

Crossing the Borderline of “Null Policy”: the U.S. Federal Congress as a Language Policy-Making Entity

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Introduction

It is impossible for a state to be neutral toward language. Governments necessarily make choices about which language or languages they will communicate in. The idea of “linguistic disestablishment” (Kymlicka and Patten 32) is an illusion, since even a hypothetical “null policy” (Wiley 49) with respect to minority languages inevitably favors the majority (usually official) language and its speakers (Fishman, “From theory to practice” 454). Linguistic non-intervention – an alleged *laissez-faire* language policy by the state—will result in “linguistic Social Darwinism” (Kontra 109), which is clearly detrimental to minority interests. As Shirley Brice Heath pointed out three decades ago, the absence of explicit policy is in itself an act of language policy (qtd. in Paulston 475).

Still, as far as the U.S. government’s record is concerned, the standard policy was “to have *no policy* on language”—at least not “explicitly defined and national in scope” (Crawford, “At War with Diversity” 1, italics in the original). States and localities were generally more active in this arena, all the more since the federal Constitution does not list either “language” or “education” issues among the enumerated powers that are explicitly reserved for the national (also defined as “central” or “federal”) government. Nevertheless, as early as 1794, language policy problems reached the Congressional floor, and almost immediately gave rise to apocryphal accounts of “language wars” between German and English in the House of Representatives (Kloss 28-29; Baron; Czeglédi, “A Mühlenberg-legenda háttere”).

Besides the well-publicized controversy surrounding the officialization of English, other areas have also come into the focus of federal legislative attention: e.g. the education of “limited English proficient” (LEP) children, where even the deficiency-oriented designation (LEP v. ELL—“English language learner”) has triggered politicized reactions; and also the extension of civil rights for minorities, with significant language rights ramifications (Schmidt 11). Yet, we consider this triad to be largely inadequate to account for the multifarious language-related activities of the federal government, especially those of the Federal Congress. We select the “first branch” of government for closer scrutiny, presupposing that in a representative democracy legislative proposals reflect the diverse views of the electorate, including beliefs about the proper societal role of the majority language and that of minority tongues.

This expectation is further justified by the fact that the House of Representatives (with members elected for two-year terms) is very much attuned to public opinion

swings and to the immediate legislative needs of local interest groups. Senators, on the other hand (elected for six years and serving much larger constituencies) are more inclined to seek long-term compromise solutions. By taking into consideration those legislative proposals as well that failed at various stages of the lawmaking process during the 107th and 108th Congresses (2001-2004), we attempt to map not only the full range of policies that “have been made” (i.e. the “enrolled” proposals passed by both Houses), but we also try to anticipate those tendencies still “in the making” which may surface as enacted policies in the foreseeable future. Thus the present examination is supposed to go beyond concentrating solely on declared (or explicit) laws and policy, and is expected to move toward probing the “subtler realm of convention, beliefs and attitude, culture and tradition” (Lo Bianco 39-40); i.e. the “linguistic culture” (Schiffman) or “language ideology” of the country (e.g. Heath; Tollefson; Ricento; Crawford, “Educating English Learners”; Spolsky, *Language Policy*, “Language Policy: Keynote presentation”).

A Possible “Accounting Scheme”

At this point, Moshe Nahir’s eleven-point classification of “language planning¹ goals” presents itself as a likely accounting scheme or “descriptive framework.” It was originally laid down to cover the totality of language planning functions, with the purpose of trying to establish what various agencies “*have been or may be seeking*” in this area (Nahir 425, italics in the original). Obviously, a detailed classification will inevitably contain overlapping, sometimes even contradictory categories within the same legislative proposal. On the other hand, a few language planning goals identified by Moshe Nahir (e.g. “language purification,” see below) are not at all expected to appear in the examined federal legislative proposals, whereas other policies (e.g. providing “access” and strengthening “national security”) have been so prominent for the past decades that the tendency justifies their treatment as separate functions.

The following table summarizes the extended descriptive framework of LP goals used to systematize the multifarious language-related legislative proposals between 2001 and 2004:

Table 1

1. Language Purification	Protecting the language from external (foreign) influence and/or internal (substandard) deviation.
2. Language Revival	Attempting to turn a language with few or no surviving native speakers into a normal means of communication in a community.

