

FIGHTING WORDS

by Sarah Henry
Los Angeles Times Magazine
June 10, 1990

California's Official-Language Law Promises to Preserve and Protect English. Can the State Preserve and Protect Its Citizens' Civil Rights at the Same Time?

THE TROUBLE BEGAN in an empty patients' room on the third floor of the Pomona Valley Hospital Medical Center. Aida Dimaranan, an assistant head nurse on the maternity ward, was taking a dinner break. She didn't want to get too far from the busy unit, so she and two other Filipina nurses sat on the beds, sharing a quick meal and swapping stories about their children's latest antics. They spoke quietly in Tagalog, a language of the Philippines.

A supervisor, passing by the room, walked in on the three nurses. He jabbed his finger in Dimaranan's direction and sternly reprimanded them all. Although she doesn't remember exactly how he said it, Dimaranan recalls, his meaning was clear: "We were told very firmly not to speak in our Filipino language because it was rude."

Dimaranan was shocked, but she didn't want to argue in front of nurses she supervised. She told him tersely that she thought he was being unfair and went back to work. "I left before I said anything I would regret," explains Dimaranan. "I was really upset."

Sometimes it might be impolite to speak in a foreign language, she thought as she drove home that night. But on a break, over dinner? There were six Filipina nurses on the staff, and although they did speak Tagalog in casual conversation, it had never caused a problem, as far as Dimaranan knew. She decided not to make waves. It was probably best, she thought, simply to act as if nothing had happened.

About four months later, in April, 1988, at a staff meeting of the maternity unit, Dimaranan and the other Filipina nurses were again taken aback when they were ordered by the unit director, Connie Tanqueray, and the unit's head nurse, Mary Holstein, not to speak Tagalog while at work. The policy was clarified in August, according to Dimaranan: Speaking Tagalog would not be tolerated under any circumstances—not during breaks, not in the cafeteria, not even while phoning home.

Hospital administrators deny that there was ever a no-Tagalog, English-only policy on the maternity ward. Pomona Valley spokesperson Christine Karlsen says the hospital has been "unjustly accused." Neither Tanqueray nor Holstein will comment on the incident. But the minutes of a May 10, 1988, staff meeting record that the head nurse said: "The use of Filipino language . . . won't be tolerated."

The Filipina nurses began to whisper into the telephone when they checked on their families. They stopped greeting doctors and colleagues with the familiar Tagalog hello-kamusta. One nurse remembers changing into her uniform in the dressing room as she talked to a co-worker in Tagalog. "Suddenly," she recalls, "the other nurse said to me, 'We have to be careful. Make sure there is no one in here to report us.' The whole thing made me very nervous."

"It made me furious," says Dimaranan, who speaks flawless English with a slight accent. "It was so unfair. They didn't explain why or what the consequences would be. There was no way I was going to enforce the policy. They didn't like that. As a manager, I was supposed to be supporting the administration."

With the new rule, the work atmosphere became increasingly strained. At unit staff meetings, Dimaranan recalls, head nurse Holstein would ask non-Filipino nurses: "Have you heard them speaking their language?"

"It was embarrassing and humiliating," says Dimaranan, who challenged the rule in the meetings. "We weren't doing it (speaking Tagalog) to deceive anyone. We are professionals."

Dimaranan says she was reprimanded at least five times for speaking Tagalog. The other assistant head nurses, she says, were told to write up any errors, discrepancies or problems they might have with Dimaranan's work. "It got out of hand," says nurse Sherly Agustin. "Aida's supervisors were picking on her for really petty stuff—bedpans, garbage. It was ridiculous."

A review of Dimaranan's performance evaluations shortly before the language dispute reveals a work record that is uniformly positive. In Dimaranan's first evaluation after being promoted to assistant head nurse, Holstein gave a glowing review: "Aida has increased the level of patient care. . . . The unit is more unified and patients' needs are more consistently met."

