“ENGLISH FOR THE CHILDREN”: RHETORICAL TRANSCENDENCE AND
LANGUAGE IDEOLOGY IN CALIFORNIA’S PROPOSITION 227

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ABSTRACT

Proposition 227, or “English for the Children” was a California ballot initiative created with the purpose of eliminating the state’s bilingual education programs and replacing them with English-only instruction. Although many observers construed the law as simply one in a series of efforts to roll back immigrants’ language access rights, the measure diverged from previous restrictive legislation in its rhetorical embrace of immigrants. Its author, Ron Unz, constructed his campaign around the notion that government support of bilingual education was preventing immigrant children from learning English, thereby denying them opportunities and, in a broader sense, undermining societal unity by fostering linguistic divisiveness. This rhetorical approach proved effective; on June 2, 1998, voters approved Proposition 227 by a margin of sixty one to thirty nine percent.

By explaining the historical and political factors animating “English for the Children,” this thesis argues that California’s bilingual education debate was not merely a disagreement over teaching methodologies, but reflected a deeper, longstanding ideological conflict between competing visions of ‘national identity’ and how language fits into this scheme. The purpose of this study is descriptive as well as analytical. Via a narration of the main events and forces shaping language ideology in the U.S., it will first
establish a historical and conceptual background through which the language issue can be analyzed. This will be followed by a thorough discussion of California’s peculiar plebiscitary process, which has exacerbated social tensions and contributed to the polarization of the electorate. Using a symbolic interactionist framework, I then make the case that the convergence of these factors laid the groundwork for “English for the Children” rhetoric. Specifically, I posit that Unz employed argument from transcendence as a political strategy to reconcile competing demands wrought by these conditions. Finally, I demonstrate that the public dialogue which resulted from this transcendent rhetoric has profoundly impacted the social representations of minority languages and, as a corollary, has shaped the identities of linguistic minorities themselves.
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INTRODUCTION

On June 2, 1998, twenty-two years after California enacted one of the nation’s first comprehensive bilingual education laws, its citizens reversed this landmark legislation by decisively approving a ballot initiative with the express purpose of outlawing these same programs. Fully sixty-one percent voted in favor of Proposition 227, or “English for the Children,” which promised to end native-language instruction to limited-English proficient (LEP) students. 1 Under the new rubric, these students would be placed in “sheltered English immersion” 2 classes for a maximum period of one year, after which they would be transitioned into mainstream, English-only classrooms. The author of the controversial measure, Ron Unz, assailed bilingual instruction as “costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children.” 3

“English for the Children,” of course, had not been California’s first language restrictive ballot initiative, nor the first to curtail public services to immigrants. Proposition 38, for example, had required the state government to protest the federal Voting Rights Act mandate for the provision of bilingual ballots. 4 Similar to this law, Proposition 227 warned that unless foreigners fully adapted to the cultural life of their new home and rapidly became proficient in English, “the unity and prosperity of [American] society” 5 was at risk of decay. The tone of “English for the Children,” however, was markedly divergent from its predecessors in one significant facet: where these campaigns had “spread images of immigrants dragging their heels or actively...
resisting learning English.” Proposition 227 claimed that the immigrants were in fact the primary victims of “government efforts to prevent young immigrant children from learning English.” The school system, according to Unz, was actively obstructing LEP students from acquiring English by subjecting them to bilingual education rather than English immersion instruction. As such, the government had failed in its “moral obligation and constitutional duty to provide all of California’s children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society.” Paradoxically, even while banning primary language instruction to immigrant children, Proposition 227 had rhetorically positioned itself as a champion of these same children.

The polemic generated by “English for the Children” attracted an unusual amount of public attention. Supporters lauded Unz for his “wise and popular” measure which promised to end a system that “holds Latino children back.” Meanwhile, civil rights advocates decried the initiative as an attack on immigrant cultures. Educators criticized the law’s lack of specificity, its assumption that LEP students could learn English within one year, and its controversial provision stipulating that teachers and administrators could be sued for failing to properly implement its requirements. A rare point of agreement in the contentious debate over the law’s potential implications was that they would be immediate and far-reaching, with more than 1.5 million English learners in the state’s education system. Ultimately, voters sided with Unz, deeming the controversial programs unworthy of preservation.
In the aftermath of their defeat, defenders of bilingual education were left asking one another what had gone awry. Many wondered how and why California, long considered the vanguard of progressivism, had embraced a law which banned primary language instruction to the children of immigrants. The answer could not be easily reduced to partisan politics: although more Republicans than Democrats favored the measure, it was nonetheless able to garner support from both sides of the aisle.\textsuperscript{12} Nor could the overwhelming electoral success of Proposition 227 be explained away by lopsided campaign spending: to the contrary, opponents seeking to block the measure had spent almost five times as much as the Yes campaign.\textsuperscript{13}

As the following chapters will illustrate, California’s bilingual education debate was not merely a disagreement over which pedagogical methods were most effective in the classroom; such discussion was surprisingly absent from the “English for the Children” dialogue. Rather, the struggle has been fought on a deeper level, between competing visions of what constitutes ‘national identity’ and how language fits into this scheme. Throughout U.S. history, two contrasting narratives have been at odds with one another, each attempting to delineate the boundaries of national and linguistic identity.\textsuperscript{14}

Adherents of assimilation theory, on one hand, view the English language as a central unifying factor to national culture. Linguistic diversity, in this paradigm, is inherently divisive and as such must be minimized to ensure societal cohesiveness. Not surprisingly, then, assimilation theorists pursue policies which promote monolingualism
at the expense of minority language retention. The following quote from a proponent of English-only legislation encapsulates the basic view undergirding this perspective:

In return for freedom and opportunity, one learns English….Cultural displacement, cultural loss, is extremely painful. There is an emotional price to immigration. It doesn’t come free. No one can be excused from paying it. Government should not stand idly by and let the core culture, the shared culture formed by generations of earlier immigrants, slip away. [It] should not allow its own citizens to feel like strangers in their own land. If anyone has to feel strange, it’s got to be the immigrant – until he learns the language.

An especially problematic element of assimilation theory, however, is its assumption that throughout the history of the U.S., immigrants have quickly and easily forsaken their native heritage in order to become “Americanized.” By contrast, many assimilationists believe that recent immigrants have preferred to maintain their own cultures and languages rather than adapt to their new surroundings. This narrative has been refuted by scholars and historians, who assert that the “linguistic acculturation” patterns of today’s immigrants are consistent with those of previous generations, if not faster.

On the opposite end of the ideological continuum, many linguistic pluralists argue that language restriction is largely a manifestation of racial and ethnic antipathies. Language, according to this theory, operates as a proxy for race and/or ethnicity, and efforts to restrict language access are essentially attempts by a dominant class to retain power via linguistic hegemony. Access to symbolic and material capital in a monolingual society is dependent upon fluency in the dominant language: in this way, language may act as a “gatekeeper” to these crucial resources. In this view, Proposition 227 was merely one in a series of racialized language policies meant to reinforce a social hierarchy designed to systematically and categorically exclude nonwhites.
Unquestionably, this country has a long and difficult struggle with issues of race and ethnicity, and these elements continue to weigh heavily on the national consciousness as well as the formation of public policy. Still, racial or ethnic animus alone cannot adequately account for the public discourse surrounding Proposition 227. If anything, “English for the Children” rhetoric was unique from previous restrictive legislation in that it successfully promoted English-only policies yet accomplished this by not only avoiding direct appeals to nativism, but seemingly arguing from a ‘pro-immigrant’ position. In fact, polls taken during the campaign indicated that a mere twelve percent of likely voters who opposed the initiative believed that it was discriminatory.²⁰

Clearly, a multitude of forces coincided to create the political and social climate from which Proposition 227 emerged. This study sets out to illuminate the complex of factors which led to this paradox. By narrating the main events and forces shaping language ideology in the U.S., it will first establish a historical and conceptual background through which the language issue can be analyzed. Using a symbolic interactionist framework, I then make the case that the convergence of these factors laid the groundwork for “English for the Children” rhetoric. Specifically, I posit that Unz employed argument from transcendence as a political strategy to reconcile competing demands wrought by these conditions. Furthermore, I demonstrate that the public dialogue which resulted from this transcendent rhetoric has left a deep imprint on the social representations of minority languages and, as a corollary, has shaped the identities of linguistic minorities themselves. A handful of studies have been devoted to dissecting the political dimensions of Proposition 227. This thesis hopes to expand upon the
existing volume of research by situating the discourse within a broader sociohistorical context and, in the process, laying out the rhetorical evolution which ultimately produced “English for the Children.”

**Symbolic Interactionism as a Theoretical Framework**

Symbolic interactionism emphasizes the communicative and dynamic nature of the human social order and as such is particularly useful to our understanding of identity politics. According to this perspective, humans are constantly engaged in a process of interaction, through which they interpret one another’s gestures to define the meaning of objects around them. This element of dynamism is uniquely suited for the explanation of polemics such as that of Proposition 227, the roots of which lie in a perpetual struggle to define group boundaries. Identity politics, after all, are in continual flux, evolving in tandem with the social representations attributed to groups and individuals. Language, of course, is an instrumental component in the construction of these social representations, and for this reason conflicts over identity are often played out in the arena of language politics. In the U.S., this ongoing conflict has resulted in language policies which are contradictory and broadly incoherent.  

Ronald Schmidt argues:

…personal identity is the product of a complex set of interactions between individuals and their environments, which means that identity must be understood as having multiple facets: it is constitutive and relational, contextual and mutable, ambiguous and contestable. Because language is sometimes experienced as a core aspect of personal identity, it can become a highly explosive fuel motivating political conflict in struggles over collective identity.  

Symbolic interactionism, in its focus on the social interactions between individuals, accounts for the ongoing construction of symbols through which humans establish their
own identities and those of each other. Language, in a symbolic interactionist framework, is not merely a conduit of communication but is rather “the highest form of symbolization and is the origin of the mind.”

Outline

Chapter 1 will introduce the theoretical framework of symbolic interactionism, explaining its foundations and usefulness to our understanding of ideological polemics such as the bilingual education debate. It will then present a historical narrative of language issues throughout U.S. history, focusing on the motivations and driving forces animating language ideology and policy. Specifically, I call attention to the turning points which led to the acceptance of the assimilationist paradigm and concomitant rise in hostility toward linguistic pluralism. This will provide context to the ensuing discussion of California’s experience with immigration and language policy.

Chapter 2 will examine the complex of sociohistorical factors which set the stage for ideological clashes in California. Most notably, I will explain the state’s peculiar model of direct democracy, which has played a central role in shaping the state’s political culture. Via an explanation of the ‘hyper-populism’ and obsession with narrow interests engendered by this system, the reader will gain insight into the manifestation of societal tensions via ballot initiatives such as Proposition 187, or “Save Our State.” Significantly, this evolving discourse sparked the genesis of Proposition 227 and its attendant rhetorical transcendence.
Chapter 3 will delve into the formation of Proposition 227 or “English for the Children,” first by describing the personal and political background of its creator, Ron Unz. After examining these origins, it will dissect the law itself, with particular attention paid to the inherent technical and logistical weaknesses which under normal circumstances should have led a rational public to categorically reject Proposition 227 at the polls. By emphasizing the seeming improbability of the measure’s passage at face value, the study seeks to shed light on the influence of campaign rhetoric on the public perception of linguistic diversity as well as bilingual education. Thus, the reader will be better equipped to comprehend the motivations of “English for the Children” supporters, opponents and California citizens at large, and thereby the discourse which these groups produced.

Chapter 4 will focus on this public discourse and the rhetoric generated throughout the campaign. To do so, it will examine the strategy and tactics of Ron Unz and the Yes on 227 campaign, with particular focus on the core message of “English for the Children” and the manner in which this was conveyed to the public. Furthermore, I will demonstrate how the weak and slow response by opponents of Proposition 227 permitted the Yes campaign to establish the parameters of the debate and secure electoral victory.

Chapter 5 aims to synthesize the multiple themes examined throughout the previous chapters, first establishing the political link between the seemingly opposite campaigns for Propositions 187 and 227. Drawing on principles of symbolic interactionism, the framework will allow for analysis of the ‘rhetorical evolution’ which
as I argue, set the stage for the “English for the Children” transcendent rhetoric. More broadly, it will establish that the development of the assimilationist narrative in the U.S. has given rise to the “language-as-problem” disposition, which seeks to promote cultural and linguistic hegemony at the expense of language minorities. Furthermore, the chapter will demonstrate precisely how this dominant paradigm has animated the formulation of language policy and, by extension, the treatment of language minority groups.
CHAPTER 1: BUILDING A FRAMEWORK

This study will rely principally upon the concepts of symbolic interactionism as articulated by George Mead and Herbert Blumer. It will, however, invoke concepts of later scholars whose innovations were a natural extension of Blumer’s approach.

Blumer outlined three fundamental premises upon which symbolic interactionism is based:

[1.] Human beings act toward things on the basis of the meanings that the things have for them....[2.] the meaning of such things is derived from, or arises out of, the social interaction that one has with one’s fellows....[3.] these meanings are handled in, and modified through, an interpretative process used by the person in dealing with the things he encounters.1

Although at first glance these concepts may appear self-evident, Blumer claims that in practice they have been dismissed in both sociological and psychological sciences. In fact, members of these fields tend to rely exclusively upon either internal psychological conditions (“stimuli, attitudes, conscious or unconscious motives...psychological inputs, perception and cognition”) or aspects of social structure (“social position, status demands, social roles, cultural prescriptions, norms and values, social pressures and group affiliation”) to account for and predict human behavior.2 In so doing, these theories neglect to recognize the dynamic, ongoing process by which humans ascribe meaning to objects.

At the heart of symbolic interactionism is the notion that each individual is constantly communicating with himself as well as with others to develop said meanings. Via the continual, dual process of definition and interpretation, humans are constantly
producing, adjusting and reaffirming the meanings of objects within their worlds. Blumer used the example of a tree having a different meaning to various individuals – among them a botanist, lumberjack and poet.³ Thus, where realist approaches assume that the meaning of an object is intrinsic to the object itself,⁴ symbolic interactionism sees meanings as “social products…creations that are formed in and through the defining activities of people as they interact.”⁵ Unlike many prevailing psychological theories which attribute the meanings of things entirely to the psychological elements within the individual, by asserting that “the meaning of such things is derived from the social interaction that one has with one’s fellows,” symbolic interactionism not only accounts for external influences but is primarily concerned with the social process which leads to the production of meaning. Interactionism rejects the premise that human behavior is merely a product of either structural elements of society or innate psychological attributes; rather, the perspective recognizes the role of the individual in creating, affirming and modifying reality.⁶

**Symbolic Interactionism and Social Order**

Much of the criticism leveled on symbolic interactionism has been centered on the claim that as a behavioral approach, it focuses on micro level interactions between humans at the expense of the macro level of analysis. In other words, these critics charge that interactionism fails to address the critical element of social structure, and is therefore inadequate as a theoretical perspective in sociology.⁷ Yet perhaps the most compelling aspect of Mead’s vision of symbolic interactionism is its societal implications; his perspective posits that humans live in a world comprised of objects whose meanings are
the result of the ongoing process of social interaction described above. Furthermore, societies engage in collective action by merging the individual lines of behavior of separate actors. It then follows that Mead upheld the social act (Blumer referred to this as “joint action”) as the “fundamental unit of society,” believing that the essence of any society could be found in this complex, ongoing process of action.\textsuperscript{8} After all, individuals are perpetually interpreting the actions of one another and modifying their own behavior accordingly to produce these joint actions, the alignment of which defines the features of a given society. This “interlinkage” of joint actions is not to be confused with the sum of the separate actions; rather, its course of development depends upon the inputs, interpretations, and interactions of its various participants.\textsuperscript{9} Concepts such as societal or organizational ‘order’ and ‘stability’ are achieved through repetitive joint actions which serve to reaffirm and solidify meanings – a process which begets rules and norms.\textsuperscript{10} However, this process may be stymied or altered by lack of consensus, inability to coordinate or the introduction of unfamiliar situations.\textsuperscript{11}

Crucially, symbolic interactionism deviates from structural sociological perspectives in its claim that this social process establishes and maintains the rules of society, and not vice versa.\textsuperscript{12} By extension, the character and identity of social structures can be traced to the separate joint actions of participants, which are in turn based on Mead’s ongoing process of definition and interpretation. Here, symbolic interactionism establishes its relevance as a framework through which to view and account for the complex machinations of contemporary societal politics and political movements. Far from neglecting the role of macro sociological phenomena, the perspective emphasizes
interaction in the construction of meanings to demonstrate that those individuals and organizations who are best positioned to control means of communication can likewise manipulate the process to their own advantage. The ability to define and create ‘reality’ opens a new door to privilege. As a corollary, communication is viewed by interactionists as a strategic resource – a means by which to obtain or retain power, thereby reinforcing stratification and inequalities already existent within society. Or, as Musolf argues, “manipulative communication directly links to hierarchical social structure.” Yet this recognition of asymmetrical relations among actors should not be confused with determinism; as Musolf acknowledges, symbolic interactionism is primarily concerned with human agency and is therefore resolutely indeterminate. Importantly, symbolic interactionist theory holds that “established patterns of group life just do not carry on by themselves but are dependent for their continuity on recurrent affirmative definition.”