3. Language Reform	Deliberately changing specific aspects of the language (e.g. orthography, spelling, lexicon, or grammar) in order to facilitate its use.
4. Language Standardization	Having a language or a dialect accepted as the major language of the region, which is usually a single political unit.
5. Language Spread(ing)	Attempting to increase the number of speakers of a language at the expense of another language. ² The hastening of language shift, ³ often motivated by political considerations.
6. Lexical Modernization	Word creation/adaptation as a way to assist developed, standard languages that have borrowed concepts too fast to accommodate.
7. Terminology Unification	Establishing unified terminologies (mostly technical).
8. Stylistic Simplification	Simplifying language usage in lexicon, grammar, and style, in order to reduce communicative ambiguity (e.g. fighting “legalese,” “bureaucratese”).
9. Interlingual Communication	Facilitating linguistic communication between members of different speech communities by enhancing the use of either an artificial (or “auxiliary”) language or a “language of wider communication” ⁴ used as a lingua franca.
10. Maintenance	Preserving the use of a group’s native language ⁵ as a 1 st or even as a 2 nd language in the face of political, social, economic, educational, or other pressures.
11. Auxiliary-Code Standardization	Standardizing the auxiliary aspects of language, e.g. signs for the deaf, place names, rules of transliteration and transcription.
12. Officialization	Granting a given language official status.
13. Proscription	Banning or restricting the use of a given language.
14. “Access” Provision	Granting political, legal, educational, etc. access.
15. Literacy Development in the Majority Language	Supporting pre-K-12 and adult English literacy programs.
16. Language as a National Security Factor	Promoting foreign (and/or minority) languages in order to strengthen national security.
17. Language as a Foreign Policy Instrument	Employing cultural diplomacy to spread the English language and American ideals abroad.

The Essential Readings. Ed. Christina B. Paulston and G. Richard Tucker. Malden, MA: Blackwell, 2003) 425. Italics are added to categories not included in Nahir's systematization.

Nancy Hornberger interprets "Revival" (2), "Spread(ing)" (5), "Interlingual Communication" (9), and "Maintenance" (10), as exemplifying "status cultivation;" while "Purification" (1), "Reform" (3), "Lexical Modernization" (6), "Terminology Unification" (7), and "Stylistic Simplification" (8) belong to "corpus cultivation" (453). The notion of "Standardization" (4) embraces both status and corpus aspects, including "Auxiliary-Code Standardization" (11) as its subordinate term, illustrating corpus cultivation (454).

Contemporary U.S. language policy reality necessitates the extension of Nahir's original categories. "Officialization" (12) has been in the forefront of attention for more than three decades even at federal level, and the presence of "extremely substantive" proposals of this kind justifies "Proscription" (13) to be taken as a separate category.⁶ Providing "access" to public services (14) through the recognition of certain (predominantly individual) rights has also been an integral part of American language policy struggles, thus deserving due attention. The "Access"-categories proposed by Arnold H. Leibowitz in 1982 ("political," "legal," "educational," and "economic") are in need of broadening, too: facilitating access to health care services has recently risen to one of the top priorities (which has consequently entailed considerable criticism, e.g. with respect to Bill Clinton's Executive Order 13166); access to media for language minorities has also gained importance; and—in the light of Kymlicka's arguments ("Politics in the Vernacular")—the need to recognize the right of minorities to access their cultural heritage through their native language (as a precondition to successful identity formation) also warrants the inclusion of a separate subcategory, hereafter termed as "Access to Minority Culture."⁷

