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ABSTRACT

Spanish language planning needs and efforts in the public domains of health, law, work, media and communication, citizenship, social welfare, and education are described. For each of these domains, communication inadequacies, planning authorities, plans for alleviating inadequacies, and efforts at implementation of plans are identified. Perceived language inadequacies in the provision of services to the Spanish-speaking community have been addressed by a wide range of interacting planning authorities. Federal language planning activities are most often in the form of court decisions followed up by laws or regulations. Legal claims based on language discrimination must be backed up by a demonstration that substantial rights are diminished by lack of bilingual services. Other language planning activities include publication of textbooks to teach Spanish to personnel who serve Spanish speakers, bilingual signs and other information sources, and the training and use of interpreters. It is concluded that the most effective plans specify who is to implement the plan, who is to monitor the process, and what guidelines are to be used. Lack of definition and specification leads to disjointed implementation efforts. (RW)

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Joan Rubin

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SPANISH LANGUAGE PLANNING IN THE UNITED STATES

Joan Rubin

It is no secret that in the last twenty years, we have witnessed and participated in an increased public awareness of the communication needs of Spanish speakers in the United States. Many of the papers at this conference have pointed to aspects of linguistic inadequacy in particular domains--for example, in the health domain, Sternbach de Medina and Martinez have pointed to the role of language in limiting access to health care; Lipski has argued for the need for Spanish language standards in broadcasting; and Estrada and Rodriguez have detailed some of the issues in preparing a census questionnaire understandable to the speakers of most of the Spanish language varieties found in the U.S. today. Further, most of us are aware of at least some of the many federal and state government activities as well as the many activities of MALDEF and the Puerto Rican Legal Defense Fund which identify some communication inadequacy and which attempt to provide some sort of proposed solution. What I would like to do in this paper today is to review in an organized fashion how those language issues have been dealt with by looking at the following features: (1) What language/communication inadequacies have been identified and by whom. (2) Who the planners are which have the authority and power to make and influence language-related decisions. (3) What plans/goals have been set out to attend to the communication inadequacies and (4) What attempts have been made at planning--that is situations in which there has been or is a real effort at implementation and feedback of a plan? In order to understand how linguistic inadequacies are perceived and dealt from a functional point of view, my review will consider these within the following domains:

Keynote address at the conference on El Español en Los Estados Unidos, Chicago, October 3, 1981.

Health/medical, legal, work, media and communication, citizenship, social welfare, and education.¹

Health/Medical Domain

Let us look first at the health or medical domain. In order to understand what might be identified as a communication inadequacy, it is helpful to consider what the main functions of this domain are. I think we could agree that it is to provide health care to its clients. For Spanish only speakers the question is whether there is access to such services and whether the medical staff understand the patient's symptomology in order to make an accurate diagnosis of the illness and to negotiate an appropriate treatment with the patient. In the U.S., the identification of language/communication issues in this domain have largely remained in the private sector. For example, MALDEF in a brochure entitled: Chicanas and Mental Health (1979) notes Hispanic underutilization of health and mental health services and finds that one of the factors contributing to this state of affairs is that "Few mental health facilities provide bilingual services or employ bilingual/bicultural staff." They note that "A therapeutic relationship cannot be established when the client and the therapist cannot communicate. This can occur when the emotional experiences of the patient cannot be fully expressed in the patient's primary language" (p. 6).

Sternbach de Medina and Martinez have also focused on identification of the problems that discourage hispanos from seeking treatment and affect the quality of care they do receive. Their preliminary investigation suggests that language may indeed be a crucial barrier to services. Another study was undertaken by the California Department of Health Services in response to complaints from the Hispanic community regarding the lack of bilingual services in the emergency center of the San Francisco General Hospital. Some of the principal findings of this study noted by Aguirre, 1980 are:

¹ I am indebted to Richard Baldauf for inspiration on the organization of this paper.

1. Investigators witnessed hospital employees in the emergency triage area trying to communicate in English and in hand gestures with monolingual Spanish speaking persons.
2. In psychiatric emergency, a 24 hour unit with three shifts, none of the nineteen people on the day shift, none of the thirteen people on the evening shift, and only one of the fourteen people on the night shift could speak Spanish.

The medical domain is an area in which we are just beginning to recognize some of the important communication gaps. There is a strong need for further studies to detail how access to and effectiveness of medical care relate to communication barriers. It is interesting next to ask who the planners in this domain might be? That is, who are the individuals which have the authority and power to make and influence language-related decisions? In public hospitals, the decision rests with the hospital authorities or with the state or federal department of health which can insist that plans be made to correct this inadequacy. It is obvious that the public can also influence such decisions by complaining to the proper authorities. To date, I know of no legal suit brought in this area to influence the plans made by hospitals in providing health care.