But in an evaluation covering the period between August, 1987, and August, 1988, when the debate over language use was festering, Holstein found fault with many areas of Dimaranan's work. A special September, 1989, follow-up report calling for Dimaranan's reassignment was even more negative. It criticized her "poor management" and "authoritarian style of control," adding that she "created tension and caused division of the staff."

Dimaranan, 46, who has worked at Pomona Valley Hospital for 13 years, says she believes that these two highly negative work evaluations were prompted solely by her objections to the language restrictions.

When word of Dimaranan's job assessment and her subsequent reassignment as an emergency-room nurse spread throughout the unit, nine nurses—including the six Filipinas—signed a statement in support of their former supervisor. "She's not perfect," allows one. "But we all make mistakes. How did she carry out her job if everything was so wrong? I think the supervisors were trying to punish her because she defended herself on the language issue."

Hospital administrators, meanwhile, insist that Dimaranan's demotion was based only on performance factors. But Aida Dimaranan, many of the nurses in her unit and the lawsuit she has filed argue that the demotion had nothing to do with work performance. From their point of view, Dimaranan's reputation, 25-year nursing career and livelihood were threatened because the hospital had adopted a new and unfair policy: In the workplace, employees, whether they're conducting business or just phoning home, should speak English, and English only.

MORE THAN a million Californians signed petitions to put Proposition 63 on the state ballot in November, 1986. The stated purpose of the initiative was "to preserve, protect and strengthen . . . English" by making it the official language of the state. It seemed like a concept few Americans could argue against. The measure passed by an overwhelming 73%.

Prop. 63 was sold as a symbolic expression of support for English, which by custom, if not by edict, has always been the official language of the United States. The sponsors of the proposition claimed that the new law would simply acknowledge that reality and further the notion of one country and one language. However, most state legislators, union groups and major media, including *The Times*, warned that although making English the formal, official language of California might seem like a vote for apple pie, the measure carried with it the potential to be downright un-American. At the worst, they said, it could be used to justify discrimination against the newest immigrants in a country built on immigration. At the least, it could mean costly and divisive legal wrangling over exactly how to enforce such a measure.

In the four years since voters approved Prop. 63, the "official-English" movement has pushed for laws that would restrict the multilingual services California provides—bilingual education, ballots and driver's-license exams provided in more than one language. Such moves, argue the American Civil Liberties Union, the Mexican American Legal Defense and Educational Fund and other organizations that monitor discrimination in the state, foster an environment that encourages language bigotry. And, they say, such intolerance has been increasing. In Monterey Park, the city's guardians opposed a gift to the library of Chinese-language books: "If people want foreign-language (books), they can go (buy them) on their own," said then-Mayor Barry Hatch. (His comments caused a furor; the gift was accepted.) At a Municipal Court in Huntington Park, a clerk, hired for her bilingual skills, was forbidden to speak privately in Spanish on the job. (This case went to the U.S. Supreme Court, which, on a technicality, vacated a 9th Circuit Court of Appeals decision that the rule was discriminatory: The clerk had left the job before filing her suit.) And in Pomona, an ordinance passed requiring store signs to contain at least 50% English. (The ordinance was later struck down by the courts.)

Edward Chen is a second-generation Chinese-American and the American Civil Liberties Union's expert on language discrimination in California. "People don't understand the issues," he says. "Some people support making English the official language because they think it will help immigrants learn to speak English." But these things are insidious, he'll tell you. "And they really don't work."

SITTING IN AN oversized chair in his sun-filled office on San Francisco's Market Street, the chairman and Western states director of U.S. English is looking a little overwhelmed. Stanley Diamond has been away from his office evangelizing for English-and now his large desk is piled high with newspaper clippings to read and phone messages to return. Still, he's eager to discuss the merits of the idea of making English this country's official language and to dispel any criticism leveled at his group-the most influential organization in the movement.