"Literacy Development in the Majority Language" (15) overlaps considerably with the "Language Spread(ing)" (5) language policy goal, yet the increasing need to fight (functional) illiteracy gives good reason for its inclusion as a separate language policy goal. Furthermore, literacy development has not only neutral, "technical" implications: its "ideological" dimension (Szépe 86) can hardly be neglected, either. In the United States, the persistent model of literacy development has been that of national literacy; the promotion of competing models—e.g. the ones focusing on mother tongue literacy,⁸ multiple literacies, local literacies, and biliteracies (Hornberger 450)—has usually provoked hostile political reactions. In order to reduce the overlap with "Language Spread(ing)" (5), only those proposals are considered as belonging here that focus on pre-K-12 and adult literacy programs. "Language as a National Security Factor" (16)—as regards especially "critical" and "foreign" languages—has been visibly present among the federal-level, language-related legislative proposals at least since the passage of the National Defense Education Act of 1958 (Czeglédi, "Down to Earth"). The "national security" theme has perceptibly gained prominence in official rhetoric since September 11, 2001. Finally, the history of "Language as a

Foreign Policy Instrument” (17) can also be traced back at least to the Cold War years. Based on Coombs, Phillipson identifies book export, the education of foreign students in the U.S., and English-teaching activities abroad (e.g. Peace Corps programs) as practically constituting the “fourth component” of foreign policy (157).

The Corpus of Analysis

The legislative proposals singled out for closer scrutiny during the 107th and 108th Congresses (2001-2004) were accessed through the online “THOMAS” Federal Legislative Information Service (<http://thomas.loc.gov>) in January 2005. The full text search of bills and resolutions introduced in and/or debated by either House during the two sessions of the 107th Congress (Jan. 3 through Dec. 20, 2001, and Jan. 23 through Nov. 22, 2002) included three independent queries.

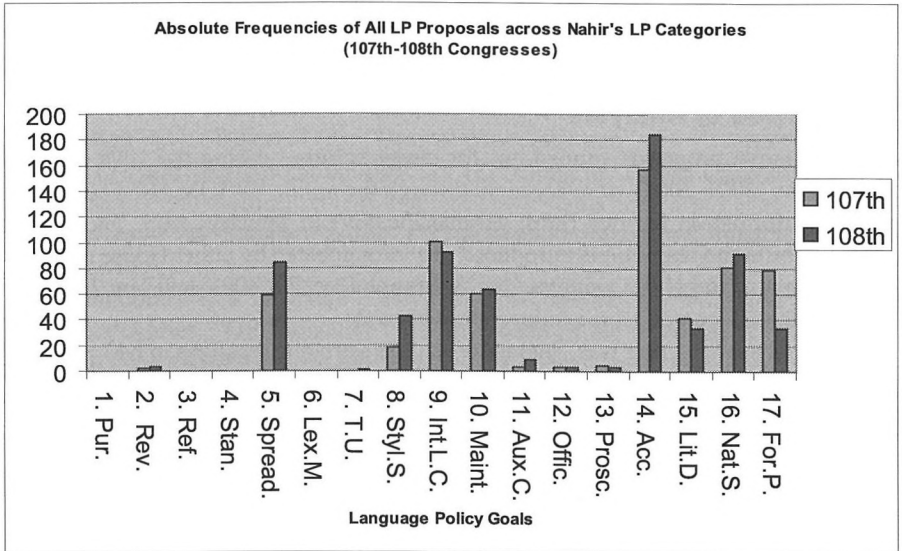
The first search string was “language” and its variants, resulting in 642 legislative proposals⁹ containing the specified word(s), which group was narrowed down to 337. The rest (305 proposals) was excluded from further examination since they did not contain relevant language policy aspects, merely references to the “language” of other proposals or laws, to “language impairment” as a medical condition (in general health care bills), etc. The second query focused on the proposals containing “bilingual” (and its variants), which returned forty-five matches. Discounting the overlapping cases already listed within the “language” set, the remainder numbered eight bills. The third search string included “limited English proficient”¹⁰ (LEP) and its variants, in order to account for those proposals that might not contain either “language” or “bilingual” (since the latter term has largely been discredited in and by the strengthening assimilation-oriented rhetoric of recent years), but would still have the potential to affect either the LEP-education or “access” categories. After removing the overlaps, twenty-six relevant instances were found with clear language policy implications. The total number of bills and resolutions—plus their respective versions at various stages of the lawmaking process—was thus reduced to 371 during the 107th Congress.

