



COMMUNITY LEGAL SERVICES
OF PHILADELPHIA

September 12, 2011

The Honorable Daryl D. Metcalfe, Chair
House State Government Committee
Room 43, Capitol East Wing
Harrisburg, PA 17120

The Honorable Babette Josephs,
Minority Chair
House State Government Committee
Room 300, Main Capitol
Harrisburg, PA 17120

**RE: Testimony presented to the House State Government Committee
Opposing HB 361 and HB 888**

Dear Representatives Metcalfe and Josephs:

Thank you for the opportunity to submit this written testimony regarding HB 361 and HB 888, both of which are drafted to provide for "the English language as the official language of the Commonwealth."

Community Legal Services is a non-profit law office providing free legal services to over 18,000 low-income Philadelphians every year, as well as expert advice to legal services programs across the state. Community Legal Services regularly represents clients who are not proficient in English and works closely with organizations that serve immigrant and refugee communities. On their behalf, we submit this testimony in opposition to HB 361 and HB 888.

We oppose these bills because the Commonwealth and its political subdivisions need to communicate accurately to carry out daily government functions, obtain information, process information, and educate residents. Individuals should expect government to be accessible, informative, and effective. Whether registering a new business, investigating a crime, or collecting taxes, government must be able to communicate accurately and effectively. State government and local governments must also remain flexible to address important events and obligations. The past week's flooding in many regions of the Commonwealth provides a vivid example of the importance of not tying any government agency's hands when it comes to alerting Pennsylvanians of the risks to their person and property and assisting them.

For the Commonwealth and local governments to operate effectively, they must be available and accessible to all persons, regardless of how well they speak English. Both United States citizens and legal permanent residents who have not yet become fluent in English live in Pennsylvania. Their right to public information and public services should not rest solely on how well, in any given moment, they can read, speak, or understand English.

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Government trust – and trustworthiness – depends upon the accuracy of its contact and communication. We are an increasingly diverse state and nation, and our diversity has contributed to beneficial population growth, new businesses, jobs, and new educational opportunities. HB 361 and HB 888 convey ill will to immigrants and send a message that they are undesirable, no matter the other skills, interests, and expertise they bring to Pennsylvania. Measures like HB 361 and HB 888 create hostile conditions and erect new hurdles at a time when the Commonwealth should be trying to increase population for economic development and greater tax revenue. The interests of all Pennsylvanians are best served not only by rejecting English-only legislation but by providing legislative leadership to initiatives that welcome immigrants.

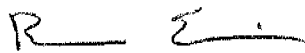
We share the view that government should support opportunities to learn English. Our clients want to learn English because they know that proficiency can lead to better jobs and opportunities for themselves and their families. However, the demand for English as a Second Language (ESL) programs often exceeds the supply of classes. According to a 2006 study conducted by the National Association of Latino Elected and Appointed Officials Educational Fund, there is “an enormous, unmet need for ESL classes.” The study found that inadequate funding has significantly curtailed access to ESL classes while demand has increased. In recent years, two major providers in Philadelphia have discontinued their programs altogether due to lack of funding. About half of surveyed Philadelphia providers offering adult ESL classes had waiting lists ranging from one to twelve months, but some providers did not even keep waiting lists because of their open enrollment policy. With open enrollment policies, as soon as a class fills up, applicants must wait for the next round of classes to begin, which can mean a three- to four-month delay. We have attached this study for your review. If the legislature truly wants to assist Pennsylvanians improve their English language abilities, we encourage you to provide additional funding for ESL classes.

Finally, HB 361 and HB 888 could run afoul of federal laws prohibiting national origin discrimination by state and local government recipients of federal funds. One example is Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which states “that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.” This federal statute and related federal agency regulations bar national origin discrimination, including the failure to provide meaningful access to persons with limited English proficiency. Potential consequences for violating these laws include loss of federal financial support, a grave prospect considering the state budget and the needs of Pennsylvanians. The Commonwealth could also end up spending significantly more money than might be spent for interpretation and translation to defend lawsuits related to the provisions of these bills, including lawsuits arising from miscommunication.

We strongly oppose HB 361 and HB 888, which would diminish the rights of individuals who are not proficient in English, impair the effectiveness and efficiency of government operations, express intolerance for the diversity of residents of our Commonwealth, and jeopardize federal funding. We support legislative efforts to improve access to ESL programs to improve employment and other opportunities for new English speakers and to promote immigrant integration in our cities, counties, and state.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Beth Shapiro". The signature is written in a cursive style with a horizontal line under the first name.

Beth Shapiro
Senior Staff Attorney

Attachment

cc: Members of the House State Government Committee