To comprehend the interactionist perception of power and structure, it is necessary to return to Mead’s core principle of the social act as the fundamental unit of society. As meanings – and by extension, power – originate in the joint action, symbolic interactionism recognizes the involvement of multiple participants in the process of negotiating reality. Therefore, although a privileged class may dominate means of communication and thus operate at a distinct advantage in the manufacturing and reproduction of reality, power is never completely limited to these groups. Disadvantaged elements of society have a hand in interpreting symbols to define situations, and often attempt to subvert domination structures. Therein lies the essence of
symbolic interactionism; just as the process of interaction has the potential to
manufacture social inequality, it also recognizes that social organizations and structures
are fluid and subject to internal and external pressures. This concept of societal
reformation has spawned a plethora of symbolic interactionist research in areas such as
gender studies, deviance and social protest. Focus on the subjective becomes especially
pertinent in the explanation of an ideological polemic such as that of Proposition 227, the
outcome of which was a direct product of framing and negotiated realities.

**Rhetoric and the Construction of Symbols**

The import of interactionism to the understanding of rhetoric owes much to its
focus on human interpretation, communication and the construction of symbols. The
human brain, wired with an intrinsic ability – indeed, necessity - to symbolize, naturally
uses such symbols as the basis of cognitive processes. In this way, symbols are the
precursor to both thinking and knowing, or, as stated by Gregg, “fundamental to all that
we know to be human.” For its part, the definition of ‘rhetoric’ has been the subject of
debate since the age of the Greek philosophers; sufficed to say, such a task lies beyond
the scope of this analysis. However, for the purposes of this study we will acknowledge
as a starting point Kenneth Burke’s concept of modern rhetoric as being “rooted in an
essential function of language itself, a function that is wholly realistic, and is continually
born anew; the use of language as a symbolic means of inducing cooperation in beings
that by nature respond to symbols.” In the case of Proposition 227, as with many other
political battles, the respective sides launched rhetorical campaigns with the goal of
persuading voters to adopt a given stance on bilingual education. As we will see, the
course of this debate would also carry serious implications for linguistic minorities, whose social identities are intertwined with the representation of their language.

In order to fully understand the rhetorical origins of California’s Proposition 227, it is first necessary to examine the development of language ideology in a broader, historical narrative. The following section will trace the history of bilingual education from the early days of the nation through the more recent polemic. The objective here is twofold; on the one hand, by examining the history of bilingual education within the broader context of immigration, civil rights and politics, we will establish the concept of language access as a right. Secondly, in order to ascertain ‘meanings’ and symbolism as employed in the Proposition 227 campaign, it is first imperative to develop a thorough understanding of the language issue – specifically bilingual education – within the American consciousness. In other words, an accurate and effective analysis of Blumer’s “joint act” as it pertains to Proposition 227 requires a dissection of the social processes which have led to the outcome in question.

Thus, by following the formation of linguistic policy, one is able to discern the collective images and symbols which allow for a deeper understanding of later societal struggles. In that endeavor, attention will be drawn to significant historical events and patterns which directly and indirectly informed the trajectory of language rights. This section is not intended to be an exhaustive treatment of the trajectory of bilingual education in the United States. Rather, it will explain the evolution of the issue via landmark events such as the Bilingual Education Act of 1968, the *Lau v. Nichols* decision and how these fit into the much larger context of language ideology. In so doing, it hopes
to set the stage for the reader to understand the ensuing highly politicized battles over language rights.

**Language Access as a Civil Right**

Mirroring patterns of immigration policy, the treatment of language access in the public sphere has cycled through various phases of tolerance. Historically, periods of linguistic accommodation in the U.S. have coincided with pragmatic interests of communities; states with large non-English speaking populations were compelled to meet the needs of these constituents. One of the earliest examples of this can be seen in the prominence of the German language in Ohio and Pennsylvania. The prevalence of minority-language instruction in these areas reflected demographic realities; in German-majority regions, German and bilingual schools were accordingly dominant. The ability of the German population to mobilize into a formidable political bloc undergirded this strong presence.\(^{19}\)

The experiences of the American Southwest and particularly that of California, however, were significantly different than those of the rest of the nation. Not surprisingly, the treatment of the language issue in those areas took a markedly different course. With the signing of the Treaty of Guadalupe Hidalgo in 1848, the Mexican government ceded California and New Mexico to the United States. To facilitate the transfer, the Treaty offered the choice of U.S. citizenship to Mexican citizens living within the confiscated region. Those who elected this option were promised full Constitutional rights, including the “free enjoyment of liberty and property.”\(^{20}\) The following year, these rights were reiterated in the Constitution of the State of California,
which also acknowledged the bilingual composition of California by stating that “all laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish.”

Although this provision was hotly debated by state lawmakers, its passage seemed to presage an inclusive attitude toward minority language speakers.

This apparent accommodation, however, would soon give way to the demands of a rapidly transforming society. The 1948 discovery of gold in California accelerated a trend of white settlement to the region, as wave upon wave of “forty-niners” flocked to the newly formed state. The resulting demographic metamorphosis relegated the Spanish-speaking natives of California to minority status. Thereafter, language laws were primarily geared toward white immigrants and in 1855 the California Bureau of Instruction mandated an English-only policy in schools. Though hard to enforce, this declaration in itself was a clear encroachment on the civil liberties of Spanish-speaking natives and intimated that they were unwelcome. As California became more and more crowded with newcomers, overtly hostile language policy became a vehicle by which to ‘edge out’ Mexicans in what was becoming an increasingly competitive struggle for resources. Before the turn of the century, the state had not only ceased to publish laws in Spanish but also instituted an English literacy requirement to be able to vote.

Hostility toward multilingualism intensified as the U.S. became embroiled in World War I. Even the German-speaking population, heretofore considered among the most ‘desirable’ of immigrants, found themselves to be targets of xenophobia. Leaders
such as Teddy Roosevelt heightened tensions by explicitly denouncing bilingualism, stating:

We must have but one flag. We must also have but one language. That language must be the language of the Declaration of Independence, of Washington’s Farewell address, of Lincoln’s Gettysburg speech and second inaugural. We cannot tolerate any attempt to oppose or supplant the language and culture that has come down to us from the builders of this Republic with the language and culture of any European country....We are convinced that today our most dangerous foe is the foreign language press and every similar agency, such as the German-American Alliance, which holds the alien to his former associations and through them to his former allegiance. We call upon all loyal and unadulterated Americans to man the trenches against the enemy within our gates.25

Such hyperbolic appeals to “patriotism” were not taken lightly; blatant nativism soon found its way into legislation as states adopted restrictive language measures and eliminated bilingual education programs. Across the U.S., this new status quo would remain until the late 1950s, when Cuban exiles recast the Miami-Dade area of Florida as a Spanish-speaking bastion.26

The Civil Rights Era

The 1960s were characterized by civil rights struggles, as racial minorities mobilized to demand an end to discriminatory practices. Much of this “rights revolution” was driven by the black civil rights movement and framed in terms of black-white conflict. As such, it was focused on segregation in public institutions, especially education. Intense (and often brutally repressed) civil rights demonstrations against Jim Crow policies in the South sparked nationwide demands for an end to racial oppression. Throughout that decade, the federal government responded to the pressure for liberal reforms by passing key legislation such as the Civil Rights Act of 1964, the Voting
Rights Act of 1965, the Immigration and Naturalization Act of 1965, and the Fair Housing Act of 1968. The first two of these specifically targeted the heart of Jim Crow racism in the South, and in doing so, precipitated fundamental societal changes.\textsuperscript{27} The Civil Rights Act transformed public schools by banning discrimination in any federally funded program on the basis of race, color, or national origin. Furthermore, the flurry of civil rights legislation enacted in the 1960s was accompanied by a host of federal programs engineered to improve the educational performance of minority and low-income children. Though originally intended to demolish Jim Crow segregation, these developments would also set the stage for the introduction of language access as a civil right.\textsuperscript{28}

Lamenting their exclusion from the civil rights programs, Latino activists began to mobilize and call attention to the inequalities of the nation’s discriminatory educational system. Specifically, they publicized the dire circumstances suffered by Mexican American LEP students in the Southwest. Denied adequate teachers or facilities and at the mercy of sink-or-swim language policy, these children languished in “educational neglect.”\textsuperscript{29} By the latter part of the decade, the activists had succeeded in pressuring Washington to address these issues.

The federal government’s first recognition of its responsibility to LEP students came in January 1968, when President Johnson signed the Bilingual Education Act (BEA). Title VII of the Elementary and Secondary Education Act established competitive grants to be used toward the development of educational programs, training for teachers and aides, development and dissemination of instructional materials and
projects to promote parental involvement.\textsuperscript{30} The BEA was limited in scope, as it prioritized LEP students from low income families. Participation by schools was not compulsory and the law did not prescribe specific instructional treatments; its authors did not intend it to be construed as language policy. Rather, the BEA was created as a supplemental grant program which merely endeavored to encourage “new and imaginative…programmes” to resolve LEP students’ “language deficiencies.”\textsuperscript{31} In fact, the law had originated specifically to address poverty among Mexican American communities in the Southwest; only after deliberation was the program extended to all LEP children.\textsuperscript{32} Furthermore, funding for Title VII was minimal; Congress appropriated no funds in 1968 and a modest $7.5 million for Title VII programs in 1969, enough to serve only 27,000 students nationwide. On a practical level, implementation of bilingual programs often proved difficult, if not impossible, for would-be participants. Separation of classes by language ability could be construed as a violation of federal desegregation laws, and in any case such programs would also conflict with existing English-only laws in certain states.\textsuperscript{33} Clearly, for the vast majority of LEP students, the import of the Bilingual Education Act in its initial phase was symbolic, at most.

Spurred on by the successes of desegregation activists yet frustrated by the failure of these policies to improve their own prospects, minority language communities grew increasingly assertive in their efforts to obtain educational equality. As such, they expanded their activism beyond the arenas of legislation and public policy and pursued recourse via the judicial system. Upon hearing that his client’s child was failing in school because he did not speak or understand English, a San Francisco poverty attorney by the
name of Edward Steinman filed a class action lawsuit on behalf of 1800 newly immigrated Chinese students. *Lau v. Nichols* protested the discriminatory sink-or-swim language policies of the San Francisco Unified School District. According to Steinman, the students, while permitted to attend school, were systematically denied interpretation or English classes and therefore were functionally deprived of an education. The plaintiffs invoked the Equal Protection Clause of the Fourteenth Amendment as well as Title VI of the recent Civil Rights Act of 1964, prohibiting discrimination by race, color or national origin in any programs which receive federal funding. The case was rejected by district and appeals courts, on the grounds that because the students were not segregated, no discrimination had taken place. From this perspective, all students were afforded access to the same instruction, and the school district could not be held responsible for students’ ‘language deficiencies.’ Some justices went so far as to blame the minority-language children for “failing” to learn the English language.

*Lau v. Nichols* eventually reached the U.S. Supreme Court, which overturned these rulings in 1974, claiming that “there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education.” Interestingly, by invoking this reasoning the Court neglected to rule on the constitutionality of the school’s refusal to provide language support. Instead, it merely inferred that because California mandated school attendance and English was the language of instruction, the school district was responsible for remedying this inequality. According to the Supreme Court ruling, failure to address this amounted to
discrimination on the basis of national origin under Title VI of the Civil Rights Act. Meanwhile, numerous other LEP communities across the U.S. had already begun to seek legal recourse for discriminatory linguistic practices. A federal judge ruled that in the case of *Serna v. Portales Municipal Schools*, the school district was required to provide instruction in students’ native language and culture. A suit filed by a Puerto Rican advocacy group on behalf of 150,000 students against New York City led to a guarantee of bilingual instruction for Spanish-speaking children.39

On the heels of the Supreme Court’s watershed *Lau* decision, Congress passed the Equal Educational Opportunity Act of 1974 (EEOA) as an amendment to the Bilingual Education Act of 1968. Section 1703 (f) of the EEOA declared that “no state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by (f) the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.”40 This was widely interpreted as Congress’s affirmation of the *Lau* ruling and later proved to be instrumental in subsequent language minority education judicial decisions.41 Significantly, the 1974 amendment also clarified the definition of “Bilingual Education Program” to mean instruction in English as well as the native language of the student. Additionally, the EEOA extended the *Lau* ruling to all school districts, regardless of funding.42 Clearly, the *Lau v. Nichols* decision and passage of EEOA had begun to solidify a legal foundation establishing bilingual education as a civil right.
Despite the fact that the Supreme Court had declined to provide explicit remedial actions in the *Lau* decision, the ruling nevertheless succeeded in convincing public schools of the need to implement bilingual education programs. Taking the Court’s vague decision as its cue to draft policy, in 1975 the Office of Civil Rights (OCR) issued the *Lau* Remedies to thousands of school districts. The controversial guidelines outlined the process by which schools were to identify and assess LEP students and which teaching methods were acceptable for these students.\(^{43}\) The Remedies essentially required public schools to abandon English based instruction of elementary and intermediate LEP students (including ESL and immersion) in favor of either transitional bilingual or bilingual/bicultural programs. Not surprisingly, rigorous enforcement of the *Lau* Remedies and the bilingual programs developed under it provoked a backlash from school districts as well as the general public; although the majority of Americans agreed with the *Lau* decision, they resented the OCR’s unilateral imposition of one remedial method.\(^{44}\)

Nonetheless, the threat of losing federal funding compelled most school districts to adopt programs in compliance with the Remedies. States began to pass legislation aimed at promoting or mandating bilingual education for LEP students, and in 1977 California followed suit by enacting the Chacon-Moscone Bilingual-Bicultural Education Act. The measure was passed with a ten year lifespan and required schools to teach LEP students “in a language understandable to the student which recognizes the pupil’s primary language and teaches the pupil English.”\(^{45}\) Though not stated in the act, the goal was for LEP students to be transitioned into English-only classrooms by fourth grade.\(^{46}\)
Notably, although the text makes reference to the hope of achieving “competency in both languages,” it leaves no question that the primary goal of the bilingual education is proficiency in English and not maintenance of the native language.\textsuperscript{47}

**Challenges to Language Rights**

Despite these legal breakthroughs, the foundations of bilingual education as a civil right remained wobbly. As the economy soured and immigration steadily increased, the inclusiveness of the 1960s gave way to a prevailing ambivalence and eventual backlash toward affirmative action policies, and a movement to reverse them gained momentum. Ironically, the victories of the civil rights era also indirectly contributed to the growing anti-immigrant sentiments of ensuing decades. In fact, the Immigration and Naturalization Act of 1965 had succeeded in eliminating the national origins quota system which had imposed limits on the number of entrants into the U.S. based on immigrants’ nationalities. Highly skewed in favor of Western Europeans, this system had been widely regarded as antiquated and racist.\textsuperscript{48} A diverse coalition propelled the Hart-Cellar bill through Congress, and in October of 1965 the Immigration and Naturalization Act of 1965 replaced the quota system with one based on family and employment preferences. While its proponents endeavored to rid U.S. immigration policy of national origin and ethnic discrimination, they did not desire to substantively alter the overall number of foreign entrants to the country. Upon signing the Act, President Johnson had declared that it was “not a revolutionary bill” and that it “does not affect the lives of millions.”\textsuperscript{49} Unbeknownst to him, the Act paved the way for the transformation of immigration patterns. Immigration from Latin America and Asia – both previously
restricted under the quota system - spiked dramatically in the decades following the reform. Where Latin Americans represented 22.5 percent of legal immigrants to the US during the 1950s, this figure had climbed to 47.2 percent by the 1980s. Similarly, 6.2 percent of immigrants to the US during the 1950s hailed from Asia, yet this number shot to 38.4 percent by the 1980s. Adding to these drastic changes was the sheer increase in overall immigration; from 1981 to 1990 approximately 7.4 million individuals moved to the US, sixty three percent more than had immigrated during the 1970s. The sea change of nationalities was accompanied by a wide variation of linguistic abilities: by 1990, the number of other-language speakers who reported speaking English “Not at all” or “Not well” was at twenty one percent, and according to the census this group “varied markedly in their ability to speak English.”

Obviously, then, by the 1970s the new face of immigration and its attendant linguistic features were presenting significant challenges to institutions such as public education, creating an unprecedented demand for language access. Furthermore, this phenomenon dovetailed with the recently formulated affirmative action policies, as many of the immigrants were legally considered to be ‘protected minorities.’ Although this status carried certain benefits, such as eligibility in affirmative action programs and protection under the national-origin statute of the Civil Rights Act, it was in other ways a mixed blessing. The growing controversy over affirmative action programs further compounded animosity toward immigrant communities, already perceived as indifferent toward acculturation. The general public, having been largely unprepared for and caught off guard by the demographic upheaval, reacted with alarm: according to a Gallup
Poll taken in July 1993, sixty five percent of respondents favored a reduction in immigration, an increase from forty nine percent in 1986 and thirty three percent in 1965.\textsuperscript{54} Moreover, the principle of taxpayer funded bilingual education programs whose beneficiaries were recent immigrants fomented populist outrage. Parents of English-speaking students protested that bilingual education programs held no benefits for their children and that by slowing down to cater to LEP students, bilingual classrooms even impeded their development. The publication of studies by the American Institutes for Research questioning the efficacy of bilingual education added fuel to the populist outcry (though the methodologies were highly criticized within the field).\textsuperscript{55} Making matters worse, the attempts of many school districts to implement bilingual education programs often conflicted with ongoing desegregation efforts, putting Spanish-speaking communities at odds with other minorities.\textsuperscript{56} Settlement patterns of Spanish-speakers drew increased scrutiny to the language issue, as the new immigrants tended to cluster in a handful of urban areas.\textsuperscript{57} The confluence of these factors only further isolated the growing immigrant population from mainstream society, increasing the resentment of the latter group.