During the two sessions of the 108th Congress (Jan. 7 through Dec. 9, 2003 and Jan 3 through Dec. 31, 2004), we found 394 legislative proposals with language policy relevance, using the same search criteria as in the case of the 107th Congress. From these 394 relevant hits, 376 included “language” and its variants; five contained “bilingual” minus “language,” and there were thirteen proposal versions in the “limited English proficient” minus “language” and “bilingual” subset.

Findings

The graph below shows the distribution of all language-related legislative proposals according to language policy (LP) goals during the 107th and 108th Congresses (2001-2004):

Table 2



Language Policy and the 107th Congress

Altogether seventeen enrolled Acts, which are the results of a series of compromises, represented the “policy of the United States”¹¹ in language-related matters during 2001-2002. The most important piece of legislation, the “No Child Left Behind” Act (NCLB) contains a series of overwhelmingly assimilation- and “Language-as-Problem”-oriented policies (see Ruíz 15-21), which are to determine K-12 LEP-education at least until 2007, when the 7th reauthorization of the Elementary and Secondary Education Act of 1965 is due. Throughout the Act, the only minority languages recognized as worthy of federal support are the indigenous languages, which are justified to deserve this special treatment as a remedy to past injustices committed against the various language communities by U.S. authorities, often while implementing policies made by the Federal Congress. The NCLB was eventually a bipartisan piece of legislation, with few dissenting votes cast,¹² thus it can safely be considered an Act reflecting the underlying U.S. language ideology with respect to the perceived role of minority languages in education. The frequency of the “Interlingual Communication” LP goal indicates the general importance attached to it by the legislature (especially by the Senate), yet none of these Acts placed minority languages in an unequivocal “Language-as-Resource” perspective, referring to heritage languages¹³ (HLs) as genuine assets. Partly as a result of this “missing link,” minority “Language Maintenance” received very limited attention—with the exception of indigenous languages.

The exigencies of the national security situation after 9/11 led to a seemingly mi-

nor, although from the LP point of view very significant development: the standardized transliteration requirements of foreign (especially Arab) names represents an extremely rare instance of corpus planning (in the form of “Auxiliary-Code Standardization”) being elevated to the level of federal policy by the “Intelligence Authorization Act for Fiscal Year 2003” (HR 4628 ENR).

Within the “Access” LP category, the strongest language rights guarantees appeared in the areas of health care (translation and interpretation requirements, where feasible), and political rights (in the form of the continued use of bilingual ballots—i.e. “alternative language accessibility,” where appropriate). The importance of these regulations goes beyond the actual safeguards embedded in the Acts, since these pieces do not differentiate between indigenous and non-indigenous language minorities. Whenever the “Literacy Development” LP goal appeared among the enrolled proposals, it inevitably strengthened the “national literacy” model, with no concessions made for bi- or multiliteracy.¹⁴

Despite the fact that the “National Security” theme surfaced in nearly half of the enrolled proposals, the net effect of these Acts cannot be compared to the impact of the 1958 NDEA on the education system. Thus, from the strict LP perspective, it may be tentatively stated that 9/11 did not represent as much a crisis in and immediately after 2001 as had the Sputnik shock in the late 1950s. After September 11, no language-related “National Security” Act produced a systemic reform: all the seven relevant pieces set out to improve, enlarge, or streamline actual structures and to take stock of already-existing resources. Finally, language as a “Foreign Policy Instrument” appeared mainly in proposals that regulated and expanded broadcasting activities into areas belonging to the periphery of the U.S. sphere of influence. In these efforts, the radio turned out to be the most cost-effective medium capable of reaching distant (and “underdeveloped”) areas, which shows that the technical aspects of remote persuasion have not changed much since the Cold War propaganda methods employed by Radio Free Europe/Radio Liberty.