Diamond is a stalwart of the 7-year-old official-English movement, and his avuncular appearance belies a fierce commitment to his cause: ensuring that all government business is conducted in one language-English. The issue, from the U.S. English perspective, is simple: The English language is endangered; we need to protect it-make it official-because it is the only glue that can bind together a country whose residents speak a multitude of different languages. Is it racist, he asks, for Americans in America to expect to be able to get information easily from their fellow citizens at city hall, at a gas station or at their neighborhood convenience store? His California members tell him "all the time" that such simple tasks are impossible because the new immigrants who work in such places don't speak English well enough to be understood. He notes another frequently expressed belief among some Californians: Today's new Americans don't feel compelled to learn English, and, in fact, the government makes it easy for them not to.

The organization's slogan is "A common language benefits our nation and its people." Its leaders have appeared on national television promoting their beliefs, courted high-profile celebrities and politicians sympathetic to their cause (the board of advisers includes Arnold Schwarzenegger, Alistair Cooke and former U.S. Senator Barry Goldwater) and aggressively pursued support through direct-mail campaigns. U.S. English now claims 400,000 members nationwide and has a membership-driven budget of more than \$6 million. The group has been credited with persuading voters in 13 states-including California, Arizona, Colorado and Florida-to pass official-English amendments to their constitutions. (Last February, a federal judge threw out Arizona's official-English law, saying it violated the First Amendment.)

U.S. English also works to restrict bilingual education, eliminate multilingual ballots and fend off court challenges to official-English laws. The group's major goal is to pass an amendment to the U.S. Constitution making English the official language of the United States. U.S. English also has supported a House of Representatives bill that would essentially do the same thing by statute instead of by constitutional amendment.

Diamond, himself of Latino heritage, says he is not aware of any cases of discrimination based on language resulting from Prop. 63. When an example similar to Dimaranan's case is offered, he leans forward and listens thoughtfully, then waves it off as an incident "blown out of proportion." He is just as emphatic when he says such "minor things" have little to do with the passage of official-English laws and a lot to do with "our opposition picking out very minor things and getting press space."

Kathryn Bricker, executive director of Washington-based U.S. English, adds that critics of official English don't understand what is at stake if new immigrants fail to learn English. Responding to criticism that the organization had done little to help immigrants learn English, U.S. English started in 1987 to fund private English-literacy programs such as the L.A.-based Project Golden Door. These grants, however, represent only 7% of the group's budget for this year. "None of the organizations that challenge us give one cent to language classes," claims Bricker.

U.S. English, says Diamond, shares a similar agenda with another group, English First, a Virginia-based organization that has about 250,000 members nationwide. U.S. English, because of its nonprofit status, can only do a limited amount of direct lobbying for its cause. English First keeps a full-time lobbyist in Sacramento.

Considered politically to the right of U.S. English, English First lacks the mainstream appeal of U.S. English, which describes its like-minded companion as "hard line." The president of English First, Larry Pratt, is the executive director of Gun Owners of America and secretary of the board of directors of the ultraconservative Council for Inter-American Security, a Washington, D.C., think tank that has published a report linking bilingual education with Spanish-speaking separatists and thus to terrorism.

Diamond remembers a California Assembly hearing at which he and Pratt testified. The committee was considering a bill that would compel government employees to speak English on the job. The committee asked Pratt a hypothetical question: What would he do if non-English speakers at a welfare office needed assistance? Pratt's response, Diamond says, was along the lines of "that's too bad, they should bring an interpreter." Diamond thinks that such a response is unacceptable because, where the issues of public welfare, safety or justice are concerned, "immigrants are entitled to be heard and communicated with in their own language." Diamond makes it clear: "We want to be totally disassociated with English First."

But U.S. English has had its own image problems. In the fall of 1988, a memo written by co-founder John Tanton surfaced. It referred to what he termed the poor educability, high dropout rates and the high fertility of Latinos. Tanton, in a blaze of negative media attention, resigned as chairman of the organization in October, 1988. Then-president Linda Chavez, one-time executive director of the U.S. Civil Rights Commission, resigned, too, calling Tanton's memo "anti-Hispanic," "anti-Catholic" and "repugnant."