**Language Restriction and the Official English Movement**

This combination of indignation and panic crystallized in the formation of the “Official English” movement, whose proponents charged that the prevalence of non-English languages threatened to drive a wedge through American culture. The most influential of these organizations, U.S. English, was co-founded by Senator S. I. Hayakawa, himself a Canadian immigrant. Though a scion of the notoriously restrictive
Federation for American Immigration Reform (FAIR), U.S. English went to great lengths to distance itself from the polarizing issue of immigration restriction. Instead, it pursued language policy by promoting legislation on state and federal levels which would declare English to be the “official language of government.” Imploring citizens to “preserve our common bond,” supporters of U.S. English warned that encouraging linguistic pluralism would invite the divisiveness experienced in societies such as Canada (and later, the former Yugoslavia).

U.S. English differed from previous Official English movements by attempting to fashion itself a less abrasive image, at least outwardly. Publicly rejecting the nativist platforms of the English-Only movement, U.S. English began to soften its rhetoric and shift its focus to emphasize the benefits of immigrant assimilation. To do so, it leveraged Hayakawa’s background and recruited high-profile Latino representatives such as Linda Chavez, a former staff director of the U.S. Commission on Civil Rights, to rid itself of the “xenophobic” label. The shrewd PR approach paid off: Chavez’s claims that “the Official English movement will help protect the future integration of new Americans” carried infinitely more weight in Washington as well as with the broader public than had previous Official English statements. Clearly, though wary of supporting immigration restriction, the public was much more comfortable with the purported mission of U.S. English to “preserve our common bond by making English the official language of government in the United States and by promoting opportunities for people living here to learn English.” Though ultimately unsuccessful in their goal of achieving a constitutional amendment to make English the official language of the country, lobbying
efforts by U.S. English helped up to twenty three states pass Official English legislation. Meanwhile, the influence of the organization extended to the Reagan White House, and in 1984 the BEA was reauthorized with a guarantee that at least twenty five percent of funds would be set aside for English-only programs.\textsuperscript{64} Enforcement of the Lau Regulations fell sharply, and they were eventually withdrawn entirely, as the OCR atrophied.\textsuperscript{65}

Thus, proponents of restrictive language policies were able to capitalize on the uncertain economic climate and demographic changes brought by the “new immigrants.” In the long standing debate between assimilation and multiculturalism, “Americanization” had become an imperative. As the new immigration forced the American public to address the changes to its demographic landscape, linguistic conflict seemed inevitable. Patience with bilingual education programs wore thin, as Americans demanded faster and more complete immigrant acculturation, and faster acquisition of English. Citizens and politicians worried that the nation was in a “mindless drift toward a bilingual society.”\textsuperscript{66} Bilingual education was considered a barrier to linguistic and cultural assimilation, and several states abrogated such programs entirely. The emergent civil rights era view of language, if not accommodating, at least recognized the right of the individual to retain one’s native language. This perspective, however, was giving way to an increasingly hostile stance toward foreign languages and linguistic minorities, characterizing them as “un-American and disloyal to the nation.”\textsuperscript{67} Though this trend was widespread, political, demographic and fiscal conditions in California all but guaranteed a clash over immigration, language policy and the amount of public resources
directed toward English learners. The following chapter will explain these separate factors and how they collided to produce a highly charged rhetorical battle over the future of bilingual education.
CHAPTER 2: PRECURSORS TO PROPOSITION 227

Central to the understanding of Proposition 227 is the state’s unique and peculiar system of “direct legislation,” an often spastic model which continues to draw criticism for its hyperactivity as well as for its tendency to overshadow the traditional branches of representative democracy. Consisting of initiatives and referendums (laws initiated by citizens and legislature, respectively), direct legislation subjects laws to a popular vote and is thus defined simply as “policy making at the ballot box.”

1 Allswang succinctly describes the inherent dangers of mass political participation by his summation of direct legislation: “a process whereby the people at large can ignore or confound their elected representatives by directly enacting or revoking statutes and constitutional amendments.”

2 Initially conceived as a means by which to empower the public to override corrupt and negligent representation, California’s version of direct democracy has expanded beyond this function, often overwhelming representative political institutions and earning itself the moniker of “The Fourth Branch.”

3 Controversy over the consequences of direct democracy predates its existence in the United States: James Madison famously declared that mass political participation “measures are too often decided, not according to the rule of justice and the rights of the minor party but by the superior force of an interested and overbearing majority.”

4 Though several other states have in place direct legislation processes of some sort, California in particular has been consistently attacked by critics for allowing its plebiscitary system to systematically trample the rights of minorities.
The preceding assessment of direct legislation suggests several important questions. Why, given the destructive tendencies of direct legislation and the controversy surrounding the system, would California adopt or retain such a cumbersome (and often damaging) process? More significant to this study are questions of how the process of mass political participation has influenced the construction of symbols which fuel the sociocultural dynamic of the state. Precisely what role does the system have in the public perception of ethnic identities, language ideology and education? After all, these issues culminated in the passage of Proposition 227. Such questions warrant a closer analysis of the trajectory of California’s unorthodox “direct democracy.” Toward this end, this chapter will examine the features of the state’s ballot initiative system and highlight its most problematic elements, which have compromised the effectiveness of traditional representative democracy and at various times exacerbated racial and ethnic tensions.

Via an investigation into the genesis and subsequent evolution of this system, the chapter will focus on key turning points in the state’s political history in order to probe its peculiar qualities and thereby provide context to the development of Proposition 227. Special attention will be paid to Proposition 187, a divisive and vitriolic battle which set the stage for ensuing racially-charged debates.

“Policy Making at the Ballot Box”

In California, the current system of direct legislation can be traced back to the nineteenth century, when the state’s political apparatus was heavily controlled by powerful railroad interests. Recognizing that the goal of extending the rail from east to west would require a great degree of government support, Southern Pacific – the
behemoth of railroads - leveraged its substantial financial clout to acquire subsidies and loans. The organization’s political influence far exceeded lobbying and even bribery: its members would infiltrate candidate elections and, once successful, would abuse their positions to extract more government aid and enact industry-friendly policies. Such graft produced backlash among the public as well as within the government, as the demand for reform spawned the Progressive movement. Quickly gaining political traction, Progressive party leaders began enacting measures to erode the entrenched political influence of the railroad industry. In 1910, the state’s first Progressive governor, Hiram Johnson, was elected to office on a wave of anti-railroad populism. Prodded by longtime direct democracy advocate John Randolph Haynes, he proceeded to promote several measures designed to undermine the pervasive and corrupting influence of special interests in politics and government. Among these reforms were the additions of initiative, referendum and recall.⁶

Still in place today, the direct initiative process enabled individual citizens to place an initiative on the ballot by taking several steps. First, the proponent must obtain from the Attorney General an official title and summary of the proposed initiative, after which a period of 150 days is granted to gather a requisite number of signatures of registered voters.⁷ If the citizen succeeds in obtaining the necessary signatures, the petition is then subjected to a signature verification process and having passed this, the initiative is placed on the ballot. Once accepted by the majority of the electorate, an approved initiative is enacted the day after the election and cannot be repealed or amended by the legislature, nor vetoed by the governor.⁸ Though not without extensive
debate, the initiative and referendum amendment passed overwhelmingly in the state legislature, as did the recall amendment. Although mechanisms of direct democracy had already been established in areas such as Los Angeles, this was California’s first introduction of such a system on a statewide level. In this context, among all of the United States, California had achieved an unprecedented level of direct democracy.

Not long after its implementation, the practical challenges of direct legislation began to emerge; the years between 1912 and 1918 saw forty one citizen-initiated measures, plus fifty eight sponsored by the state legislature. The introduction of direct legislation sparked a flurry of heated campaigns, as initiative sponsors dedicated large amounts of resources to publicize and propagandize their respective agenda. Clearly, voters were grappling with a sudden landslide of decisions and information. Interestingly, during these early years of the initiative process, patterns in voter behavior became evident; particularly, voters were especially drawn to propositions pertaining to social issues. For example, measures related to Prohibition and women’s rights attracted significantly higher voter participation than did measures related to election laws, despite the fact that the issues were on the same ballots. Also importantly, voters proved to be ideologically consistent over time, maintaining positions across multiple questions containing a common theme (for example, the correlation between persons who voted “Yes” on a proposition to outlaw prostitution and in favor of a Prohibition law was .892).

Nor did it take long for nativism to appear in California’s direct legislation. Proposition 1, the alien land law initiative, was introduced in 1920 as an attempt to
restrict property ownership by noncitizen immigrants. While the text of Proposition 1 did not explicitly single out the Japanese, the 1920 California Voter’s Guide’s “Argument in Favor of Proposed Alien Land Law” itself confirmed that its “primary purpose is to prohibit Orientals who cannot become American citizens from controlling our rich agricultural lands.” Protestations by Japanese-Americans that they accounted for less than two percent of the population and cultivated less than two percent of California’s farmlands fell upon deaf ears. The measure passed resoundingly, seventy five to twenty five percent and moreover had achieved a staggering participation rate: ninety percent of those individuals who had voted in the general election also voted on Proposition 1. Supreme Court Justice Murphy provided insight on the popularity of the measure:

A spirited campaign was waged to secure popular approval, a campaign with a bitter anti-Japanese flavor. All the propaganda devices then known – newspapers, speeches, films, pamphlets, leaflets, billboards, and the like – were utilized to spread the anti-Japanese poison. The Japanese were depicted as degenerate mongrels and the voters were urged to save “California – the White Man’s Paradise” from the “yellow peril”…Claims were made that the birth rate of the Japanese was so high that the white people would eventually be replaced and dire warnings were made that the low standard of living of the Japanese endangered the economic and social health of the community. Opponents of the initiative measure were labeled “Jap-lovers.” The fires of racial animosity were thus rekindled and the flames rose to new heights.

Though voters’ true motives in passing Proposition 1 are debatable, within only a decade of implementing direct legislation, the outcome of the initiative had already underscored the vulnerability of ethnic minorities in the new system. This vulnerability was especially acute in the case of immigrant populations, who by virtue of noncitizen status had minimal access to the electoral process.
Proposition 13 and its Lasting Effects

Even if it was not directly tied to nativism or immigration issues, any meaningful discussion of the present condition of California’s ballot initiative must make mention of the state’s “tax revolt” which led to the passage of Proposition 13 in 1978. This event is now widely acknowledged not only as a turning point leading up to hyperactive use of the ballot initiative, but also a structural cause of the budgetary crises of later decades. As inflation drove up property values which in turn drove up property taxes, residents began to despair at the growing occurrence of foreclosures. While few within the government disputed the fact that tax reform was needed, there was little agreement among the legislature or the executive branch as to what form this should take, and gridlock stymied a resolution. As frustration mounted and confidence in elected officials frayed, two would-be politicians turned grassroots leaders emerged with an ambitious if extreme plan: Paul Gann and Howard Jarvis proposed to fix the value of real property at 1975 levels and then cap increases to two percent per year until the property was sold to a new owner, at which point it could be fully reassessed. Furthermore, tax increases were capped at one percent and any proposed tax hike would need to obtain a two-thirds vote of the legislature, while local tax hikes required a two-thirds approval by voters themselves, making either highly unlikely. Though opponents of the bill warned of drastic cuts in revenue that would result in the slashing of services, the lure of frozen tax rates (to say nothing of the plan’s simplicity in comparison to the arcane complexity of its government-sponsored alternatives) appealed immensely to desperate homeowners. The grassroots campaign took off, and before long Jarvis and Gann had 1.2 million
signatures – more than double the number required to put the issue on the ballot. As election day approached, the property value crisis reached a breaking point and nightly newscasts were “filled with pictures of tearful old ladies whose assessments had more than doubled and who told interviewers they saw no alternative but to sell their homes, young mothers declaring that they would have to go back to work to pay the tax man, and public officials scurrying to come up with yet one more fix.” When the dust had settled, voters passed Proposition 13 with a resounding sixty five percent approval.

If voters had sought immediate relief from oppressive property taxes in passing the measure, their efforts resulted in unparalleled success. The short term consequences of Proposition 13 were indeed drastic and felt by millions of property owners, whose taxes were sharply reduced. Well aware of the measure’s immense popularity, politicians lined up in support of the policy. Within ten years of its passage, Proposition 13 had saved California property owners an estimated $228 billion in taxes. Unfortunately, the wave of taxpayer euphoria did not come without a cost: the massive decrease in tax revenue left a gaping hole in public coffers, forcing severe cuts in programs from education to health clinics to infrastructure. No longer was California able to sustain its superiority in these offerings; as the state’s property tax revenue was diminished, so too crumbled its erstwhile superior social services. The scarcity of state funds would fuel endless debates over the allocation of public resources and battles over who had the right to benefit from those resources. More significantly still, by effectively freezing taxes and imposing almost insurmountable barriers to raising them, Proposition 13 had the effect of indefinitely locking California into this fiscal straitjacket. The broad support of the
measure – or, more accurately, across the board unpopularity of tax hikes – promised to upend the political career of any elected official who dared question it, turning it into the untouchable “third rail” of California politics.\textsuperscript{21}

These, however, are only the most direct and visible ramifications of Proposition 13; it has also had a profound impact on the state’s political culture. The first ballot initiative passed by California voters in four years, it signaled decay in citizens’ trust in politicians. As many now argue, its inception and subsequent passage could have been easily averted had the traditional branches of the state government taken a more active role in resolving the crisis. The failure of these parties to do so led citizens to resort to the ballot initiative in an attempt to force a solution. In this sense, Proposition 13 was as much a rejection of the political system as the taxes themselves. One astute opponent of the law candidly offered that “taxes weren’t what that thing was all about. Politicians were what that was all about.”\textsuperscript{22} Nor was the use of the ballot initiative to pass Proposition 13 an isolated incident, to be set aside in favor of conventional lawmaking after the crisis abated. Whereas only on average slightly more than one initiative per two year election cycle was passed by voters between 1911 and 1978, this figure rose to four in the decades following Proposition 13.\textsuperscript{23} From that point forward, initiatives dealt with all manner of topics, ranging from the banalities of insurance rates to far reaching civil rights policies. As the collective optimism of previous decades gave way to an increasingly cynical perspective, Californians frantically turned to the ballot initiative system to promote their interests, often at the expense of their own neighbors. As we will see below, the same features of direct democracy which allowed constituents to bypass
corrupt and unresponsive representation collided directly with California’s demographic transformation in the later decades of the twentieth century - all at the same time that the state was suffering from its worst economic downturn since the Great Depression. This untimely collision resulted in the flaring of anti-immigrant sentiment, which in turn was quickly and easily manifested in ballot initiatives.  

**Demographics and Direct Democracy**

If the U.S. population had undergone a radical transformation in the decades following the Immigration and Naturalization Act of 1965, the effect in California was even more pronounced. Between 1970 and 1996, the state’s Latino population grew by 7.7 million and the Asian/Pacific Islander population by three million, while the white population increased by only 2.1 million. As immigrants flocked to California, elements of the Alien Land Law began to creep back into the ballot initiative process. The public first expressed its discomfort with the changes by attempting to assert the primacy of English. In 1984, voters passed the U.S. English-sponsored Proposition 38, or “Voting Materials in English Only” which protested the federal Voting Rights Act requirement to provide official voting materials in minority languages. Two years later, the English-Only bloc made a noticeably bolder statement by passing Proposition 63 to make English the official language of California. The measure, which passed by a two to one margin, not only required the state government to “take all steps necessary to ensure that the role of English as the common language of the state is preserved and enhanced” but went on to stipulate that individuals could sue the state if they perceived noncompliance.  

Symbolic in nature, these developments signified a gradual yet creeping encroachment on
the rights of immigrants. Nonetheless, these relatively mild actions would pale in comparison to the forthcoming row over the rights of undocumented persons to utilize government services. Indeed, Proposition 187 is particularly notable not only as a turning point in California’s immigration policies but as an instructive example of the capacity of politicians and special interests to determine the trajectory and outcome of plebiscites.

**Proposition 187**

By the early 1990s, the number of immigrants entering California every year had swelled to an estimated 400,000. In the midst of the immigration surge and on the heels of an economic recession, citizens had lost patience with the inability of the federal government to uphold its pledges to tighten border security, punish businesses which hired undocumented employees or fund the services needed for IRCA amnesty programs. More than this, however, Californians were outraged at the concept of publicly funding social services benefitting the same individuals who they believed should be deported.  