The most significant differences between the enrolled proposals and the pre-enrollment versions lie in those LP categories that had actually disappeared during the policymaking process, resulting from the attrition of the original introduced proposals. Thus “Revival,” “Stylistic Simplification,” “Officialization” and “Proscription” did not receive enough political support to be represented among the “officially expressed intentions,” i.e. among the enrolled public policies of the United States. On the other hand, “Auxiliary-Code Standardization” emerged as a new LP category during the lawmaking process, spurred by national security considerations. “Revival” was portrayed as a method to remedy past injustices committed against the Native American population, but even in this packaging, the Language Nest program remained largely marginalized in the Federal Legislature. “Stylistic Simplification” was represented in several proposals, and in these pieces the limited use of HLLs also seemed to gain some legitimacy in the context of “economic access” (otherwise this category was strongly “Problem”-oriented). The underlying rationale behind the “Stylistic Simplification”

proposals was mainly the attempt to empower “victims” (e.g. economically disadvantaged people, terrorist attack survivors, or potentially disempowered minorities), and to protect consumer rights (especially “the right to be informed”).¹⁵ These two streaks met in the obligatory “plain English” and the optional first language parental notification guarantees in the “educational access” proposals. Legislative proposals that set “Officialization” (and “Proscription”) as their LP goal were “language-of-government”-type pieces that often intended to put an end to bilingual education, to ban the practice of bilingual ballots, and tried to introduce “English-only” naturalization requirements. The additional “Language Spread” proposal versions were mostly focused on the quick mainstreaming of LEP students (frequently under the pretext of “Literacy Development”); on civics education; and on “remedial” teaching to eliminate the “language barrier.”

Surprisingly, the 9/11 attacks against the U.S. did not give rise to another wave of (potentially more “extreme”) “Official English” legislation, and neither did they immediately increase the political support behind similar measures. The proposed bill against the effects of Executive Order 13166 seemed to be a more insidious initiative against perhaps the most cherished component of American linguistic culture: the “Access” guarantee. Among the “Access” subcategories it was the “economic access” set that interpreted linguistic diversity strongly from the “Problem”-perspective, with “educational access” following closely in this respect, dispelling pluralist hopes of easily transforming the “Language-as-Right” paradigm into a more “Resource”-oriented interpretive framework in the LEP-education context (Crawford, “Hard Sell”). Despite the practical synonymy between the “Language-as-Right” orientation and the “Access” category, relevant examples of international law were quoted in only two, absolutely symbolic proposals. The health care linguistic access proposals were the most frequent initiatives within the “Access” category; moreover, they did not classify the likely beneficiaries on the basis of their indigenous v. immigrant status, which difference was also neutralized in the “Political” and “Legal Access” proposals. “Interlingual Communication” was a prominent LP goal during the 107th Congress, but the “melting pot”-type “de-ethnization” (Fishman, “Language Loyalty” 15) or “for-ignization” tendency was clearly present in all substantive LP proposals.

The only legislative attempt to coordinate national language policies concerning FL education by the establishment of a “National Language Foundation” was doomed to failure (S 1799 IS), and so were those initiatives that tried to bridge the gap between immigrant HL maintenance and FL education. The lessons of the “Maintenance” LP set are similar: the few attempts to promote the “strong” forms of BE for non-indigenous minorities were rejected (i.e. were not even considered) by the Federal Legislature. This attitude was reflected among the theoretically most maintenance-friendly “National Security” and “Foreign Policy” proposals as well. Symbolic initiatives in the former set recognized the historical importance of Native American languages as unbreakable codes, thus merely praising the past usefulness of indigenous tongues. Currently existing American linguistic diversity was not to be consciously translated

into diplomatic leverage. The importance attached to spreading (American) English cultural and linguistic influence was treated more seriously, especially in the context of Muslim countries, yet not even these proposals reached enrollment stage.

Language Policy and the 108th Congress

The sixteen enrolled Acts represented the “policy of the United States” on language-related matters in 2003 and 2004. Internal “Language Spread” efforts appeared as part of the implementation of previously passed proposals, although with respect to external “Language Spread” (i.e. the conscious federal support extended to the dissemination of English language), the “Intelligence Reform and Terrorism Prevention Act of 2004” made unmistakable steps toward the implementation of American-style education policy in Muslim countries (S 2845 ENR).