Stanley Diamond believes that John Tanton did the right thing by resigning. And although he doesn't think Tanton deserves to be labeled a racist, he makes it known that U.S. English wants nothing to do with the ideas outlined in Tanton's memo. Diamond asserts that racism or anti-immigrant charges against U.S. English are unfounded. "Once you're labeled as racist and far-right and English only, (the labels) stick and are very difficult to do away with," Diamond says. "What we want . . . (has) nothing to do with what goes on in the marketplace or signs in shops."

Those who call his group racist and intolerant, Diamond says, are mistaken; U.S. English wants minorities to succeed-by learning English. But for the first time, he adds, America has immigrants who do not believe it is their responsibility to learn English. "We have Koreans saying, 'We are Korean, and we are special. What's important to us is our language and our culture and we're going to retain that,'" Diamond says. "That (kind of thinking) we oppose."

As a visitor gets up to leave, Diamond points to a large swastika sprayed on a wall directly in front of his office building. A couple of years ago, his telephone lines were cut, he notes, an act police told him was very unusual. He wonders aloud if the symbol of hate that confronts him daily is directed at him.

EDWARD CHEN and Kathryn Imahara are two members of what Stanley Diamond calls the opposition. Chen and Imahara, an attorney in Los Angeles for the Asian Pacific American Legal Center of Southern California, do battle against the fallout from the official-English movement.

"Nobody questions the need for immigrants to learn English," says Chen. "But these laws are punishing. All they do is contribute to an environment of intolerance." Prop. 63, he says, encourages rules against the use of languages other than English, and it fosters the false idea that new immigrants aren't proficient in English because they are refusing to try.

Groups such as U.S. English, asserts Imahara, could do far more good by using all their millions to help immigrants learn English. As an example, she offers a movement called English Plus, a loose coalition of more than 30 ethnic, language and civil-rights groups that share a simple premise: People have the right to speak their own language. English Plus encourages non-native speakers to learn English and also promotes second-language education for native English speakers.

According to Chen and Imahara, the negative effects of the official-English movement are playing themselves out in the workplace. Since Prop. 63, says Chen, "there has been a rash of English-only workplace rules." Imahara represents Aida Dimaranan (along with the ACLU) in her clash with the Pomona Valley Hospital Medical Center. Another of her clients is Tony Wong. In 1988, Wong was a number-cruncher in the policy-services department of the Executive Life Insurance Co. in West Los Angeles. One morning, on the top of his in-box, he found a brief interoffice memo. At first he thought it was a practical joke.

The memo read: "Communication by any other language (aside from English) is prohibited and is grounds for probation and termination." Written across the bottom was a terse, handwritten message to supervisors: "This continues to be a problem. . . . Suggest you take as strong a stance."

The memo, Wong says, "felt like a slap in the face."

Executive Life says the memo's intent was "only to promote and maintain good customer relations and a positive working environment." Rick Palmer, vice president of administration for Executive Life-who stresses that the company has an active affirmative-action plan-says supervisors at the company had received complaints from some monolingual employees that foreign-language speakers were causing a morale problem by "giggling and carrying on."

"Think how you would feel," reads a draft memo never circulated to employees, "if people purposely tried to exclude you from conversations by speaking in a language you did not understand. We all work best when we feel included, not excluded, and that is what we are trying to achieve."

Think how you would feel, counters Wong, if you could lose your job simply because you had an informal-but non-English-chat with a friend by the coffee machine.

"The memo assumed Asians are ignorant," says Wong. "We didn't speak in Chinese much. Clients only come up to that floor about once a month, and we have the respect to keep the tone down and not to speak in another language in front of them. So when they tried to use that as a defense, that didn't hold ground with me."