In 1994, Republican Dick Mountjoy introduced Proposition 187, or “Save Our State” (SOS) to the California legislature. Mountjoy, who had a prior history of promoting anti-immigrant policies, made his views on the issue clear, stating in interviews that undocumented mothers “come here for that birth certificate. They come here to get on the California dole” and that “the people of California are subsidizing the illegal [alien] invasion to the tune of somewhere around $5 billion a year.” The measure he proposed was no less blunt. Declaring that the “People of California…have suffered and are suffering economic hardship caused by the presence of illegal aliens…and are suffering
personal injury and damage caused by the criminal conduct of illegal aliens,”30 SOS targeted the two classes of undocumented immigrants deemed most insidious to society: those who actively sought public benefits and those who committed crimes.31 In refusing to serve undocumented individuals, Proposition 187’s authors – former INS officials - hoped to save public funds while discouraging immigration. At the heart of the measure was the demand for a state-run system to verify the legal status of anyone seeking public services.32

The polemic generated by Proposition 187 was not so much a result of its premise that undocumented immigrants should not be entitled to taxpayer funded benefits as the startling and unprecedented scope of the proposal. Controversially, the authors of SOS intended to deny public education and non-emergency healthcare services to anyone unable to produce proof of legal status. Taking it a step further, the proposed measure mandated that public educational institutions verify the legal status of students and their parents and sought to bar undocumented individuals from said institutions. This provision would have had the effect of refusing public education to the thousands of American citizens born in the U.S. to undocumented parents. Additionally, SOS required providers of public services (read: health professionals, welfare workers, educators, law enforcement authorities)33 to report to federal immigration authorities any applicant “determined or reasonably suspected to be in violation of federal immigration laws.”34

Having been a focal point of controversy for years, California’s debate over funding public services to the undocumented was far from new. Yet ironically, the struggle over Proposition 187 may have never come to pass were it not for the fact that
the incumbent governor, Pete Wilson, sensed in the bill a strategic leverage against his opponents. Facing a substantial deficit in the polls leading up to the 1994 gubernatorial election, Wilson was aware that he needed a scapegoat that would at once distract from and explain California’s ailing economy and budgetary woes. Proposition 187 would afford him two such targets: California’s undocumented immigrants and the federal government. Reversing his previously moderate, business-friendly stance on immigration, the governor seized the chance to lash out at political adversaries. Assailing a newly elected President Clinton for the federal government’s failure to control the border, Wilson announced that “we can no longer allow compassion to override reason” and that the cost of providing services to immigrants was bankrupting the state. Advocating for the passage of SOS, Wilson also lambasted his Democratic gubernatorial opponent Kathleen Brown (who did not support the measure) for accommodating illegal aliens. Suddenly, Proposition 187, which prior to Wilson’s endorsement had been struggling to collect the requisite number of signatures needed to appear on the ballot, was propelled the forefront of the public consciousness. With it soared Wilson’s formerly sagging political fortunes: by throwing his support behind the “get tough” cause, he was able to establish himself as a veritable conservative.

The debate over Proposition 187 and its attendant rhetoric reached levels unseen in previous decades. Though Propositions 38 and 63 had curtailed the rights of linguistic minorities and certainly contained xenophobic undertones, the hyperbole and racial imagery surrounding “Save Our State” was, to many, proof that the oft-touted notion of America’s “post racist society” was but a myth. While outwardly denying that the
measure was racist, proponents of Proposition 187 clearly sought to portray Latinos as an ‘other’ whose perceived failure to assimilate jeopardized societal cohesiveness. Barbara Coe, a member of the California Coalition for Immigration Reform and a key SOS sponsor, echoed this belief when she stated that “these people do not come to assimilate or contribute to our society. We’re talking about the undermining of our laws, our language, our culture, our history.” On other occasions, Coe was even less subtle, claiming:

“You get illegal alien children, Third World children, out of our schools, and you will reduce the violence. That is a fact….You’re not dealing with a lot of shiny face, little kiddies….You’re dealing with Third World cultures who come in, they shoot, they beat, they stab and they spread their drugs around in our school system. And we’re paying them to do it.”

Meanwhile, Wilson’s re-election campaign ran television commercials portraying “shadowy figures, presumably illegal aliens, running across a road” while a narrator warned viewers that “they keep coming.” Yet other Wilson ads went so far as to display these noxious images next to a split screen of the statue of liberty. These deployments, as well as the governor’s claims that he had helped to create SOS to “take back California for the working tax-paying families of this state” reinforced the “us vs. them” zero-sum paradigm which pitted the debauched and predatory immigrant against the virtuous American taxpayer.

Oddly, although many opponents of Proposition 187 denounced its inherent racism, others did not dispute and even fostered the assumption that undocumented Mexican immigrants were natural criminals. Indeed, they attempted to leverage the same “crisis” mentality associating undocumented immigrants with chaos and criminality,
against Proposition 187. According to the *San Jose Mercury News*, upon learning that sixty four percent of California voters supported SOS, opponents “raised the specter of a post-SOS California with roving gangs of juveniles, no longer allowed in schools, spraying graffiti and bullets.”\(^{45}\) Similarly, another line of argument used by opponents of Proposition 187 underscored the public health risks of refusing medical treatment to immigrants, in some cases equating them with disease carriers. For example, when asked about the measure’s potential effect on the health of legal residents, the chief of the division of infectious diseases at USC School of Medicine responded: “Who’s your maid? Who’s busing the dishes at the table where you eat? Who’s around your children in daycare?”\(^{46}\) Even Wilson’s Democratic challengers themselves often did not refute the premise of SOS, only questioning its efficacy in reaching its goals: asked to explain her stance on the measure, Senator Diane Feinstein weakly contended “I simply do not believe it will work.”\(^{47}\)

If Wilson had left any doubt that his motives in supporting SOS were purely political, this was demolished by his bizarre attempt to justify the extreme provisions of the measure. Asked during a televised debate what he would hypothetically do as a principal who had to comply with its requirement to expel children from school, he claimed that it would never come to that, because the courts would never allow enforcement of the law’s most radical clauses. Rather, by supporting SOS, he was “sending a message” to the federal government.\(^{48}\)

Whether or not that message was reaching its ostensible target in Washington, it had clearly struck a chord within the California populace. The apocalyptic tone carried
by proponents of “Save Our State” resonated with an electorate alarmed by a continual flow of immigrants, regardless of political affiliation. As hoped by Wilson, support for the measure was broad and did not split entirely along partisan lines. In fact, he succeeded in capitalizing on SOS as a “wedge issue,” one that divided his opposition and afforded him the political capital needed to secure re-election. Polls conducted prior to the election indicated that while a higher percentage of Republicans supported Proposition 187, forty four percent of respondents who identified themselves as Democrats also intended to vote for the measure. More importantly, a slight majority of individuals who classified themselves as “middle-of-the-road” voters (as compared to “conservative” or “liberal”) were in favor of SOS.49

Just as Wilson’s endorsement had given new life to SOS, it saved his once-flailing gubernatorial campaign. On November 9, 1994, California voters passed Proposition 187 with a fifty nine percent “Yes” vote, as Governor Wilson won his re-election contest against Kathleen Brown, fifty five to forty percent.50 As Wilson had predicted, the new law was soon blocked by the federal court system, where it remained for several years before a judge issued a permanent injunction against it in 1998. In her final ruling, Judge Mariana Pfaelzer claimed that portions of the 1996 Welfare Reform bill addressed restrictions of government services to noncitizens and that the majority of provisions in Proposition 187 were therefore void.51

That Wilson’s prediction ultimately materialized and the most draconian measures of Proposition 187 were struck down by the judicial system is almost secondary; the symbolic damage had already been inflicted on immigrant populations
within the state and beyond its borders. As Schrag reminds us, California’s story is “as much about the process as the outcome” and the bruising discourse which had taken place during the campaign for Proposition 187 took a devastating toll on the public perception of immigrant populations. At best, immigrants were portrayed as “economic units” who, depending on the person surveyed either added or subtracted to the economy. At worst, they were depicted as parasitic “invaders” on a mission to erode the social fabric of their host country. Either characterization stripped them of any semblance of humanity. Despite its ostensible focus on “illegal aliens,” the stigmatization of undocumented immigrants throughout the Proposition 187 campaign inevitably followed the entire immigrant population. By 1995, Congress was already considering legislation – strongly supported by Pete Wilson – to deny certain government benefits even to legal immigrants. Clearly, Wilson’s “message” had in fact reached its audience in Washington and was actively informing immigration and social policies. Furthermore, through its own struggles California had set a precedent for other states, resulting in a handful of copycat initiatives across the country.

California’s experiment with race politics and ballot initiatives did not end with the passage of Proposition 187. In a similar about-face, Wilson, who both as a mayor of San Diego and a U.S. senator had supported affirmative action programs, sued California in 1996 to end these very programs. No doubt in search of a cause to help carry his bid for the Republican presidential candidacy, he found Proposition 209, or the California Civil Rights Initiative (CCRI), which aimed to end all affirmative action programs in the state. Although Wilson’s presidential campaign was short-lived, Proposition 209
survived and later enjoyed the support of Republican nominee Bob Dole. Dole, who had also supported affirmative action earlier in his political career, was all too aware of the importance of California to the outcome of the general election. Thus, he decided to echo the views of his constituents in the state, vigorously endorsing CCRI. Like that of Proposition 187, the tone of the debate leading up to the vote was heated and hyperbolic. Accusations of racism flew from both sides. In the end, Proposition 209 passed by a margin of fifty five to forty five percent. Although narrower than the outcome of Proposition 187, it is notable that voters remained markedly consistent in their decisions; the coefficient of correlation between those who voted “Yes” on SOS and CCRI was .889. Also significantly, while voters’ income levels did not appear to affect their decision, those with a negative perception of the economy were more likely to vote in favor of Proposition 209, as had been the case with Proposition 187. Similar to Proposition 187, CCRI was challenged in the court system almost immediately after its passage; yet unlike its predecessor survived numerous legal battles and remains intact.

Discussion

While it is not uncommon for xenophobic policies to be promoted via representative democracy, the preceding examination demonstrates that the nature of direct legislation lends itself to domination by narrow, singular-issue populism. This myopia is especially unfortunate in the case of sociocultural issues such as immigration and affirmative action, both visceral points which invariably draw intense public scrutiny in times of economic malaise. Though largely hidden from view during California’s more prosperous decades, these adverse, if dormant, tendencies of the state’s ballot
initiative process remained alive and ready to emerge during less optimistic times. A host of factors made California a political tinderbox in the mid-1990s: the pressures of a painful recession, rapid demographic transformation, chronic budget crisis and political polarization culminated in what Schrag terms an “orgy of plebiscites.”

Often, the ability to vote directly on singular issues without prior knowledge of the matter or its implications allows voters to rely on facile, specious associations with little or no relation to reality. The utility of literature provided to the voter by the state, in the form of a pamphlet describing the initiative in question and the respective positions of its proponents and opponents, is limited by its “small font, confusing and complicated prose, and extensive length.” Thus, relentless attempts by the pro-SOS campaign to characterize undocumented immigrants as inherent criminals doubtlessly informed the decision-making processes of many voters who may have otherwise not been inclined to support the measure. This phenomenon explains the aforementioned ideological consistency of voters across various propositions, despite the fact that the initiatives often have little in common with one another aside from a general sociocultural theme. For example, the coefficient of correlation between voters in favor of Proposition 187 and the “Three Strikes” Proposition 184 (mandating a life sentence for individuals convicted of three or more serious crimes) was a startling .933. This remarkably strong relationship sheds light on both the linkage of immigration and criminality described above, as well as the tendency of the voter to reach for what Alvarez and Butterfield term “information shortcuts” when rendering a decision at the ballot.
Not surprisingly, the vast majority – seventy seven percent - of Wilson’s supporters also voted in favor of Proposition 187, whereas only twenty nine percent of Kathleen Brown’s supporters voted for it. Notably, the favored gubernatorial candidate of the voter was a better predictor of his or her position on SOS than were party affiliation or professed political ideology. This strongly suggests that the candidates’ respective campaigns served as major information shortcuts to Proposition 187 voters. Furthermore, the influence of the gubernatorial campaigns in the outcome of Proposition 187 is proof that although California’s direct democracy system was intended as a protection against corrupt special interests, its plebiscites can be swayed – if not dominated – by power players with ulterior motives.

These problematic elements of the ballot initiative system are compounded by the fact that the issues at stake most affect segments of the population which are systematically underrepresented in the political process. California’s demographics belie the character of the voting public: at the time of Proposition 187, Latinos numbered twenty eight percent of the state’s population yet constituted only fifteen percent of its registered voters. Moreover, participation among even registered Latino voters was atypically low compared to other racial groups. Despite having organized massive rallies to protest Proposition 187, public Latino opposition to the bill did not translate to votes – only eight percent of persons who voted on SOS were Latino. This disparity presents a peculiar and ominous dilemma, one in which the issues most important to one group are largely dictated by others.
Having examined the nuances of California’s ballot initiative system and its systemic features, we now understand the dangers it poses to underrepresented minorities, especially immigrant communities. Furthermore, the permanent structural constraints imposed by Proposition 13 on the state budget have set in motion and accelerated an ongoing scarcity of public funds. This condition all but ensured societal conflict, as groups and individuals debated which among them had the right to benefit from government resources. With these factors in mind, we may now shift focus to the development of Proposition 227, or “English for the Children.”
CHAPTER 3: “ENGLISH FOR THE CHILDREN”

The preceding chapter detailed the political and social processes by which language minorities were left vulnerable, particularly in the latter half of the twentieth century. Still, the prevalence of nativist tendencies discussed above would seem to defy the comparatively soft tone of “English for the Children.” This chapter will explain the genesis and formation of Proposition 227, beginning with a history of its main sponsor, aspiring politician Ron Unz. It will address the impact of his background and political ambitions on the characteristics of the law, which diverged significantly from Proposition 187. It will then identify the event which triggered the “English for the Children” movement, a protest by Latino parents against the bilingual education policies of a Los Angeles elementary school. After examining these roots, it will dissect the law itself, with particular attention paid to the inherent technical and logistical weaknesses which under normal circumstances should have led rational voters to categorically reject Proposition 227. By emphasizing the seeming improbability of the measure’s passage at face value, the study seeks to shed light on the importance of the public perception of linguistic diversity as well as bilingual education. Thus, the reader will be better equipped to comprehend the motivations of “English for the Children” supporters, opponents and California citizens at large, and thereby the discourse which these groups produced. First, we will take a closer look at the architect and chief advocate of Proposition 227, Ron Unz.
Ron Unz

Having entered California’s 1994 gubernatorial election as a virtual unknown, Ron Unz was billed as an “ultraconservative long shot” with minimal chance of unseating incumbent governor Pete Wilson. His campaign was characterized mainly by blistering criticism of Wilson’s policies, particularly the governor’s decision to raise taxes and his previous support for social programs.¹ In his opposition to Wilson, Unz had taken a vocal anti-Proposition 187 stance. A child of a Ukrainian immigrant, he decried the rising tide of xenophobia, claiming that blame for the nation’s problems was wrongly and unfairly placed on newcomers. His career in the tech industry had led him to believe that immigrants – legal and illegal – were an integral component of the economy, providing low wage labor in addition to the entrepreneurial spirit and technological expertise which allowed the U.S. to retain its competitive edge. The true cause of America’s problems, Unz argued, was “government policies whose emphasis on group rights promote [sic] ethnic tensions and a welfare state that encourages individuals to destroy their own families.”²

Unz publicly condemned Proposition 187, telling reporters that its punitive treatment of immigrants was “simply insane” and that “the prisons would be forced to release all the rapists and murderers to make way for the gardeners and nannies.”³ Among his numerous criticisms of SOS and the activities of anti-immigrant organizations was the worry that Republicans would drive immigrant voters into the arms of the Democratic Party. Absent of hostile policy, Unz argued, immigrants were largely social conservatives and thus would naturally gravitate toward the Republican worldview.
Furthermore, he proclaimed that the alignment between immigrants and liberals was doomed, as “the three most anti-immigrant constituencies in America are blacks, union-members, and environmentalists, and these are core elements of the Democratic Party, especially its liberal wing.”⁴ Significantly, his attempt to associate liberalism with xenophobia was not confined to the Democratic Party; of his gubernatorial opponent, he suggestively opined that “it is no coincidence that Governor Pete Wilson, a leading anti-immigrant figure in the Republican Party, is a very liberal Republican, being both a strong environmentalist and a firm believer in the welfare state.”⁵ Though he was ultimately defeated by Wilson in the Republican primary, Unz was nevertheless able to garner thirty four percent of those votes.⁶ Moreover, his unorthodox approach to politics and his eccentric qualities (his associates dubbed his campaign “Revenge of the Nerds”) had attracted a following among Republicans and granted the unlikely politician a measure of credibility in the public eye.⁷

That Unz would hold strong opinions on the issue of immigration was somewhat logical, given his familial background. Still, the adoption of bilingual education as a mantle seemed unnatural for a Silicon Valley software magnate who had trained in theoretical physics with Stephen Hawking and who admitted openly that he had never observed a bilingual education classroom.⁸ Yet if Ron Unz considered himself ‘pro-immigrant’ he was certainly not impressed by movements which aimed to recognize and celebrate multiculturalism and diversity. A strident assimilationist, he equated ethnocentricity with divisiveness, hostility and segregation. For Unz, this was especially true with regards to the question of language acquisition: any delay in learning English
likewise represented a hindrance to opportunity and advancement. Moreover, he viewed immersion as the only legitimate method of English instruction, since he believed that any use of students’ native languages enabled reliance on them, thus inhibiting their acquisition of English. This belief explains why, as a political candidate, Unz demonstrated an early interest in eliminating bilingual education: a 1994 campaign newsletter stated “Our schools should teach one language – the English language – and one culture – American culture.”

His lack of experience in the field did not deter him from attempting to uproot the public education system. Questioned by a reporter on his dubious credibility as a leader of education reform, Unz once responded “I’ve talked with parents; I’ve seen it on TV…and that’s enough for me to know that the current system clearly doesn’t work.”