We can next ask what plans or goals have been set out to attend to these communication inadequacies? There are several that have been made: (1) Some hospitals now provide signs in Spanish indicating where particular offices are found (2) Beutel and Webb in this conference have provided us with a major language resource work for social workers, nurses, physicians, dentists to use with Spanish speaking persons (3) Suggestions have been made that more bilingual staff should be hired (4) Several textbooks have been published to train medical personnel in Spanish, note for example: Medical Spanish A Conversational Approach (1981), or Communicating in Spanish for Medical Personnel (1975) or Basic Spanish for Health Personnel (1973) (5) Tarrant County in Texas now has Spanish speakers monitoring the Tel-Med system. Tel-Med, a free health and medical information service by telephone, is sponsored by the Fort Worth Academy of Medicine, the Tarrant County Medical Society and its auxiliary members. Spanish speakers are available every Tuesday from 9 a.m. to noon. The service also has 40 tapes

narrated in Spanish on a number of medical subjects such as family planning, alcohol problems, mental health, among others (Arlington, Texas News, February 11, 1981).

Finally, we can ask whether there has been much planning in the medical area--that is, what attempts have been made to implement the goals or promote use of the products suggested and what information has been sought to see how effective the implementation has been? To my knowledge, there has been little or no planning in this area--though I would welcome information to the contrary.

Legal Domain

When we look next at the legal domain and try to understand what sort of communication inadequacy there might be, we find that most would agree the main function of the law is "to provide justice for the members of a community." To the extent that the way in which the communication process prevents the carriage of justice so that defendants do not get a fair trial or the accused does not understand the accusation, then the community may note that there is indeed a communication gap.

Within the legal domain, perhaps the major communication inadequacy for Spanish (and other) speakers which has been identified by the federal government is that of the role of the court interpreter. Until very recently, despite the critical importance of the role of the interpreter in court cases, there were no measures to (1) require certification of the capabilities and training of an interpreter for the post nor was there consideration of whether their understanding of the law and the interpretation process was adequate to the important assignment they were to carry out (2) record not only the testimony as given after reported by the interpreter but also to record the actual testimony of the witness so that the translation could be verified. The U.S. Congress, acting as a language planner, in October 28, 1978, enacted Public Law 95-539, "to provide more effectively for the use of interpreters in courts of the U.S. and for other purposes." The

goals/plan of this law is that the Director of the Administrative Office of the United States Courts shall establish a program to facilitate the use of interpreters in the courts of the United States. Here we see that the Director of the Administrative office is a language planner--charged with the authority to influence language related decisions. The law further spells out what the Director's main goal is to be, namely: (1) To prescribe, determine, and certify the qualifications of persons who may serve as certified interpreters in courts of the United States in bilingual proceedings and proceedings involving the hearing impaired, and in so doing the Director shall consider the education, training, and experience of those persons. Not only does the law appoint the Director of the Administrative Office of the United States Court as its chief implementor and give this officer a specific goal, it also gives some suggestions about how this plan is to be implemented: 1. The Director shall maintain a current master list of all interpreters certified by the Director and 2. Shall report annually on the frequency of requests for, and the use and effectiveness of interpreters. Here we see that some evaluation suggestions are built into the plan by the Congress.

The law further spells out when the plan is to be implemented: "The presiding judicial officer . . . shall utilize the services of the most available certified interpreter . . . if the presiding judicial officer determines . . . that . . . such party . . . or a witness: (1) speaks only or primarily a language other than the English language; or (2) suffers from a hearing impairment . . ." (p. 204).

and under what circumstances: "so as to inhibit such party's comprehension of the proceedings or communication with counsel or the presiding judicial officer, or so as to inhibit such witness' comprehension of questions and the presentation of such testimony." Hence the law is quite specific as to its goals and more than a little specific about who is to carry out the plan and how they are to do so. It is less than specific about what is to be done with the evaluation which it prescribes. That is, if there are more requests than interpreter services what action is the Director of the Administrative

Office of U.S. Courts to take? We are fortunate to have a paper in this conference on one aspect of the implementation of this act, namely, the paper by Arjona which outlines the procedure followed for developing an instrument for certifying Spanish/English interpreters to comply with the stipulations outlined in PL 95-539.

In this law, we have a good example of (1) how the linguistic inadequacy was defined (2) who the planners are (3) what the plan is and (4) the beginnings of information about the process of implementation and evaluation. Clearly, more work needs to be done on the problems of implementation and the effectiveness of such implementation in meeting the perceived inadequacy. Finally, we should note that no efforts have as yet been made to tape record the witness' testimony. In the case of state and local courts, there are no plans so far to certify interpreters or record testimony.