Consciously or not, “Stylistic Simplification” became part of federal language policy during the 108th Congress. The rather unspecified “plain English” guarantees reached enrollment stage in three Acts. One of them, the “Individuals with Disabilities Education Improvement Act of 2004” (HR 1350 ENR) established procedural safeguards to ensure the evaluation and placement of children with disabilities in education programs in a racially or culturally nondiscriminatory way. The procedural safeguards notice shall be written “in the native language of the parents (unless it clearly is not feasible to do so) and [. . .] in an easily understandable manner” (HR 1350 ENR, Sec. 1, Title I, Sec. 101, ‘Sec. 615 [d]’[2]). Thus HR 1350 ENR maintained (and in fact, encouraged) the practice of ensuring parental access to educational information concerning their disabled children through the native language. Implicitly, legislators endorsed minority languages in the educational access context more strongly when the indirect beneficiaries of this regulation were children with disability, as opposed to “simply” LEP children).¹⁶

“Interlingual Communication” and “National Security” were basically merged during the 108th Congress. From the point of view of HL maintenance, the exigencies of the Intelligence Community after 9/11 pushed the recognition of even first generation heritage languages as a “Resource” to a previously-unheard-of plateau of federal policy: the “Intelligence Authorization Act for Fiscal Year 2005” (HR 4548 ENR) set up a “scholarship program for English language studies for heritage community citizens of the United States” (HR 4548 ENR, Title VI, Sec. 603). The purpose of the program was to facilitate “critical” HL maintenance in order to strengthen national security, while developing the English language proficiency of the participating students (Title VI, Sec. 603 [a][C]’[E]’[i]). It was the only enacted, substantive piece during the examined four-year period that placed certain minority languages into the “Language-as-Resource” perspective, with the perceived national security threat serving as a catalyst for the process.

“Auxiliary-Code Standardization” emerged to cover strictly internal affairs as well (besides the previously discussed standardized transliteration initiatives): the “Consolidated Appropriations Act of 2005” (HR 4818 ENR) imposed a ban on non-English-

language traffic warning signs paid by public monies. *U.S. English* hailed the proposal as evidence of the Government's determination "to maintain English as the sole language of America's highways," avoiding the possibility of "multilingual nightmares experienced in Canada" (*U.S. English eNewsletter*). HR 4818 ENR unmistakably indicated the Federal Government's willingness to regulate openly language policy issues which were unrelated to "National Security" issues, where federal intervention had been seen—at least since 1958—as justifiable or even desirable.

The LP categories that had disappeared between introduction and enrollment during the 108th Congress were "Revival," "Terminology Unification," "Officialization," "Proscription," and "Literacy Development." The characteristics of the "Revival" LP goal did not change as compared to the similar (i.e. identical) proposal versions introduced in the 107th Congress: HL revival and revitalization were portrayed as justified by past atrocities committed against members of various (indigenous) speech communities, and also by the "transferability of skills" principle, according to which minority-language development supports the acquisition of the majority language as well. The sole "Terminology Unification" bill appeared as part of health care access, and was aimed at the development of standardized translations of pharmaceutical prescription labels and bottle labels into various languages.

The "Officialization" and "Proscription" proposals reflected the same principles that had emerged during the 107th Congress (and before): they were "language-of-government"-type proposals, some of which tried to terminate BE programs, the practice of bilingual ballots, and sought to tighten naturalization requirements as well. Although the number of "Official English" proposals had slightly decreased by 2004, the surging political support behind the more moderate proposals foreshadows the passage of a similar bill in the near future. Proscriptivism without officialization was present in one proposal; in the measure that attempted—in vain—to nullify Executive Order 13166.