Proposition 227: The Beginnings

The campaign to eliminate bilingual education would take place against a backdrop of public anxiety and general malaise over the dismal condition of California’s schools. Decades after implementing bilingual instruction, the state’s public education system was beset by fiscal problems and seemed incapable of reclaiming its standing. Unable to sustain its performance under the post-Proposition 13 budgetary constraints, the reading and math scores of California’s students had fallen well behind national averages. Frustration and discontent with the system led a demoralized public to demand solutions from the seemingly inept and unresponsive state bureaucracy. In response, public officials regularly launched new reform initiatives throughout the 1990s to measure and bolster academic performance. Such efforts pointed to the indisputable
fact that enrollment and test scores among Latino students remained abysmally low in relation to the larger student population. Meanwhile, funding for bilingual education came under intense fire in a political atmosphere which heavily favored assimilation. Yet little was made of the fact that only a fraction of LEP students were in bilingual classrooms – the rest were already enrolled in English-only programs. Conflation between the academic achievements of Latino students and the efficacy of bilingual education programs clouded the public perception of the issue and led to the common misconception that said programs were at the heart of the education crisis.¹²

In 1996, Latino parents at Los Angeles Ninth Street Elementary School protested the school’s bilingual education policies by boycotting the programs. In addition to the ongoing systemic deficiencies of the California public school system, Ninth Street faced extraordinary challenges: at the time of the protest, half of its students were homeless and ninety two percent were considered LEP.¹³ The boycott was organized by Alice Callaghan, a priest and self-described “flaming street activist”¹⁴ who ran Las Familias del Pueblo, a daycare and after-school center near Ninth Street Elementary School. Located in the garment district of Los Angeles, the center catered to children of undocumented Spanish-speaking immigrants who struggled to support their families on low wage jobs.¹⁵ At first, Callaghan was supportive of bilingual education programs, stating that when she began working with children she believed that “the theory of bilingual education made wonderful sense.”¹⁶ However, her faith in these programs eroded as she began to question the results and methodology behind them, becoming increasingly unconvinced that students were being taught English. Callaghan began instructing parents to demand
that their elementary aged children be removed from bilingual education programs in favor of the immersion-based English Language Development Program. According to her account, the administration at Ninth Street Elementary School categorically denied these requests, leaving parents of about ninety students little choice other than to pull their children from the programs altogether - thus beginning the contentious and highly publicized two-week protest.17

However, this version of events was strongly refuted by the school district. Ninth Street Principal Eleanor Vargas Page maintained that all of the parents had signed forms affirming their acceptance of bilingual education programs, and that prior to the boycott none of them had even requested that their children be switched to English immersion programs. Furthermore, Page objected to the fact that Callaghan purported to speak on behalf of the parents and argued that “the conflict was not here in the school. The complaints were initiated by Alice Callaghan, not by the parents.”18 According to Page, many of the parents were reluctant to become involved with the protest and had privately expressed fear that if they declined to participate, they would be denied access to Las Familias del Pueblo, upon which they depended for daycare services. When the school requested that boycotting families attend a meeting to discuss the bilingual education program, Callaghan warned them not to go, lest they be subjected to “harassment” by the school.19 Regardless, the boycott was covered heavily by local news outlets, which published such stories as “Bilingual Schooling is Failing, Parents Say.”20 In the face of this pressure, the school removed the students from bilingual education programs and placed them in English immersion classes. Curiously, Callaghan continued to hold the
protest for two days after this decision, keeping students out of school after the resolution had been reached.\textsuperscript{21} Media coverage of this event initiated the popular narrative that would later undergird the “English for the Children” campaign: that bilingual education was reviled by its supposed beneficiaries in non-English speaking communities.\textsuperscript{22}

Despite the allegations that some parents were coerced into participating, and that the demonstrations were staged by opponents of bilingual education, the Ninth Street protest nonetheless provided a platform from which Ron Unz would launch the Proposition 227 campaign.\textsuperscript{23} Following the media spectacle surrounding the boycott, Unz cited the incident as the inspiration behind “English for the Children.” Whether he was truly motivated by a “pure, unwavering conviction that bilingual education, as a way to acclimate children into English, defied logic and test scores,” or was merely seeking political capital for a second attempt at public office, as many suspected,\textsuperscript{24} Unz forged ahead with his plan to eliminate bilingual education. In the process of drafting the measure he reached out to Frank Sharry, the executive director of the National Immigration Forum, as the two had previously collaborated in opposition to Proposition 187. Although Sharry did not agree with the new plan to mandate English-immersion instruction, he did provide crucial insight which would not be lost on Unz, warning that “this could get ugly, divisive. If you’re going to do it, do it in a way that is pro-Latino and pro-immigrant.”\textsuperscript{25}

The following section will discuss the content of Proposition 227, explicating the inconsistencies evident within the law which should have rendered its approval by California voters improbable, if not inconceivable. The purpose of this discussion is not
to endorse one method of instruction over another: rather, by pointing out the numerous conceptual and technical problems apparent throughout the legislative language of Proposition 227, it will make the case that public support for the impracticable measure was largely the product of distorted rhetoric and symbolic manipulation throughout the campaign.

**Proposition 227: The Text**

Titled “English for the Children,” Proposition 227 consists of nine articles, five of which are material to this discussion. The first of these begins non-controversially by affirming the predominance of the English language in the U.S. and globally, asserting that immigrant parents want their children to learn English, and that California schools are constitutionally obligated to teach students English. The logic of the measure, however, becomes problematic when it further states that “The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children.”

Attributing the state’s ongoing educational deficiencies to bilingual education programs, (i.e. “costly experimental language programs”) this association obfuscates the root causes of these shortcomings by choosing to ignore that the public education system at large was producing similar results. Furthermore, lost in this indictment of bilingual education was the fact that only twenty five percent of English learners in elementary schools statewide were even participating in bilingual education programs.

Article One proceeds to declare that “young immigrant children
can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.”²⁸ From that point, the article concludes by stating that “Therefore, it is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.”²⁹

Having established the desirability of English and the supposed ability of children to “easily” become fluent speakers, the second article stipulates that English learners shall be permitted a maximum of *one year* of “sheltered English immersion” (subsequently described as a class in which “nearly all classroom instruction is in English but the curriculum and presentation designed for children who are learning the language.”) Classrooms were to be comprised of students with roughly equal levels of English proficiency, regardless of native language or age group. After obtaining a “good working knowledge of English,” students would then be transitioned into mainstream classrooms.³⁰

Article Three outlines the requirements for and procedure by which to obtain parental exceptions from the preceding mandated course of action. Such exceptions must be acquired on a yearly basis, and to do so the student’s parents or guardian must “personally visit the school to apply for the waiver and…be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child.”³¹ Students whose parents obtained waivers could be transferred to bilingual classrooms. However, the same article stipulates that only schools in which at least twenty percent of students within a grade level successfully obtain such a waiver would be required to offer bilingual instruction –
if the school did not accommodate waived students, *they would have to transfer to another school that did.* In such instances, the students’ parents would be responsible for their transportation to the new school.\(^{32}\) Furthermore, Article Three limited waiver eligibility to students who were already English proficient, or were ten years or older, or had “special physical, emotional, psychological, or educational needs” requiring additional support. Parental judgment, however, would not be sufficient to designate a special-needs student: only upon approval from the principal, staff and finally the superintendent could a child be classified as such. Yet Article Three qualified even this exception, stipulating that meeting these lofty standards still “shall not compel issuance of a waiver.”\(^{33}\)

Article Four commits fifty million dollars per year to “free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.” Article Five permits parents of students who have been “denied the option of an English language instructional curriculum in public school” to sue the state, and further holds that “any official…who refuses to implement the terms of this statute…may be held personally liable for fees and damages.”\(^{34}\)

**Discussion**

From a purely technical standpoint, the measure is unworkable. Rife with ambiguities and lacking any degree of specification, the text of Proposition 227 presents more questions than solutions. Conspicuously absent throughout the document are
parameters or metrics by which to classify students’ English proficiency levels, to say nothing of a curricular model for the implementation of such a far-reaching policy. Instead, “English for the Children” made school districts fully responsible for interpreting broad descriptions such as “nearly all…in English” and “overwhelmingly…English.” One administrator later conveyed the difficulties of implementing this: “It’s a legal and political issue for boards to determine what is ‘overwhelmingly’ or ‘nearly all’ in their communities….Districts are really all over the place.” References to students with “good working knowledge of English” and the intent to lump together “English learners…whose degree of English proficiency is similar” are especially problematic, as they offer no concrete instructions by which educators could systematically assess students, much less place them into appropriate classrooms. Beyond this, as critics have pointed out, the measure did not provide a remedy for students who could not become proficient after the prescribed one year period of “sheltered English immersion” despite a consensus among educators that academic proficiency in English takes much longer than a year, with many reporting an ideal timeframe of five to seven years for re-designation. More troublesome yet, in neglecting to define or propose any form of framework by which schools could fulfill its standards, “English for the Children” left school districts in the dark as to the teacher training and other preparations which would be needed to successfully implement immersion programs. Even while demanding that educators carry out such a significant policy shift, the law did not appropriate any funding for the new programs or for staff development.
Article Three’s confusing explanation of the parental exceptions only adds to the list of complications presented in the preceding clauses. Once again neglecting to delineate the circumstances in which a waiver would be granted, this section places the burden of determining waiver eligibility on educators and administrators, who are to decide what degree or type of “special needs” merit an “alternate course of educational study” and what such a course would consist of. Worse yet, Proposition 227 requires parents of LEP children seeking waivers to navigate a complex and obtuse bureaucracy in order to even apply to access bilingual education. Daunting even to U.S. natives, these requirements constituted an insurmountable structural barrier for many non-English speaking immigrants. Ironically, the constraints placed on parental involvement with the education of LEP students as evidenced in this section contradict Article One’s declaration that “immigrant parents are eager to have their children acquire a good knowledge of English.” The fact that “English for the Children” obstructed immigrant parents from participating in the education of their children cast doubt upon its ostensible purpose.

Article Four’s vision of “community-based English tutoring” is no less problematic or ambiguous than the preceding sections; its allocation of fifty million dollars per year for English education to adults who promised to teach English to children posed several unanswered questions. On a fundamental level, it was left unclear specifically where this funding would come from. Moreover, it is evident that as a pedagogical method, it is questionable at best. Most likely, Unz had included this provision as an attempt to preempt the ‘hypocrisy’ label. Similar criticism had plagued
previous English-only campaigns which had claimed to support English instruction yet declined to endorse funding actual programs.\textsuperscript{39}

Alarmingly, despite the lack of operational definition provided within the poorly written Proposition 227, its drafters included Article Five as a means of enforcement, naming school officials and teachers \textit{personally liable} for its implementation. In essence, by omitting any standards defining “nearly all” and “overwhelmingly,” the law shifted this responsibility to local schools. However, in the case that a given school district also declined to specify its criteria for meeting this requirement, by default the burden would be shifted downward onto the teacher.\textsuperscript{40}

Advocates of Proposition 227 apparently did not believe that the multitude of logistical problems it posed merited additional consideration or a transitional period during which educators could address or attempt to resolve difficulties faced in implementing the new policy. The measure, set to appear on the June ballot, was to go into effect immediately upon its passage, and school districts would be legally obligated to adhere to its provisions from the start of the 1998 school year, mere months away.\textsuperscript{41} Results of a survey which polled 153 schools indicated that around half of the schools expressed a need for additional direction and clarification of Proposition 227’s requirements from the state.\textsuperscript{42} The hastened timeframe demanded by the law’s drafters prohibited teachers and administrators from adequately preparing, planning or training for what was essentially a sea change in methodology. In so doing, “English for the Children” undermined the professional capacity of teachers, inviting a chaotic and disorganized implementation phase while ironically increasing the accountability of
schools and teachers to carry out its unclear demands. This placed teachers in the especially vulnerable position of relying on school districts for guidance yet being personally exposed to legal action for perceived noncompliance. One teacher explained in hindsight the lack of support available to facilitate the transition: “Overnight we were told to teach entirely in English without any training. Because many of these administrators and coordinators had not supported bilingual education in the first place they were unlikely to help staff align the old instructional approaches with the new.”

Thus, Proposition 227 set itself on a course for erratic and inconsistent implementation, as school districts across the state scrambled to interpret its provisions and apply them to individual classroom settings.

To an unbiased observer, the operational barriers preventing successful implementation of “English for the Children” alone constitute sufficient cause to delay approving the law until such issues have been addressed. Indeed, the ambiguities and inherent roadblocks of Proposition 227 should have precluded its adoption in a state where the stakes were so high: California was home to almost thirty percent of the nation’s English learners. Experts warned that the drastic policy shift was tantamount to a “giant educational experiment that affects California’s 1.4 million language minority students.” Yet voters rejected this premise, passing the measure by a substantial margin of sixty one percent in spite of its implications. The public’s resounding electoral support for “English for the Children” defied the litany of concerns discussed above. Following its passage, opponents of the measure struggled to piece together the factors which had convinced millions of California voters of the urgent need to ban bilingual education.
programs. At the heart of these causes were continual themes such as the shortcomings of the state school system, which had failed to meet the needs of English learners, as well as a pronounced discomfort with the changing demographic landscape rooted in nativism. Combined with the short-sighted ‘hyper-populism’ engendered by the ballot initiative process, such elements were even more likely to produce otherwise confounding results. Still, adoption of the poorly written, far reaching and ill-conceived “English for the Children” law would likely not have come to pass absent the “brilliant stroke of packaging” employed by its main sponsor, Ron Unz. With an eye toward understanding the power and depth of these campaign tactics, the following chapter will discuss the remarkably effective approach behind the “English for the Children” movement.
Persuading the majority of California voters of the necessity of eradicating bilingual education programs presented Unz with a unique set of challenges. To garner sufficient votes for the passage of Proposition 227 would require the support of most of the Republican base, which traditionally adhered to a hardline position on immigration issues. At the same time, a ‘get tough on immigration’ stance guaranteed an outcry from the left and especially the state’s growing Latino and Asian immigrant communities - potentially strong enough to torpedo the initiative entirely. For Ron Unz, success depended upon maintaining a careful balance of appealing to mainstream voters while heading off criticism from the latter group. This chapter will shed light on the methods by which he reconciled these seemingly conflicting demands. To do so, it will examine the strategy and tactics of the Yes on 227 campaign, with particular focus on the core message of “English for the Children” and the manner in which this was conveyed to the public. It will contrast this aggressive, organized approach with the delayed and confused response by the initiative’s opponents, who were at first reluctant and ultimately unable to convince the voting public of the measure’s probable repercussions as detailed in Chapter 3. The aim of this analysis is to demonstrate that via effective messaging and media control, Ron Unz and his allies redrew the parameters of the bilingual education debate in California to their advantage. To cultivate the polemic, the Yes on 227 campaign redirected the focal point of the conversation from language access rights to the centrality of the English language in American society. Thus, a law designed to restrict
language access to immigrants was cast as a civil rights advancement for the same group, effectively setting in motion Unz’s “argument from transcendence.”

**Campaign Messaging**

Unz took Frank Sharry’s advice – in addition to his experience with Proposition 187 – to heart. The goal made clear in the language of Proposition 227 was indisputably immigrant assimilation, and the measure was heavily rooted in the assumption that English was superior to other languages. Yet Unz knew that directly criticizing foreign language speakers would produce a strong backlash which could alienate voters and jeopardize the initiative. A more nuanced approach was in order: one that could reframe the issue from a law which sought to abolish bilingual education to one which fought to restore and protect immigrant rights. Furthermore, a successful campaign would require a devastating offensive strike which vilified bilingual education and its proponents. From the inception of the campaign, Unz constructed an image of himself as a champion for the rights of Spanish-speaking immigrants. To stake out this position he titled the measure “English for the Children,” suggesting a motivation purely centered on the educational welfare of society’s most protected members. As James Crawford notes, “who wanted to vote against English, or against children?”

Well aware that he would need credible advocates from the Latino community in order for the public to accept this position, Unz enlisted several well-known and respected Latino leaders to represent the movement. He tapped Gloria Matta Tuchman to co-author the proposition, and later co-chair the campaign. Tuchman, a longtime elementary teacher and school administrator, had been a vocal critic of California’s
bilingual education programs. Yet Unz’s foremost symbolic victory for “English for the Children” was his recruitment of Jaime Escalante as honorary chair for the campaign. As the inspiration behind the 1998 film Stand and Deliver, Escalante had attained the status of a folk hero, especially within California’s Latino community. He summed up his support for Proposition 227: “At the end, [students] are going to have to face the [Scholastic Aptitude] test, and it’s going to be in one language.” The campaign also made light of endorsements from high-profile Asian-Americans, boasting on its website that “two of California’s most prominent Asian-American political leaders – State Treasurer Matt Fong and Republican Party Vice-Chairman Bok Pon – were among the earliest supporters of Proposition 227.” Unz’s selection of key Latino and Asian-American figures to represent “English for the Children” was a crucial element of his ‘pro-immigrant’ strategy, one which allowed him to claim early on that immigrants broadly supported – or should support – the law. To reinforce this symbolism, the campaign distributed brochures featuring images of smiling Latino children. Media outlets took note of Unz’s choice of appointees, lauding him for his “impeccable record on race relations.”

Yet if Unz made a point to appoint key figures to important campaign roles, he made equally vocal efforts to denounce the support of individuals that he did not want to be associated with “English for the Children.” Once again, he made his animus toward Governor Wilson and “Save Our State” known, vowing that “nobody prominently associated with Proposition 187 will be allowed any significant role in our campaign.” He did not hesitate to single out the governor by name: when asked by a reporter if he
would accept Wilson’s support, Unz replied, “Absolutely not. Hispanics consider Pete Wilson the devil. He’s the kiss of death.”