Wong filed a complaint with the U.S. Equal Employment Opportunity Commission, which can investigate discrimination charges and sue on behalf of employees. The Civil Rights Act of 1964 protects citizens against workplace discrimination on the basis of age, sex, national origin-among other things. "The (EEOC guidelines) basically say: A person's language is such an important part of national origin that you can't separate the two," Imahara explains. So, according to the EEOC, a rule that prevents workers from speaking in their native tongues except where there is a clear "business necessity" equals discrimination.

As at Executive Life, the language problem often has less to do with customer complaints than with relations among employees themselves. In Wong's case, before the EEOC had a chance to investigate the complaint, Executive Life modified what it called its English-only "practice, not policy."

In one of Chen's cases, Latino and Asian food-service employees at the University of California Medical Center in San Francisco (UCSF) clashed with their supervisors over an English-only rule that was posted and enforced at all times except during lunch breaks or when workers acted as translators-an irony not lost on employees.

"People's physical posture changed once the policy came out," says Yolanda Cortez, a UCSF diet technician and union steward who is Latina but not bilingual. "They did not make eye contact with each other, their shoulders drooped, and they walked with their heads down. It was disheartening to see," she says. "The message was: It's not OK to be yourself." Rene Zamora-Baca got the message. A native of Nicaragua, Zamora-Baca has worked at UCSF as a hospital-meal deliverer for seven years. When he first started, he says, his English consisted of "yes" and "no." "I knew there was no future for me if I kept going that way," he says now in accented but fluent English he learned at night school. By the time the English-only rule went into effect at UCSF, he had few occasions to use Spanish at work because he was the only Latino on his crew.

Zamora-Baca first recalls being reprimanded, however, for giving directions to an elderly Spanish-speaking housekeeper in the hospital hallway. "(My supervisor) told me to talk to her in English. So I told (the housekeeper) in English, but she didn't understand. It was so ridiculous. She was very upset because she didn't know what was going on.

"We are always told to take extra steps to make the patient or the family of the patient feel more comfortable," he says. "When they need someone to translate, I do it, and I don't ask for extra pay because that's part of what we do. There is a lot of injustice there. I don't know how to handle it." Zamora-Baca has been out of work because of a disabling stress-related disorder due, in part, to being cited and reprimanded for speaking Spanish to patients and co-workers at the hospital, according to his doctor.

Zamora-Baca was not the only one who was confused and angry. Lydia de Guzman, who works in the kitchen at UCSF, remembers: "I was given a warning and told if they ever caught me (speaking Tagalog) again, they would write me up. I've been there 18 years. That's the first time I've got a warning. I was upset."

When Yolanda Cortez first saw the English-only rule posted on a kitchen bulletin board, she complained. The hospital's labor relations department firmly stood behind the rule.

So did John Surico, a former UCSF chef and one of the supervisors who, according to workers, actively enforced the rule. In a recent phone interview, Surico said he "directly" enforced it only two or three times. But "indirectly," he says, he enforced it almost daily, adding that he often caught workers speaking in their own language "when they didn't hear my keys jingling and couldn't hear my rubber-sole shoes and didn't know I was coming.

"It did bug me, everyone speaking in their own language," says Surico, who voted for Prop. 63. "We should have a common language so we can work together." He is quick to point out that when he came to the United States from Italy at the age of 6, he had to learn to speak English. "It's gotten so I don't know how to speak Italian anymore," he adds with a rueful laugh.

Surico's main objection to non-English languages on the job is that it makes it harder to give orders, to supervise, to generally be on top of things. And it may even hurt employees' chances for advancement. But for him, like many others, English-only policies also seem to provide an outlet for expressing negative attitudes toward newcomers. Of one older, limited-English-speaking Chinese employee in the UCSF kitchen, he says: "He was a pharmacist in China, but all he was doing here was peeling vegetables. . . . They (just) want to get their pension and buy up half of San Francisco at the same time."

In July last year, Zamora-Baca and his co-workers, who filed an EEOC complaint, were successful in their efforts to force UCSF to revoke the English-only rule. ACLU's Chen, who co-represented the complainants, heralds the resolution of the UCSF case as a "model settlement." University administrators agreed to post signs and send letters to all UCSF workers declaring its non-discriminatory language policy and eliminate negative letters in personnel files of employees who were cited on the issue. In addition, UCSF agreed to organize cultural-sensitivity training for supervisors and managers.

