision reached that required all districts to create their own plan to help Mexican-Americans learn English and help Anglo-American learn Spanish.

Starting from the late 1980s there were new initiatives to reform public schools because there were some social and political debate regarding the status of foreign language speakers (Sidanius &Pratto, 2001). These initiatives usually targeted bilingual and minority language speakers. With the accelerated awareness of the role of linguistic rights in the American societies, using non-English languages were often cited as one of the best manners to offer integration

environment for minorities in the US. LPP in this era achieved immigrants' integration by solving their cultures and languages problem (Christian, 1996; Collier, 1995; Cummins, 2000; Freeman, Freeman, & Mercuri, 2005; E. E. García, 2005; Thomas & Collier, 1998). It was important for the United States leaders to maintain American unity by assimilating minorities along with ensuring and maintaining the American identity by keeping English overwhelmingly popular in the American land.

Collier & Thomas (2004) in their article "The Astounding Effectiveness of Dual Language Education for All" discover that the positive outcomes of LPP in the US during the 1970s and 1980s, it closed the gap between students from all categories. These offers also were essential in improving American unity and closed the gap between American social groups. García (2005) argues that these programs under the umbrella of federal and states goals not to promote bilingualism only but bi-cultural, as well. In contrast Bybee et al. (2014) address that there was a battle against multilingualism and bilingual in the United States strength during the 1980s and 1990s, this fight against bilingualism challenged the previous 20-year of language diversity development. Bybee et al.argue that the politics of language during Reagan and Bush administrations contributed to the anti-bilingual seeds.For instance, presidents Ronald Reagan during remarks to the National Governors' Association-Department of Education Conference in Columbia in March 26, 1987, said: "instead of what the move should be if they're going to be in America: They have to learn our language in order to get along. And I will do anything that I can to help to get rid of any Federal interference that is trying to force local school districts to

continue teaching students in their native tongue. Their job is to teach them English" (Reagan, 1987). Interestingly, throughout the United States history, multilingualism prosperity or decline depending on immigration waves, that means there were language conflicts appearing in the US during and after the arrival of a large number of immigrants. This, according to Wiley, because "people who had previously enjoyed privilege and high status feel threatened by a newly mobilized language minority group" (1995, p. 106). Thus, we can say that there was a turn down of language diversity starting from the late 1980s, the controversy about immigration issues might the main reasons behind this decline of foreign language encouragement.

Lara-Alecio et al. (2004) point out that since 2000 and with the new federal and states acts regarding language, the rate of bilingual speakers has increased. For instance, over 80 school districts in Texas adopted bilingual programs. While Callahan & Gandara (2014) have another argument, they say that despite the clear educational, cultural, and economic benefits of multilingualism in the United State throughout the second half of the 20th century, the linguistic issue in the US is still complicated and contradictory, they have noticed that recently there is a trend towards linguistics assimilation policies as opposed to multilingualism.

Moreover, since 2001 there have been some re-authorizations and programs target linguistic in the US. But many scholars consider the main goal of these initiatives is to develop English language skills and to solve literacy problems in the American society. None of these initiatives promote Native American languages or immigrant languages (Czegledi, 2017; Hult & Hornberger, 2016)

Finally, the debate comes from the government's position towards English and other languages. But, in general, language planning and policy in the United States of America fluctuates between promotion, tolerance, and restriction. Assimilation and bilingual initiatives of non-English languages have been initiated since the Cold War until the present day.

# 6. Summary and Conclusion

This work could be summarized as an explanation of linguistic challenges faced by policymakers throughout US history in the process of LPP and as a presentation of historical episodes within the promotion, expediency, tolerance, restriction and repression periods of language diversity in the US. From the above arguments, the following points could be reached:

- Tolerance policies were primarily used throughout most of US history and that reflected the thinking of the language policymakers to not create new issues inside American society and focus on sources of union which were based on language diversity. However, tolerance LPP which had spread all over the country disappeared during the World War I era when an epidemic of anti-multilingual and anti-foreigner legislations were provoked in an environment of super-patriotism and xenophobia
- The critical examination of LPP controversies in this work indicates that the US's LPP, under the strong influence of dominant language-as-problem orientation, has been largely encumbered by ideologies and politics. The tremendous influence of the dominant ideological assumptions and language orientation has not only prevailed during the nineteenth and twentieth centuries but still dictates LPP decision-making in the 21st century.
- Although non-English languages skills were obviously appreciated in US national security, there was no attempt
  made to reform the lack of linguistically proficient personnel among the society by relying on immigrants, which
  stances reinforced the sociolinguistic "schizophrenic" nature of language policy in the US. The clear tendency that
  plain English has increasingly offered to all minorities instead of the official recognition of language use.
- The current state of language policy in the United States seems complicated and contradictory. From one perspective, it appears clearly that the pendulum has swung towards more assimilationist policies which aims to restrict language variation all over the country. However, from another perspective, dual language programs and heritage languages maintenance initiatives, including classroom instruction in two languages, have widely increased recently.
- In pursuit of equity and social justice for all children, the local, state, and national leaders of today and tomorrow must have a clear sense of how diverse groups have succeeded, or failed, in getting attention for their language

needs. Likewise, such leaders must also understand why and how opponents have prevailed in various periods in discrediting the benefits of quality language rights.

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