The "Language Spread" initiatives of the 108th Congress were more clearly assimilation-oriented than the similar proposals during the 107th Congress. The overlap between the quintessentially assimilationist "Language Spread" proposals and the "Literacy Development" bills was considerable, indicating that the "transferability of skills" principle was met with rejection outside the indigenous language revitalization context and with the exception of a few Head Start improvement proposal versions. Conversely, English language proficiency was sometimes seen as associated with "responsibility" and true "Americanism." "Stylistic Simplification" was increasingly embraced by the Federal Congress, as the quantity of both the introduced and enrolled proposal versions attest to this phenomenon. Minority linguistic rights also benefited from the widely accepted "plain English" regulations and recommendations, especially in the "educational" and "health care access" contexts. The need to communicate with clients (i.e. "consumers") in a language devoid of "legalese" and "bureaucratse" seems to have entailed the use of minority languages in specific official domains. "Stylistic Simplification" is expected to be a significant policy objective

appearing in future language-related legislative proposals as well, and may actually suffer a serious setback after the enactment of an “Official English” measure. The “Interlingual Communication” LP goal had undergone a practically unprecedented, yet not profound transformation by 2004 as a result of trying to remedy the perceived linguistic shortfalls of the intelligence services (see S 2845 ENR in 4.2.1): *individual* HL speakers of “critical” foreign languages had gained a “Resource”-oriented recognition by the Federal Government, but this appreciation had not been extended to all HL *communities*; thus the overall de-ethnization strain in American language ideology remained nearly intact.

The growing number of clearly “Maintenance”-oriented proposals—simultaneously with the similar tendency noted in the “Language Spread” category—shows a widening gap in the Federal Legislature over the principles of “assimilationism” and “pluralism.” “Auxiliary-Code Standardization” was also closely-related to heightened “National Security” concerns, but the traits of “Proscription” appeared as well in the restrictions imposed on the posting of non-English language traffic signs. “Access” was the most frequently represented LP goal among all the language-related proposal versions during both the 107th and 108th Congresses, dominated by the provision of linguistic access to health care services for minority populations, yet attempts to establish national standards for “linguistically appropriate services” was met with strong rejection. Another frequent “Access”-theme during the 108th Congress was “integrated workforce training,” in the context of which transitional bilingual education was also endorsed as a possible BE model. The “legal access” proposals were largely centered on reforming immigration regulations, indicating that the political will to do so was slowly building up in the Federal Legislature. The “political access” proposals mostly attempted to establish uniform criteria for Native American tribal recognition; and a few dealt with alternative language accessibility during the voting process. The appearance of “media access” was a new phenomenon in this category compared to the 107th Congress proposals.

“National Security” and “Interlingual Communication” had grown to be almost inseparable categories during the 108th Congress, mainly as a result of the linguistic demands of the Intelligence Community, which led to a limited extension of the “Language-as-Resource” orientation to a few “critical” languages. Otherwise, the symbolic recognition of Native American languages as unbreakable codes also remained on the agenda—although none of the relevant bills and resolutions had reached enrollment stage. The correlation between “Foreign Policy” and “Interlingual Communication” was significant as well, with special attention directed toward the education of Muslim youth through U.S.-sponsored elementary and secondary education institutions, education exchanges, and the promotion of “people-to-people diplomacy” with the help of the private sector.

The Chances of a “National Language Policy”

Based on the approximately 750 examined language-related legislative proposal versions debated by the U.S. Federal Congress between January 2001 and December 2004, it is safe to declare that the overall attitude of the Federal Congress to minority languages in general is significantly closer to assimilationism than to pluralism, although indigenous minority languages are regularly seen from a “Resource”-oriented perspective. A diluted form of “multiculturalism” is tolerated in the form of civil rights guarantees, which increasingly seem to include language rights (i.e. “Access”) protections as well, carefully designed not to extend support to the intergenerational transmission of immigrant languages and cultures. Immigrant minority languages are occasionally exempted from the “melting pot”-type expectations if they are regarded as “strategic” or “critical”; but even then they are valued only in a distilled, “foreignized” form, minimizing their identity-shaping capacity. These policies—although they characterized all four Congressional sessions between 2001 and 2004—are not likely to evolve into a consciously planned “national language policy” in the foreseeable future: the failure of the few legislative proposals that tried to lay the foundations of centrally coordinated and planned policies (especially in the area of “Interlingual Communication” and “Revival”) indicate the continued existence of a strong aversion to any kind of commitment to conscious language planning in the United States.