His relentless public SOS-bashing drew the ire of his own party: anti-immigration Republican activists lambasted Proposition 227 as being an immigrant-friendly “out-and-out scam.” Rather than attempting to assuage his conservative critics, however, Unz stoked the flames, suggesting that “I come from a pro-immigrant background and I think that is the thing that probably really annoys them” and that the detractors were “fringe people overly excited by ideas that most people view as implausible. About ninety percent of what they’re saying is complete nonsense.”

Clearly, he relished such clashes: to Proposition 227 backers, these intra-party conflicts were as instrumental to campaign messaging strategy as was the endorsement of any prominent leader. Antagonizing outwardly xenophobic interests granted credence to their claim of being ‘pro-immigrant.’

Constructing and preserving the heroic image of his campaign, as Unz knew, was but one side of the equation. In order to compel California voters to the ballot, he would need to provoke from them a visceral reaction which could draw on populist disaffection with government bureaucracy. “English for the Children” had already made clear that immigrant children were the primary ‘victims’ of bilingual education; to complete the scenario, the perpetrators would need to be identified and their ulterior motives exposed. To this end, Unz hammered bilingual education supporters as “profiteers” driven by “the worst sort of perverse incentive, in which administrators are financially rewarded for not teaching English to young children or pretending that they haven’t learned the language; schools are annually penalized for each child who becomes fluent in English.” He also
routinely claimed that school districts were the beneficiaries of hundreds of millions of dollars in annual subsidies. To be sure, the state did provide school districts with funding to be put toward LEP students: these contributions totaled an estimated $241 per LEP student during the 1995-96 school year – hardly enough to consider educators “profiteers.” Moreover, only thirty percent of these state funds were actually set aside for bilingual classrooms.\(^{14}\)

Another oft-repeated line throughout the campaign was the supposed “ninety five percent failure rate” of bilingual instruction: this was a favorite of Unz, who cited it in multiple editorials, interviews and speeches.\(^{15}\) The figure was derived from Department of Education Data, which held that five to seven percent of English learners were officially re-designated as fluent in English each year.\(^ {16}\) Unz inverted this statistic, reasoning that “only about five percent learn English by year’s end, \textit{implying an annual failure rate of ninety five percent for existing programs} [emphasis added].”\(^ {17}\) Of course, this logic assumes that LEP students can and should learn English within one year – a severe underestimation, according to most experts.\(^ {18}\) Furthermore, he neglected to mention that less than one third of California’s LEP students were participating in bilingual education programs – a fact which would seem to cast doubt on English-only instruction as an effective methodology.\(^ {19}\) Unz himself eventually admitted that this claim was based on questionable grounding.\(^ {20}\)

“Ninety five percent failure rate” notwithstanding, as a rule Unz avoided presenting empirical data when arguing the case for Proposition 227. This was made evident in his various conversations with the press, during which he would routinely
throw out estimates based on little more than his own intuition. In one interview he ventured: “I’d say a quarter to a third of the Latino student achievement gap is caused by these stupid language programs. I personally can’t think of anything else that would have that big an impact. We should stop using the method that doesn’t seem to work.” In the same interview, he speculated: “I would guess that a significant portion of the achievement gap is based on language. There’s no way to prove that. But it just seems to me that it is a significant controlling factor. All the evidence seems to point to it as one.” When questioned by another reporter as to his unrealistic expectation that children could learn English within a year, Unz declined to elaborate, stating simply: “I say one year is enough for a child.” The proliferation of such phrases (“I’d say,” “I guess” and “It seems to me”) in his communication signaled a rejection of scientific study in favor of simplistic logic.

As with many of California’s heated direct democracy initiatives, technicalities were often unimportant, if not counterproductive to this debate: as one journalist observed, “It’s clear Unz is no longer in an academic classroom. He’s in the political arena, where mathematical accuracy takes a back seat to repeating your slogan and hoping it sticks.” And stick it did: the campaign relied upon, and frequently employed, appeals to populist outrage against “out of touch” government institutions. His speculative, common-sense reasoning style contrasted sharply with the public’s image of an aloof and impractical education system which was paralyzed by bureaucracy and categorically resisted change, despite dismal results. In general, Unz assailed bilingual education as “avant-garde pedagogy and multiculturalist ideology…based on the
ridiculous notion that too much English too early will damage a child’s self-esteem and learning ability.” Such allusions to political correctness were periodically employed by the Yes campaign in reference to bilingual education advocates, commonly labeled as the “education establishment” or “education industry.” Amidst the 1990-era backlash against all things “PC,” this tactic promised to stir emotions and elicit a strong response from an electorate skeptical of government-mandated programs.

Of course, the negative reputation of the public education field was by no means a creation of Ron Unz or his campaign; he merely capitalized on an already well-established perception. In fact, voters’ frustration with the system far predated the introduction of “English for the Children.” In the years leading up to the initiative, systematic refusals by the California Association for Bilingual Education (CABE) to consider rolling back mandates or allowing schools to exercise more autonomy over their teaching methods were seen as proof that bureaucracy was stifling education. CABE’s resistance seemed even more untenable when considering the dearth of resources available to support mandated bilingual programs: during the 1996-97 school year, the shortage of bilingual teachers had reached approximately 25,000. CABE’s handling of these matters added to its obstructionist reputation: the organization periodically stymied reform legislation efforts by aggressively lobbying Latino state senators to kill the proposed laws, a practice which was abhorred by the public and ridiculed in the press. Even supporters of bilingual education had to concede that the system was badly in need of an overhaul.
Opposition Response

And what of these supposed bilingual education supporters? If media reports were to be believed, they were few and far between: for months, claims made by the Yes on Proposition 227 campaign went largely un-refuted, at least in public. Harry Pachon, president of the Tomas Rivera Policy Institute, lamented that “the silence of the bilingual-education establishment has been deafening. They’ve lived in a sheltered world and they have to realize that in California, nothing is sacred.”

Although several major organizations (among them the California Teachers Association, CABE, the Mexican American Legal Defense and Educational Fund, and the Northern California Coalition for Immigrant Rights) had convened with the plan of developing an effective “No” campaign, the participants and their interests in defeating the initiative varied so widely that they were unable to come to agreement on a cohesive strategy to counter Proposition 227. For example, teachers unions were most strongly opposed to Article Five of the initiative, which exposed teachers to lawsuits. Meanwhile, civil rights groups considered the entire law to be a flagrant violation of language rights, while school districts were mainly concerned that the measure would entail an imposition of sweeping mandates by the state onto local school districts. The discord severely impaired the formation of an opposition coalition, and as a result an organized response to “English for the Children” did not emerge until a full four months after the Yes campaign was up and running.

When one did finally materialize in the form of a patchwork alliance called “Citizens for an Educated America” (CEA), the battle over public messaging was already tilted heavily in favor of Unz, who had for months been aggressively canvassing and had long ago won
over the media’s ear. Fully aware of their predicament, Citizens for an Educated America reached out to seasoned campaign professionals to develop a coherent strategy, hiring Democratic consultant Richie Ross to spearhead the effort. Originally, they had sought a leader who had “experience with anti-initiative campaigns…education, parent choice and bilingual issues,” but had few solid options with these credentials, partly owing to the fact that many were already committed for the upcoming election, and those that remained were wary of taking on what they perceived to be a lost cause. Laurie Olsen, a leader of the No campaign, later characterized the decision as “an uncomfortable marriage for bilingual advocates, who were fighting an initiative that most perceived as hitting at the very core of their being.” Nevertheless, knowing that there were few alternatives and that time was of the essence, CEA leadership went ahead with the decision, handing over the campaign to Ross.

Facing a daunting electoral deficit, the new leadership scrambled to control the damage already inflicted by the Yes on 227 campaign. A frantic effort by the No campaign to uncover the reason behind the initiative’s popularity revealed that voters overwhelmingly preferred English-based instruction, and that moreover, the majority (sixty two percent of respondents polled) considered bilingual programs to be a “huge waste of tax dollars.” From these results, campaign consultants inferred that the entire premise of bilingual education was indefensible to the voting public: any winning strategy would have to sidestep this issue and instead focus on the ramifications of “English for the Children.” Essentially, Ross’s team concluded that the pedagogical nuances of bilingual education theory were too complex and arcane for the voting public,
who had in any case already made up its collective mind that bilingual education programs were ineffective at best. To this end, those involved with the campaign were explicitly instructed not to defend bilingual education. Rather, when questioned by the press or Proposition 227 advocates on specifics, they were urged to reply: “I’ll be happy to discuss bilingual education on June 3 – assuming the Ron Unz initiative fails and we can still have a meaningful conversation.”\(^{36}\) The media – and the public at large – were confounded by this non-response, which seemed to concede the entire bilingual education argument to the pro-227 camp. Nor was this directive strictly intended for the most visible CEA spokespersons: Ross appealed directly to bilingual educators to refrain from defending bilingual education, asking instead that they “becom[e] politically bilingual.”\(^ {37}\) Tip sheets distributed to grassroots volunteers contained the warning “DO NOT get into a discussion defending bilingual education.”\(^ {38}\)

Furthermore, the consultants determined that in order to gain the support needed to defeat the initiative, the campaign would have to attract the “swing vote” – in this case, Republican women over age fifty. Polls found that political party and gender were strong predictors as to whether voters would support or oppose Proposition 227: it was heavily supported by Republican men and largely opposed by Democratic women. Income was also a factor, as individuals who reported household incomes over $60,000 were much more likely to support Proposition 227 than were those who reported household incomes below $20,000.\(^ {39}\) In order to reach their intended audience while avoiding the central topic of bilingual education, the No campaign attempted to make up for lost ground via
television advertising, spending millions on ads in both Spanish and English in the weeks before the vote.\textsuperscript{40}

Another insight gleaned from polling efforts by No on 227 was the idea that voters disapproved of spending taxpayer funds on services for immigrants. Therefore, reasoned consultants, the most expedient course of action would be to attack the provision in Article Four which committed $50 million annually to English instruction for adults. In the weeks running up to the June 2 vote, CEA aired television ads taking aim at this appropriation:

The…English-language ad counters with a young, Anglo girl who peers into the camera with an alarmed look and declares, “The people behind Proposition 227 don’t tell you the state already ended mandatory bilingual education. And they don’t tell you about the money.” An adult male voice then intones, “Proposition 227 appropriates $50 million a year for a new spending program.” The girl adds, “And it won’t go to our schools.” The male voice continues, “Proposition 227 funds teaching non-English speaking adults who will tutor kids English.” The ad ends with the girl saying, “Kids won’t learn English that way” and with the male voice closing with “President Clinton says ‘No’ on 227.”\textsuperscript{41}

Ironically, the subtext of this advertisement suggests that the appropriation of public resources to immigrants was unacceptable - a fundamental tenet of the English-only movement. In fact, this became a major line of attack for the No campaign. The first several items on CEA’s website lambasted the $50 million funding, primarily warning that if Proposition 227 passed, taxpayers would be on the hook for services which would directly benefit immigrants.\textsuperscript{42} Similarly, a campaign news release claimed that the adult literacy funding was “taking money away from the schools to teach adults English at an additional cost to taxpayers.”\textsuperscript{43}
This line of argument became problematic for supporters of bilingual education. Protesting funding for language acquisition programs, whatever the method, was out of character for a group mainly comprised of educators and other longtime advocates of social services. The seemingly unlikely stance cast doubt upon the motives of the No campaign. Responding to CEA’s criticism of the tutoring funding, Unz pointed out this apparent cognitive dissonance, charging that “this is coming from groups who have never opposed education spending….They suddenly have switched gears just before the election, which isn’t very effective….If the worst thing they can say is that it funds adult English literacy…it shows the desperation of their campaign.”

In addition to inviting criticism from opponents, the incongruity of the No campaign’s messaging strategy provoked internal dissension within the coalition. Although many opponents of Proposition 227 reluctantly accepted tactics prescribed by campaign consultants, others refused to accede to what they viewed as a betrayal of their profession, if not a recipe for disaster at the ballot. Advocates resented the campaign’s decision to focus on tangential issues - such as a hypothetical community-based English tutoring program - while refusing to discuss the ongoing problems already facing bilingual education programs. Some would later go so far as to concede Unz’s hypocrisy charge, lamenting that “for once he was right.” While a few launched their own efforts to educate the public about these programs, such undertakings were seldom backed by CEA, occurred with irregular frequency and received scant attention in the press.

Despite the advertising blitz by the No campaign in the weeks leading up to the vote and polls indicating that support for Proposition 227 was fraying, opponents of
“English for the Children” proved unable to reverse the negative image of bilingual education or, for that matter, convince voters to reconsider whether the initiative was a workable solution to the myriad challenges facing the public education system. Proposition 227 sailed to an easy victory on June 2, by a margin of sixty one to thirty nine percent. Moreover, it was apparent that the No campaign had failed to sway the segment which it had most aggressively targeted: according to exit polls, Republican women favored the measure by an even wider margin of seventy two to twenty eight percent. If poll results held any solace for bilingual education supporters, it was found in the Latino vote. Despite insistence by Ron Unz that this group would overwhelmingly back his initiative, only thirty seven percent of Latinos ended up voting in its favor. Additionally, though Asian Americans preferred the measure by fifty seven to forty three percent, this too fell far short of his initial expectations. Both figures debunk a central argument made by “English for the Children” that bilingual education was held in contempt by the very groups it claimed to serve.

Discussion

The cumulative effect of Unz’s attacks on bilingual educators, his purported advocacy on behalf of non-English speaking immigrants and his ‘commonsense’ approach to addressing the issue was to plant a specific and striking narrative in the public’s eye. In his worldview, immigrant children held the will and capacity to rapidly learn English yet were systematically prevented from doing so by the self-interested bureaucrats whose very paychecks depended upon maintaining the status quo and hindering English acquisition in LEP students. As such, according to this perspective,
bilingual educators and their supporters were actively and purposefully subjugating a disadvantaged underclass for personal profit. Strategic recruitment of representatives with high standing in immigrant communities allowed the Yes campaign to claim early on that such groups were overwhelmingly supportive of the initiative, an assertion which would remain a cornerstone of the pro-227 argument thereafter. The fact that in the end, these groups rejected the measure at the ballot was almost secondary; most voters went to the polls sufficiently convinced that bilingual programs were destroying the academic prospects of immigrant children and contributing to the division of American society along ethnic and linguistic lines.

Moreover, as others have pointed out, the successful execution of this messaging by proponents of “English for the Children” disguised the fundamental essence of the language issue. Instead of asking how to reform the system in order to best provide English learners with a comprehensive education, the conversation was now centered on how to quickly strip educators of their influence over teaching methodologies, so as to defang the special interests which were ostensibly propping up ineffectual bilingual programs.\textsuperscript{48} Framed as such, “English for the Children” seemed to offer an ideal solution: not only would the offending programs be eradicated in favor of English immersion, but teachers and administrators at various levels would be personally accountable for ensuring as much.

To the majority of voters, who were unfamiliar with the complex process of linguistic acquisition, the debate pitted the virtues of a cohesive, English-speaking society against a divided one in which immigrant communities remained monolingual in their
native languages, culturally and linguistically isolated from the mainstream. The conspicuous lack of vocal opposition to Proposition 227 during the definitive first several months of the campaign solidified this paradigm. Indeed, by declining to appear, much less mount a defense of bilingual education, opponents left a void which only seemed to validate the “nameless, faceless bureaucrat” trope. With minimal information to counter this conception, journalists and voters had little reason to question its basis. A chance exchange between bilingual education advocate Stephen Krashen and a voter (as described by Krashen) encapsulates the extent to which Unz and his supporters were successful in their bid to redefine the issue:

It had been a frustrating day. I had been scheduled to debate Ron Unz at Cal State LA, my first chance to debate him face to face. To my disappointment, Unz did not show up…and therefore the press wasn’t there. On the way home [I] was standing in line [and] the woman behind me asked why I looked so depressed. I explained the situation briefly….She asked what the debate was about, and I said that it was with Ron Unz and had to do with Proposition 227. Her response was immediate and animated: “Oh, yes, English for the children! I’ve heard of that. I’m voting for it. I’m for English.” I was stunned. I realized right then that my strategy of carefully presenting the research that contradicted the details of 227 had been all wrong. The woman had no idea what 227 was about: she was “voting for English,” but she clearly had no idea that a major goal of bilingual education was English language development.49

As evidenced by the results of the June 2 ballot, the initiative’s opponents had failed to untangle the Proposition 227 debate from the importance of learning English. Exit polls showed that those who had backed the measure did so primarily because of their belief in the statements “if you live in America, you should speak English” and “bilingual education is not effective.”50

Though these themes were far from new, “English for the Children” nonetheless
represented a significant shift in rhetoric for California’s immigration discourse. Previous battles such as “Save Our State” had openly condemned foreigners for polluting America’s supposed ‘melting pot’ by refusing to assimilate. In contrast, “English for the Children” lacked the heightened vitriol and frequent references to “invasions” which characterized Proposition 187. Such histrionics, which had previously targeted specific racial and ethnic groups, were supplanted by warnings of big government and ivory tower bureaucrats, the main perpetrators of national disunity in the new paradigm.

The concluding chapter will explore this evolution of symbolism and its implications for the construction of linguistic identity and language access.
CHAPTER 5: LANGUAGE IDEOLOGY, RHETORICAL TRANSCENDENCE AND THE CONSTRUCTION OF GROUP IDENTITIES

The preceding section focused on the methods by which Ron Unz and his supporters controlled the terms of the bilingual education debate in California to ensure the passage of Proposition 227. This final chapter aims to step back and connect the various themes examined thus far, establishing the political link between the seemingly opposite campaigns for Propositions 187 and 227. Drawing on principles of symbolic interactionism, the framework will allow for analysis of this ‘rhetorical evolution’ which led to the design of Proposition 227’s argument from transcendence. More broadly, it will establish that the development of the assimilationist narrative in the U.S. has given rise to the “language-as-problem” disposition, which seeks to promote cultural and linguistic hegemony at the expense of language minorities. Furthermore, the chapter will demonstrate precisely how this dominant paradigm has animated the formulation of language policy and, by extension, treatment of language minority groups.