English-only rules have been defeated or drastically modified in virtually every case that Chen and Imahara have monitored. It's almost as if, says Imahara, companies and supervisors don't really understand that language rules are discriminatory. "People are sensitized to blatant racist remarks," she says. "They know (they are) not acceptable. (But) language issues are somehow divorced from that." When the policies are challenged, the companies almost always settle and settle quickly. "But it's so hard to get people to come forward," says Imahara. Edward Chen agrees. "Many language-discrimination cases go unreported because employees fear reprisals or are unaware of their rights," he says. "This is just the tip of the iceberg; I think it's growing, it's vindictive, and it breeds intimidation."

TO LOOK TO THE FUTURE of the official-English movement in California, one needs to follow the likes of John Stoos, who moves through Sacramento with a sense of high purpose and a blustery kind of efficiency. He is a full-time lobbyist for English First. Stoos greets visitors with a military salute and presents them with his card, just large enough to include the English First motto: "Our symbol is the Statue of Liberty Torch, capturing the spirit of immigrants who learned English and became full members of American society."

Stoos is the driving force behind recent attempts, albeit so far unsuccessful, to beef up California's official-English law. As it stands now, says Stoos, the law is just a token measure—the Assembly will not pass laws to enforce it. Special-interest groups (such as the ACLU and MALDEF) are doing all they can to push for government services in non-English languages—at the expense of English, says Stoos. "Once you back down on language, you create a battlefield rather than a melting pot," says Stoos, revealing a penchant for military analogies. Instead of communities, he says, "you live in a battlefield of segregated, factionalized cities."

He is currently keeping an eye on a California Senate bill that would essentially make the federal EEOC language-discrimination guidelines into California law. Employers, says the bill, cannot make English-only rules except where there is a clear business necessity. He's part of the new English First PAC—a fund-raising arm that supports English-only candidates. And he hasn't given up on specific language-restricting legislation, such as bills to limit bilingual education. He is candid about California's importance in the national battle. "If we can do it here, it's going to carry across the country," he says.

But the future of official English doesn't lie only with Stoos. It also lies with Aida Dimaranan, who is ready to fight against the official-English movement in the courts. She has filed a civil-rights suit against the Pomona Valley Hospital Medical Center in both federal and state courts. Although the president of the hospital is now on record against English-only policies ("It is my preference," he wrote in a March, 1989, letter to employees, "that we trust the judgment of each one of our employees to communicate in an appropriate and professional manner"), the hospital steadfastly denies any wrongdoing in Dimaranan's case. Dimaranan says the no-Tagalog rule that she protested is no longer in effect, but she wants the hospital to clarify at which times employees are free to speak in their native language.

And she wants justice: She wants the negative evaluations removed from her record, she wants her old job back, and she wants a court judgment specifying that the hospital violated her civil rights. Set to go to trial in federal court in early August, her case is one of the few language-discrimination cases to make it to the courts rather than end in settlement. If she is successful, her suit will set a precedent against English-only workplace rules.

Dimaranan sees it as a crusade. Sitting in her Rowland Heights living room, where family photos are displayed prominently on a corner table, she talks about being Filipina and American. "I always wanted . . . to come to America," she says. "To me it was such an exciting country." She watches as her oldest son walks into the house. "I regret not teaching my children Tagalog. They have some Tagalog words that they can speak. It's a heritage they will carry on. I tell them to remember not everyone can speak another language." Without pausing, she resumes her previous train of thought: "I've been a very loyal American citizen," she says passionately. "I love this country; it's a land of opportunity and I'm grateful."

Still, she confides, she's down. "Twenty-five years of nursing, and it's crumbled.

"I want to finish this."

Credit: Sarah Henry is a staff writer for the Center for Investigative Reporting in San Francisco.