Should there still emerge a need for quasi-coordinated language policy formulation during the forthcoming decades, it will probably center on the provision of individual linguistic rights guarantees, stopping short of either the universal recognition of group rights, or the endorsement of linguistic *human* rights. Given their essential long-term unpredictability but high mobilizing potential, national defense issues will inevitably modify the course of federal-level American language policies from time to time (mostly in the area of “Interlingual Communication”), yet the less spectacular but nearly omnipresent necessity of ensuring “Access” guarantees will probably shape language ideology to a greater degree in the twenty-first century.

NOTES

¹ Nahir’s preference for the term “language planning” instead of the now predominantly used “language policy” (LP) is explicable by the relatively early publication of the article.

² In the present classification, this category includes conscious attempts to aid the global spread of English as well, but those cases are also included in the “Language as a Foreign Policy Instrument” (17) group.

³ Consequently, all policies that promote the “weak” forms of “bilingual” education (BE) belong here.

⁴ If “the language of wider communication” is English, then the proposal is also listed in the “Language Spread(ing)” (5) and/or “Language as a Foreign Policy Instrument” (17) categories.

⁵ In the original article, Nahir distinguished between dominant language maintenance and ethnic language maintenance. In this classification, “Maintenance” (10) refers to the preservation of the minority language.

⁶ Both “Officialization” and “Proscription” are discussed as independent language planning goals e.g. in Hornberger’s framework (452). “Officialization” is also regarded as a separate category of language legislation in Turi’s 1995 typology.

⁷ According to Daniel M. Weinstock, language serves a number of functions in the lives of human beings: (1) communicative; (2) access to cultures; (3) identity-formation – languages are important to people’s sense of who they are. Languages provide connections to the past, thus serve to anchor their identities (250).

⁸ Zachariev is straightforward in proposing that mother tongue instruction should be recognized as an “inalienable right” (qtd. in Ruíz 22).

⁹ The following numbers do not necessarily refer to completely different pieces: since a proposal may surface several times in identical or amended forms during the various stages of the lawmaking process (and is usually bound to appear on the agenda of the other House, bearing a different designation), the actual number of individual legislative (language policy) topics appearing on the discussed lists is significantly lower. A legislative proposal can be introduced in either House in four forms: either as a bill (public or private); a joint resolution; a concurrent resolution; and simple resolution. Initiatives to amend the Constitution are introduced in the form of a joint resolution, requiring approval by two-thirds of both Houses before being presented to the states for ratification. Concurrent and simple resolutions normally are not legislative in character, since they are used merely for expressing “facts, principles, opinions, and purposes” of the two Houses (“How Our Laws are Made” 5-8). In the present analysis, bills and joint resolutions are termed as “substantive,” whereas concurrent and simple resolutions are considered to be “symbolic.”

¹⁰ The few bills (eight altogether) that included “English language learner” (a more politically correct, yet rather ambiguous designation for language minority students) are by definition listed among those that contain “language.”

¹¹ Since no Presidential veto was recorded during the 107th and 108th Congresses, all enrolled proposals became laws.

¹² The nearly 700-page Act was passed by the House on December 13, 2001 by a vote of 381-41. A few days later it passed in the Senate by a vote of 87-10. Although earlier Senate versions had contained several references to linguistic pluralism, these were largely dropped in the end.

¹³ According to Colin Baker, the term “heritage language” may also be called “native language,” “ethnic language,” “minority language,” “ancestral language,” etc. It may or may not be an indigenous language (209).

¹⁴ The inattention to literacy in non-English languages is sometimes considered to be an example of linguisticism or a “deficit perspective” in the American educational system (e.g. by Grant and Wong 390). This view was given legislative sanction in the National Literacy Act of 1991 (102nd Congress, HR 751 ENR, Sec. 3), which defined

literacy as “an individual’s ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one’s goals, and develop one’s knowledge and potential.”

¹⁵ Consumer rights laws generally establish four rights: the right to be safe, the right to be informed, the right to choose, and the right to be heard (England).

¹⁶ Similar, although weaker guarantees were embedded in the “No Child Left Behind” Act (HR 1 ENR) as well: *parental “Access” rights concerning educational information about LEP students were to be given “in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand”* (HR 1 ENR, Title I, Sec. 101, Sec. 1112 ‘[g]’ [2], italics added).

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