Supporters of “English for the Children” put forth a narrative in which venal bureaucrats willfully prevented immigrant children from learning English, thereby harming both immigrants and broader society by promoting divisiveness. Beneath this argumentative strategy, the initiative furthered ongoing attempts to situate linguistic minorities outside of the mainstream. On one hand, Proposition 227 sprang from the “language-as-problem” orientation, which is at the core of assimilation theory and considers multilingualism within society to be a liability and a source of problems which must be overcome.¹ At the same time, populist ballot initiative campaigns such as that of “English for the Children” have reinforced and perpetuated this disposition, with
profound implications on the social representations of linguistic minorities. Finally, although the heated bilingual education debates of the late 1990s and early 2000s have mostly receded from the public eye, the “English for the Children” rhetoric deeply influenced the continual development of language ideology, language policy and in a broader sense, the ongoing struggle for sociolinguistic equality.

Symbolic Interactionism and Rhetorical Evolution

The salience of symbolic interactionism as a framework through which to analyze the evolution of rhetoric and its import on society owes to its emphasis on the concept of social order as inherently communicative and dynamic. We recall that George Mead articulated the essence of social interaction as a conversation of sorts, in which participants are constantly interpreting the gestures of others, taking account of oneself and reacting by making gestures – a process which begets language.\(^2\) In Mead’s view, language is not merely a passive expression of symbols but rather possesses the capacity to generate them:

Language does not simply symbolize a situation or object which is already there in advance; it makes possible the existence or the appearance of that situation or object, for it is part of the mechanism whereby that situation or object is created. The social process relates the responses of one individual to the gestures of another, as the meanings of the latter, and is thus responsible for the rise and existence of new objects in the social situation, objects dependent upon or constituted by these meanings.\(^3\)

As an extension of language, the production of rhetoric is inseparable from this ongoing interactive process: it is at once a product of symbolization and a source of meaning-making. In the case of Proposition 227, the symbolism underpinning the bilingual education dialogue was unquestionably a result of a complex set of sociohistorical factors
unique to 1990-era California. As we will see, this very rhetoric became a symbolic force of its own, influencing the construction of social representations of languages as well as linguistic minorities.

“English for the Children”: Toward an Inclusive Immigration Dialogue?

As I have illustrated in Chapters 3 and 4, Ron Unz had been careful to create as much political space as possible between his initiative and its predecessor, Proposition 187. He centered the core of his campaign messaging strategy on the notion that the true focus of “English for the Children” was the empowerment of immigrant communities. At face value, the overwhelming victory of Proposition 227 seemed to signal a sea change in the state’s collective perception of its foreign born population, all within a span of less than half of a decade. After all, merely four years beforehand, the “Save Our State” campaign, replete with images of dark-skinned ‘invaders,’ had surged to victory on an alarmist tide by promising to curtail the most basic services to undocumented immigrants. By contrast, “English for the Children” found success through its message of inclusiveness: instead of rejecting immigrants as SOS had done, it claimed to facilitate their incorporation into American society via linguistic and cultural immersion. Even to some critics who considered the content of Proposition 227 to be a step backward, the softening of campaign rhetoric was notable. Indeed, this change in itself seemed to represent a positive development for the civility of public dialogue. Was California witnessing the beginning of the end of nativism?

A look deeper into the argumentative strategy behind “English for the Children” and an examination of its supporters quickly debunks this optimistic theory. Throughout
the campaign, Unz made various rhetorical attempts to redefine his support base and forge identification with disenfranchised immigrants – for example, asserting that the failures of bilingual education “may only now be coming to the attention of California’s affluent white elite, but they have long been well-known to the current system’s primary victims, powerless Latino immigrants and their children [emphasis added].” This rhetoric is in stark contrast to the characteristics of his actual support base. Although a few prominent members of the Latino and Asian communities had lent their endorsement to “English for the Children,” the initiative’s largest donors were all “wealthy, white, English-speaking men,” precisely the demographic from which Unz was attempting to rhetorically dissociate. More telling was the fact that several of these sponsors had previously funded openly nativist organizations. Nor did the law achieve the “overwhelming” electoral support from immigrants and Latinos of which Ron Unz had long boasted; if anything, Latino opposition to the law increased steadily throughout the campaign, as more information about the measure and its implications was disseminated to the public. Some went so far as to claim that “Proposition 227 was generally perceived by Latinos as a racist attack.” Contrary to the image promulgated by the Yes campaign, poll data later revealed that the correlation between individuals who had voted in favor of Proposition 187 and those who had voted for Proposition 227 was .915. The strength of this relationship suggests that beneath the political posturing of their sponsors, the two initiatives were in fact fundamentally similar, at least in voters’ minds. Likewise, the correlation between voting for Proposition 227 to end bilingual education and for Proposition 209 to end affirmative action programs two years earlier was even higher, at .94. Despite insistence by the Yes campaign that “English for the Children” was
developed for the benefit of English-learning immigrant children, these connections indicate that most voters who favored the measure at the polls were animated by the same restrictive themes that had led to the passage of Proposition 187. Clearly, efforts by Unz to lump together “government-sponsored affirmative action, bilingual education and multicultural curricula that are promoting dangerous levels of ethnic tension”\textsuperscript{11} had resonated more deeply than his purported advocacy on behalf of immigrants. This is perhaps not surprising, as this same fear of “ethnic tension” which motivated supporters of Proposition 227 had likely also led them to vote for the measure which promised to “Save Our State” from a wave of Mexican immigrants four years earlier.

Still, this revelation does not fully account for the notable difference in the tone between the two ballot initiatives. Given the solid victory achieved by Proposition 187, which had passed with a fifty nine percent majority,\textsuperscript{12} one may reasonably question whether it was politically expedient for Unz to adopt a more immigrant-friendly stance. To comprehend the strategic rationale behind this positioning, it is necessary to revisit the demographic and political context from which Proposition 227 emerged. Toward this end, the subsequent section aims to shed light on the rhetorical transcendence achieved by the “English for the Children” campaign. Various factors, chief among them California’s unusual plebiscitary process, created the conditions which invited this argumentative strategy.

**Direct Legislation, Political Transcendence and Symbolic Interactionism**

As I have attempted to demonstrate in Chapter 2, California’s direct legislation process has greatly impacted the formation of rhetoric and the processes of symbolism
through which individual and group identities are constructed and maintained. Much of this effect, however, is subliminal and as such far eclipses the electoral results of the initiatives, however significant these may be. Daniel HoSang describes the fundamental shift in collective thinking which arises from the structural features of the ballot initiative system:

...ballot measures are more than transparent plebiscites on fully decipherable policy issues. Once an issue moves from the legislature of courts to the ballot, the outcome of the conflict is not the only factor altered. As public spectacles, ballot measure campaigns can shape the very definition of the public good and establish the boundaries of legitimate political discourse for the future....Ballot measures, especially those that receive widespread public attention, create public spectacles where competing political interests necessarily seek to shape public consciousness and meaning. Because the instruments of direct democracy by definition are intended to advance the will of “the people,” these organized groups and interests must always make their claims in populist rather than partisan terms, thereby defining the very meaning of the common good....And because, at their most elemental level, ballot initiatives ask voters to cast an up or down vote on particular policy questions, their outcomes seem to express or reveal hardened public policy preferences and ideological commitments, homogenizing and unifying what are typically much more heterogeneous and contradictory currents. In this sense, ballot measures transform conditional propositions into unconditional political and ideological truths.13

In the case of Proposition 227, the Yes campaign’s success in managing its messaging and controlling the parameters of the debate allowed it to reinforce the normative assumption of the “public good” as the rapid assimilation of foreigners – in this instance their acquisition of English. This phenomenon was reflected in the widely held belief that a vote for “English for the Children” was a “vote for English.” This not only cemented the passage of the initiative but shaped the terms of future debates in ways which were likely unforeseen at the time.
The success of Proposition 227 also owed much to the ability of its supporters to convince voters that the issue of bilingual education was a black and white one: citizens could either continue to tolerate the ineffectiveness of bilingual education programs, or replace this entire system with English-intensive instruction. In HoSang’s terms, this paradigm resulting from the “up or down vote” sidelined possible alternatives (for example, making reforms and providing much-needed support to existing bilingual education programs) and cast its version of the public good against a certain public enemy. Cisneros refers to this argumentative strategy as “transcendence through antithesis, which involves reconciling conflict and promoting unity by identifying a common antagonist.”\(^{14}\) As a means by which to resolve contradictions or enhance one’s persuasiveness through identification,\(^{15}\) argument from transcendence occupies a central position in symbolic interactionist perspective. According to Kenneth Burke, transcendence emerges from the many inevitable forms of conflict in society, which are “heightened to the point of crisis, necessitating scrupulous choices between acceptance and rejection of the authoritative symbols.”\(^{16}\) Meaning, we are reminded, is not inherent in any given situation but is created by the rhetor. Simply put, transcendence occurs “when one redefines some action as part of a new higher context.”\(^{17}\) To reconcile opposing perspectives and determine a course of action in an ambiguous situation, individuals are prone to reach for a transcendent goal. Regarding such conflicts, Burke states as follows:

…arise from the fact that men cannot be a complete fit for any historical texture (which necessarily encourages some possibilities and discourages others). Hence, to some degree, solution of a conflict must always be done purely in the symbolic realm (by “transcendence”) if it is to be done at all. Persons of moral and
imaginative depth acquire great enterprise and resourcefulness in such purely “symbolic” solutions of conflict…

Transcendence is ubiquitous in social interactions but is especially pervasive in the political sphere: in the case of Proposition 227, the dilemma facing Unz was uniquely suited to a transcendent argumentative strategy. On one hand, he was operating within a political climate that disallowed the racially charged scapegoating tactics used against immigrants by Proposition 187 advocates. To Unz, it had long been abundantly clear that California’s rapidly shifting demographic landscape demanded a more nuanced rhetorical approach than that of “Save Our State”; the expansion of Latino and Asian populations was translating into growing political influence for these communities, and it was also evident that the new political blocs were willing and increasingly able to mobilize against flagrantly unjust policies. Ideally, Unz wished to build upon ongoing efforts by the Reagan administration to recruit these groups to the Republican Party. At a bare minimum, a successful argumentative strategy for Proposition 227 had to preempt their vocal opposition: forceful charges of extremism from these groups threatened to discourage undecided voters and completely derail the initiative. On the other hand, the measure would still require backing from Unz’s traditional, conservative Republican base. To accommodate these opposing interests, he developed a “transcendent argument, one that was pro-immigrant, pro-Latino, and pro-assimilation.” Making the case that rapid acquisition of English was essential not only to the success of the immigrants in question but to the very fabric of society, Unz attempted to elevate the focus of the discourse beyond the narrow interests of any one particular voting segment. In so doing he hoped to make his initiative universally appealing, as summed up in his
claim that “only by ending our failed system of bilingual education can we foster the true growth of bilingualism and the unity and prosperity of our multiethnic society.”

Thus, he redefined the action of outlawing bilingual education by placing it within the higher context of societal cohesiveness.

In addition to establishing English acquisition and immigrant acculturation as a public good, Unz added another layer of transcendence to make his argument all but irrefutable: he constructed the image of English for the Children. A purported focus on the most universally cherished and protected members of society both precluded and undermined criticism, while subtly tugging at voters’ heartstrings. Indeed, the concept of children is inherently transcendent, appealing to voters of all demographic, linguistic and political backgrounds. Rather than directly targeting recipients of bilingual education, the Yes campaign portrayed those responsible for implementing it as an antithesis to the transcendent vision of “English for the Children.”

With this argument, the pro-Unz camp employed what Antonio de Velasco terms a “mode of beyonding” which “depends on effecting a contrastive appeal, an effective hierarchy that leaves ‘them’ seemingly fighting on the plane of faction, while elevating ‘us’ beyond this very fight.” This allowed Proposition 227 to lay claim to the moral high ground in the bilingual education debate, while still attacking supporters of bilingual programs. In fact, a Burkean model of transcendence relies upon this element, as “one does not achieve rhetorical transcendence to a higher realm by completely rejecting the lower realm, but by encompassing the lower realm within the context of the higher realm [emphasis in original].” Unz criticized his opponents from this position of moral superiority (as a
self-proclaimed advocate for both children and national unity), and his criticisms went largely unanswered. By failing to effectively counter the “English for the Children” narrative, the No campaign declined to contest this critical space, thus ceding it to Unz and his supporters.

The ever tenuous relationship between the government of California and its constituents – which had been the driving force behind the state’s ballot initiative system in the first place – provided Unz with an ideal rhetorical target. Contempt for bureaucracy and fear of government overreach had long been ingrained in California’s public consciousness; Unz needed only to channel this cynicism enough to rally voters around “English for the Children.” To that end, he inveighed against “the arrogance of the bilingual education industry”25 and its “profiteers,” suggestively alleging that the amount of state funds set aside for the education of English learners could “buy a tremendous amount of silence or complicity.”26 The familiar narrative of corrupt and unresponsive governance and its constant repetition by media outlets fueled the anti-government populism at the core of Proposition 227, which sought to undermine the public school system by circumscribing its authority to decide which teaching methodologies should be used in which classrooms.

This cycle perfectly illustrates the paradox of California’s direct legislation system: anti-government rhetoric was a product of the state’s dysfunctional political climate, but its very existence also served to perpetuate the same dysfunction. Furthermore, this phenomenon contributes to our understanding of the transcendent argumentative strategy: as a means by which to create meaning from situations, political
transcendence often accompanies ambiguity or lack of control in a social order. By detracting from the legitimacy of the government, California’s direct legislation system exacerbated the conflicts which made the political ecosystem ripe for the “English for the Children” argumentative strategy. To voters, Proposition 227 represented a potential bridge between the opposing sides in California’s language controversy.

The above assessment recalls Peter Schrag’s statement that ballot initiatives in California are “as much about the process as the outcome.” HoSang further reminds us that “ballot initiatives shape and condition the very terms with which people analyze and assess issues in public life and the identity positions they claim for themselves and ascribe to others.” In essence, both authors drive at the idea that the thought process engendered by the direct legislation system alters the dynamics of Mead’s interpretive process, which is at the core of all meaning making. A central function of all political systems is to maintain societal order and stability. To do so, they rely upon the establishment of rules and norms via the repetitive joint actions of individuals, which in turn are products of the inputs, interpretations and interactions of participants. However, this process may be stymied or altered by actors’ lack of consensus, inability to coordinate or the introduction of new situations. By definition, the ballot initiative process invalidates consensus between supporters and opponents of propositions, discouraging coordination and fostering a ‘winner-takes-all’ mindset.

To be sure, most political systems tend to encourage the “ideological commitments” referenced by HoSang. After all, even in representative democracy, politicians constantly manipulate information and symbols in order to consolidate their
support and retain power. However, in representative systems this effect is mitigated by the bargaining process which takes place between politicians and is necessary to reach consensus. Conversely, the absence of this crucial step in plebiscites raises the stakes of the battle, intensifying the “public spectacle” and abrogating the function of compromise and negotiation which normally plays an essential and moderating role in political discourse. A ballot initiative debate such as the one surrounding Proposition 227 is likely to polarize voters into two distinct camps, encouraging them to stake out positions based largely on visceral reactions toward the groups and individuals which they perceive to be at the center of the debate. As described in Chapter 2, this often occurs at the expense of ethnic, racial and linguistic minorities, who are commonly viewed by society in terms of their ‘otherness.’ “English for the Children” implicitly attacked this otherness via its transcendent call for social unity by way of assimilation.

For Unz, this argumentative strategy was not without risk, as it exposed a wide gap between “English for the Children” rhetoric and the actual implications of the restrictive law. Such dissonance opened a potential avenue for opponents of the measure. Yet bilingual education supporters did not address this transcendence problematic: Unz had transcended the ‘lower realm’ of pedagogy and was rhetorically operating from the higher arena of social order and national unity. His opponents, however, only answered his argument within the lower realm, criticizing the initiative on technicalities while leaving its broader assumptions unchallenged. The following discussion will demonstrate the profound implications that this distortion has had on social representations as well as language policy.
Social Representation and Identity Politics

At least outwardly, Unz had reserved most of his vitriol for bilingual educators throughout the campaign for Proposition 227. Nonetheless, the debate’s most enduring effects resulted from the measure’s underlying assumptions regarding foreign languages and their place in society. Though he professed to recognize the value of bilingualism, Unz promoted the idea that “English ranks in a class by itself” and intoned that although immigrants had the right to speak their native languages at home, the presence of those languages within the classroom setting was detrimental to the mission of public education. Meanwhile, he proclaimed that “we must return our public schools to the teaching of our unifying English language and our common American culture, and eliminate the native-language instruction and divisive multiculturalism programs that could fragment our society.” Rhetorical support for bilingualism notwithstanding, this argument essentially reserves the public sphere for English, closing it off to other languages and relegating them to the private (and unseen) realm. At its root lies the assumption that according them recognition detracts from the sovereignty of the English language, which in turn undermines the societal cohesiveness upon which the nation was supposedly founded. In other words, the appeal to monolingualism as a transcendent and unifying goal implicitly upholds a zero-sum paradigm pitting English against the native tongues of immigrants, which leads to the subordination of the non-English languages. Nirej Sekhon explains how “English for the Children” creates and exploits a distinction between native English speakers and English learners:

Proposition 227 positions English as “our” language by constructing it as our unlearned capacity: It is our birthright. The proposition differentiates “us” from
“them” by denominating them in terms of an essential inability to call English their own. They must learn it. Proposition 227 not only demands that they learn our language, it demands that they “forget” their own. In so demanding, the proposition not only unleashes a salvo in the bilingual education debate, but is a moment in the broader debate over assimilation and acculturation.\(^{34}\)

The import and reach of this linguistic hierarchy are evident in the replication of the bilingual education debate in several other states following California’s passage of Proposition 227. Buoyed by the national publicity stemming from the victory of “English for the Children,” Unz used this momentum to promote similar anti-bilingual education legislation across the country, most notably in Arizona, Colorado and Massachusetts.\(^{35}\)

One especially vitriolic episode of the bilingual education polemic came to pass in Colorado, where ironically, a Proposition 227 sister initiative was defeated thanks to the overt racial and ethnic overtones of an ad campaign launched by the measure’s opponents. According to Peter Schrag, “In one ad, part of a blitz called “Chaos in the Classroom,” featuring dark faces against ominous music, the announcer warned that “children who speak little English, largely Hispanic students, would disrupt the education of ‘your children’ – presumably the majority white families of Colorado.”\(^{36}\) Such a transparent use of ethnic stereotyping to stoke resentment echoed criticism by the No on 227 campaign against funding of adult English education, as well as earlier efforts to scare voters away from Proposition 187 by associating immigrants with disease. In each case, opponents of restrictive laws advanced positions which implicitly validated the nativist principles underlying the very measures they sought to block. In other words, such platforms “reproduced an assumption…that the only way to defuse the appeal of a racialized measure was to affirm its basic premise…and to focus on other extreme or
Acceptance of this framework legitimized negative representations of immigrants, inflicting further symbolic damage on the groups which were already the targets of restrictive laws. Charles Taylor terms this as “misrecognition”:

\[\ldots\text{our identity is partly shaped by recognition or its absence, often by the misrepresentation of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.}\]

At a fundamental level, recognition and misrecognition accorded to various groups within society seep into the “joint actions” which, according to Blumer and Mead, align to characterize the features of society. In becoming repetitive, joint actions serve to reaffirm and solidify meanings, the process of which establishes rules and norms:

“established patterns of group life just do not carry on by themselves but are dependent for their continuity on recurrent affirmative definition.” Via the campaign for Proposition 227, the English-only transcendent rhetoric classifying foreign languages as inherently subordinate to English was continuously reaffirmed as an accepted norm. Mai Yamagami and James Tollefson explain the interlinkage of language politics and symbolic representation involved in California’s bilingual education polemic:

Central to the political discourse of the anti-bilingual education campaign has been the successful formation and spread of a complex set of social representations which form a coherent and easily remembered vision of the social world of language in the United States. It is the wide acceptance of this social vision (with its system of social representations of the Spanish and English languages, Spanish speakers and English speakers, immigrants, Americans, bilingual teachers and researchers, and opponents of bilingual education) that underlay the passage of Proposition 227 banning most bilingual education in California. Moreover, this simple but powerful social vision has persisted long after the successful campaign for Proposition 227 ended.
To be sure, much of the “complex set of social representations” involved in the bilingual education debate far predated the introduction of Proposition 227 (this theme was particularly evident in the previous discussion of the Alien Land Law, to cite one example). In a sense, the law was a manifestation of attitudes and beliefs already espoused on a national scale by politicians such as Ronald Reagan, who in 1981 had declared that “it is absolutely wrong and against the American concept to have a bilingual education program that is now openly admittedly dedicated to preserving their native languages and never getting them adequate in English so they can go out into the job market.”

The symbolism in this statement associates immigrant languages with concepts of poverty, hopelessness and being ‘un-American.’ The articulation and repetition of this framework throughout the “English for the Children” campaign - including its implicit validation by opponents of the measure - reified the language-as-problem orientation which views linguistic diversity as an obstacle which must be solved.

This symbolism forms part of what Harold Schiffman refers to as the “linguistic culture” of a society, which is ground in the “set of behaviors, assumptions, cultural forms, prejudices, folk belief systems, attitudes, stereotypes, ways of thinking about language, and the religio-historical circumstances associated with a particular language.” Linguistic culture determines “covert policy” which in turn provides the foundation for society’s “overt language policies.”
One can envision this process of policy formation via Mead’s conceptualization of the individual acting toward a situation:

If one approaches a distant object he approaches it with reference to what he is going to do when he arrives there. If one is approaching a hammer he is muscularly all ready to seize the handle of the hammer. The later stages of the act are present in the early stages—not simply in the sense that they are all ready to go off, but in the sense that they serve to control the process itself. They determine how we are going to approach the object, and the steps in our early manipulation of it.\textsuperscript{45}

In our case, the object being approached is the issue of language: here, the accepted definition of linguistic diversity as a ‘problem’ has informed the policy goal of promoting monolingualism. This objective, in turn, has determined the approach and treatment of languages. In the United States, this approach has often taken the form of restrictive policies such as Proposition 227, which aimed to curtail usage of non-English languages. Just as the actions of the individual approaching the hammer are dictated by his intent toward that object, society’s treatment of linguistic minorities is often animated by the desire to undermine their native languages. The transcendent “English for the Children” rhetoric avoided overt ethnic attacks against immigrants, yet simultaneously devalued their native languages by withholding recognition. This peculiar form of marginalization constitutes an indirect symbolic assault on linguistic minorities. Ronald Schmidt elaborates:

The struggle for ethnic equality has aimed, in part, at winning greater acknowledgment, acceptance, and respect for the boundary-marking characteristics and ways of life of subordinated or despised ethnic minorities. Therefore, if language, for example, becomes an important marker of ethnic identity, then language policy represents one avenue through which to gain greater public recognition and respect for a particular ethnic community. By gaining public recognition for my language, I enhance the status not only of my language, but of my ethnic community and myself. Insofar as my language
infuses and represents my way of life, the latter is given public validation and respect through a status-enhancing language policy. Conversely, language policy may be used by a state’s political elites to demean or deny recognition to an ethnic community, thus contributing to its continuing subordination in the larger society.46

The Legacy of Proposition 227 Rhetoric

Although the fighting over language access policy reached its apogee in the late 1990s and has since declined in visibility, the social representations that Yamagami and Tollefson reference continue to distort the prism through which language ideology is viewed. Most significantly, the symbolism at the heart of the social world of language also defines the identities of corresponding linguistic communities. As Ruiz points out, “language problems are never merely language problems, but have a direct impact on all spheres of social life.”47 This effect has been especially devastating to Spanish speakers, who have “accorded a unique importance to language as a proxy for their way of life.”48 In the United States, the language-as-problem orientation has meant that Spanish-speaking communities are often defined by the “social problems” commonly attributed to the prevalence of Spanish. Furthermore, the social representations underlying our linguistic culture owe much to the hyperbolic “public spectacles” created by ballot initiative campaigns such as that of Proposition 227, which sought to reinforce the predominance of English and the concept of complete immigrant assimilation as the ideal public good. Thus, the anti-bilingual education initiative set forth by Ron Unz in California sparked a widespread redrawing of the discursive boundaries within which language ideology is formulated, thereby altering the framework for linguistic and sociocultural issues in the United States.
The extent to which the representations promoted by the “English for the Children” transcendent rhetoric have become accepted and embedded in America’s sociolinguistic culture are reflected in more recent language policy discourse. A decade after California’s Proposition 227 debate, Newt Gingrich found himself under fire for stating that “we should replace bilingual education with immersion in English so people learn the common language of the country and so they learn the language of prosperity, not the language of living in a ghetto.”

Roundly condemned for his remarks, within days Gingrich created a YouTube video statement in which he apologized (in Spanish) for his phraseology yet reiterated his stance on eliminating bilingual education, again arguing that “we should replace bilingual education programs with intensive English instruction so that it is the language that we all have in common [emphasis added].”

Even in his apology, Gingrich reproduced the basic assumptions underlying the “English for the Children” argument from transcendence. That is to say, his statement manifests a belief that bilingual education is an impediment to English acquisition and by extension, immigrant assimilation and thus constitutes a threat to societal unity.

**Conclusion: Language-as-Resource**

In contrast to the Proposition 227 worldview, a paradigm which views linguistic diversity as a *resource* rather than a problem may shift the policy goal from monolingualism to multilingualism, thus leading to an approach referent of this objective and resulting in Schmidt’s “status-enhancing language policy.” For example, Canada’s Official Languages Act aimed to accord recognition to its language minority by pledging that “where official language minority groups exist in Canada, they will be assisted and
encouraged by public authorities to retain and preserve their language” and furthermore that “Canadians have a right to have their children educated in the official language of their choice.”

Efforts to preserve minority languages in the United States will necessarily entail a refutation of the English-only transcendence espoused by “English for the Children.” By virtue of inaction, the No on 227 campaign refused to contest the “space beyond partisanship” which was easily seized by Unz’s transcendent rhetoric. Other advocates of linguistic diversity will need to challenge the dominant narrative in order to reclaim this coveted rhetorical territory. To do so, they will first have to expose and dismantle the fallacies underlying English-only transcendence: namely, the language-as-problem construction which “creates a false distinction between diversity and unity.” Linguistic minorities need not forsake their native languages to thrive as Americans. In fact, monolingual English-speaking Americans have much to gain from the presence of foreign languages in the U.S. A highly cited practical application of the language-as-resource orientation in recent years has been the implementation of a two-way Spanish-English bilingual program for all K-12 students in the Dade County School District in Miami. The central premise behind this effort was “a shared belief that the whole community would be made better off through universal bilingualism.”

However, widespread achievement of this standard will necessarily entail a concerted effort to dislodge entrenched notions of immigrant assimilation via cultural conformity. Though a formidable challenge, it is by no means insurmountable: language-as-resource based education in itself represents a challenge to these long-standing
assumptions of linguistic and cultural hegemony. One advocate explains that it “forms one part of a larger identity plan that aims to promote social change by socializing children differently from the way they are socialized in mainstream U.S. educational discourse.”56 As Blumer reminds us, the human meaning-making process is, by definition, a highly fluid one: “Let the interpretations that sustain [the established patterns of group life] be undermined or disrupted by changed definitions from others and the patterns can quickly collapse.”57
INTRODUCTION


2 “‘Sheltered English immersion’ or ‘structured English immersion’ means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.” California Secretary of State, “Proposition 227 – Full Text of the Proposed Law,” [http://primary98.sos.ca.gov/VoterGuide/Propositions/227text.htm](http://primary98.sos.ca.gov/VoterGuide/Propositions/227text.htm) (accessed April 15, 2012).

3 Ibid.


6 Ibid., 826.

7 Ibid., 830.

8 California Secretary of State, “Proposition 227.”


15 Ibid., 126-129.


18 Ibid., 185.


**CHAPTER 1: BUILDING A FRAMEWORK**


2 Ibid., 2-3.

3 Ibid., 69.

4 Ibid., 3.

5 Ibid., 5.

6 Ibid., 15-16.


8 Blumer, *Symbolic Interactionism*, 70.


11 Ibid., 41.


14 Ibid., 182.


25 Ibid., 33.


Ibid.


Crawford, *Bilingual Education*, 47. In fact, prominent civil rights lawyers have pointed to the EEOA of 1974 as their “most useful tool in language-minority education cases.”


Graham, *Collision Course*, 86-87.


Graham, *Collision Course*, 39.

Ibid., 64.
50 Ibid, 95.
53 Graham, Collision Course, 165-166.
55 Crawford, Bilingual Education, 39.
58 Crawford, Bilingual Education, 54-56.
61 Ibid., 131-132.
62 Crawford, Bilingual Education, 57.
65 Crawford, Bilingual Education, 45.
66 Ibid., 54.

CHAPTER 2: PRECURSORS TO PROPOSITION 227

2 Allswang, *The Initiative and Referendum in California*, xi.

3 Ibid., 1.


7 “If a citizen circulates an initiative petition with the intention to revise a California statute, the number of signatures gathered must equal 5% of all the votes cast for the office of Governor in the last gubernatorial election. If the initiative proposes an amendment to the California Constitution, the number of signatures gathered must equal 8% of all votes cast for the office of Governor in the last gubernatorial election.” California Secretary of State, “History of California Initiatives,” 2002, http://www.sos.ca.gov/elections/init_history.pdf (accessed February 22, 2012), 3.

8 Ibid.


10 Ibid., 11.

11 Ibid., 19.

12 Ibid., 19-22.


16 Schrag, *Paradise Lost*, 139-145.


18 Schrag, *Paradise Lost*, 150.

20 Schrag, *Paradise Lost*, 152.

21 Ibid., 133.


25 Schrag, *Paradise Lost*, 57.


33 Ibid., 369.

34 American Patrol, “Proposition 187.”

35 Smith and Tarallo, “Proposition 187,” 664. At one point Wilson was trailing his Democratic opponent by 20 points.


37 Ibid., 232-234.


Ono and Sloop, *Shifting Borders*, 32.


Smith and Tarallo, “Proposition 187,” 666.


Ibid., 33.


Allswang, *The Initiative and Referendum in California*, 188.

Smith and Tarallo, “Proposition 187,” 664.

Allswang, *The Initiative and Referendum in California*, 189.


Schrag, *Paradise Lost*, 234.


Ibid., 210.
58 Ibid., 210-212.

59 Schrag, Paradise Lost, 20.


61 Allswang, The Initiative and Referendum in California, 193.


63 Ibid., 8.

64 “Analysts have explained the low rate of electoral participation in California by Latinos in terms of three factors: the state’s relatively high percentage of non-citizen Latinos among both legal and undocumented Latino residents; the high level of political alienation among all of California’s under-represented minorities; and residual ‘voter apathy.’” Smith and Tarallo, “Proposition 187,” 668.

CHAPTER 3: RON UNZ AND “ENGLISH FOR THE CHILDREN”


4 Unz, “Immigration or the Welfare State.”

5 Ibid.

6 HoSang, Racial Propositions, 231.

7 Wallace, “Unlikely Path.”


9 HoSang, Racial Propositions, 232.

10 Coursey, “‘Appalling’ Incident Prompted Proposal.”


15 Ibid.


17 Ibid.

18 Crawford, “The Ninth Street Myth.”

19 Ibid.


21 Crawford, “The Ninth Street Myth.”

22 Ibid.


28 California Secretary of State, “Proposition 227.”

29 Ibid.

30 Ibid.

31 Ibid.

33 California Secretary of State, “Proposition 227.”

34 Ibid.


37 Gullixson, “California Proposition 227.”


41 California Secretary of State, “Proposition 227.”

42 Parrish et al., Effects of the Implementation of Proposition 227 on the Education of English Learners, II-12.

43 Ibid., I-1. This chaos was complicated by other education policy initiatives affecting English learners that were being implemented around the same time.

44 Ibid., II-11.


46 Gullixson, “California Proposition 227.”


CHAPTER 4: CAMPAIGN STRATEGY


Although Tuchman described bilingualism as a “true asset,” she had been a board member of U.S. English, an association which drew criticism.


HoSang, Racial Propositions, 235.


Ibid.


Ibid., 7.

Unz, “Bilingual is a Damaging Myth.”


22 Ibid.


24 Ibid.

25 Unz, “Bilingual is a Damaging Myth.”


27 James Crawford, Educating English Learners: Language Diversity in the Classroom (Los Angeles, CA: Bilingual Educational Services, 2004), 316.

28 Ibid.


31 Crawford, Educating English Learners, 323.

32 HoSang, Racial Propositions, 236.


34 Ibid., 835.

35 Ibid.

36 Crawford, Educating English Learners, 327.


44 Ibid.

45 Crawford, Educating English Learners, 328.

46 Ibid.

47 HoSang, Racial Propositions, 239-240.

48 Crawford, Educating English Learners, 321.

49 Ibid, 327-328.

50 HoSang, Racial Propositions, 239.

CHAPTER 5: LANGUAGE IDEOLOGY, RHETORICAL TRANSCENDENCE AND THE CONSTRUCTION OF GROUP IDENTITIES


2 Mead, Mind, Self and Society, 12-14.

3 Ibid., 78.


5 HoSang, Racial Propositions, 239. According to political scientist Kathryn Miller, the top five financial sponsors of Proposition 227, providing ninety three percent of its funds, met this description.

6 Ibid.

7 Allswang, The Initiative and Referendum in California, 232.


9 Allswang, The Initiative and Referendum in California, 230.

10 Ibid., 229.


15 Ibid., 120.


19 Cisneros, “Latina/os and Party Politics in the California Campaign Against Bilingual Education,” 119. Fifteen percent of Ronald Reagan’s 1894 presidential campaign budget was spent on “ads targeted exclusively at Latina/os” and Reagan was also quoted as saying “Hispanics are Republicans, they just don’t know it.”

20 Ibid.


26 Unz, “Bilingualism vs. Bilingual Education.”


Ibid.


Velasco, Centrist Rhetoric, 7.


Schmidt, Language Policy and Identity Politics in the United States, 245.


Blumer, Symbolic Interactionism, 67.
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“Transcript of Treaty of Guadalupe Hidalgo.”


_____. “Outrageous Bilingual Blackmail.” Ron Unz - Writings and Perspectives, October 9, 1998.