Sometimes private individuals perceive a need and produce a product to try to meet this need. Such an example is a volume by Larry and Luna and Adalberto Meneses entitled A Spanish Manual for Law Enforcement Agencies (1973). These men tried to provide a product which met an inadequacy that they perceived--namely, the need of law enforcement officers to communicate more effectively with Spanish-speaking inhabitants. The only indication that we have that this product has been recognized as meeting a need and as suitable to meet that need is a memo from a Park Ranger in the U.S. Department of the Interior National Park Service to the superintendent of another park suggesting that the volume may prove of help to rangers in the second park. Clearly no planners (person with authority to make an influence language-related decisions) are involved nor is there much of a plan of implementation for evaluation of this volume. It is possible that such a need exists and that the volume is an effective means of meeting this need but in this case there has been no planning involved.

To my knowledge, there are no standards for determining the language competence of witnesses defendants or plaintiffs in a court of law.

Work Domain

In the domain of work, there are a number of relationships which can be identified between getting work done effectively and efficiently and the nature of the communication process. In the U.S., the issues identified in the work area relate to (1) access to information by a consumer or client as it relates to their language knowledge, (2) certification as a bilingual for certain positions. What language inadequacies have been identified in the work domain and how have these been dealt with?

In its role as "influencer of language related decisions," the Puerto Rican Legal Defense Fund brought suit in Barcia v. Sitkin in the State of New York. The linguistic inadequacy identified by the Fund was a Hispanic claimant's inability to understand English which threatens to cost her hundreds of dollars in unemployment insurance benefits. The plan which this suit proposes is that the New York Appeal Board accord claimants elemental due process guarantees, such as the right of notice of the evidence considered against them. The Fund also seeks to require the New York Appeal Board to take into account the fact that in local unemployment insurance offices, claimants are often denied their rights to Spanish-language assistance, rights which were guaranteed by a 1976 court order in Pabon v. Levine. The linguistic inadequacy relates to access to information about unemployment benefits. The planners here are the PRLDF and the courts. The plan requires that information be made available in Spanish to those who do not understand the English materials. The case is of interest to us here because it begins to illustrate the problems connected with language planning when done by the courts. The court can issue a decision or an order in a particular case. It may also provide for some guarantee of implementation at least in the specific case. However, unless the court case is connected with a regular administrative procedure which is executed by the executive branch of the federal or state government, the chances of its implementation are remote. Even more remote is the possibility of feedback for improving implementation. The PRLDF notes this difficulty in the case of Pabon

v. Levine where although the U.S. Department of Labor has regulations similar to that of Lau, nonetheless, the court did not require an interpretive memoranda. Hence, in the case of employment benefits, it is necessary to prove a disparity of benefits. In educational agencies, unequal benefits are presumed.

With the advent of state bilingual education acts, a need has been identified to specify what the language skills of bilingual teachers must be. The perceived linguistic inadequacy is that monolingual English teachers cannot provide adequate educational services to LEP/NEP children. The planners in this instance vary from state to state. In the case of the State of California, authority to set goals and insure compliance is vested in the State Commission for Teacher Preparation and Licensing. The plan is that all agencies (in this instance, colleges and universities granting multiple and single subject credentials and granting bilingual/cross cultural credentials; 28 designated assessor agencies granting a certificate of competence for Bilingual Education and school district administrators which apply for an emergency credential for their teachers) must assess the language competence of the prospective candidate. Further, the Commission states that the teacher must be assessed in all four language skills (speaking, reading, writing and listening) and must be competent and proficient to something equivalent to the Foreign Service Level 3, which is the professional proficiency level.² Implementation is vested in the agencies named above and it is widely acknowledged that there is a great deal of variation in this implementation. However, a procedure for evaluation of these agencies does exist. In fact, the Commission is constantly monitoring these agencies and if it finds it necessary, it can either close an assessor

²Level 3 means that the person can participate fully in conversations with native speakers of the language on a variety of topics, including professional ones, with relative fluency and ease. The person should have mastered most of the major grammatical features of the language and enough vocabulary to cover a large number of topics.

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agency or can withdraw credential approval. In an effort to tighten up this assessment process, the state has appointed a committee to provide clearer standards for the bilingual certificate of competence, though the report of this committee has not yet been issued. (The above information was obtained through the courtesy of Maria Ortiz, California Department of Education).

At this conference, Florence Barkin has described the model which she and her committee are developing for an language assessment instrument which will be the official State of Arizona Language Proficiency Examination required of all teachers in order to receive Bilingual endorsement. In her paper, Barkin touches on some important problems of assessing language varieties and domains of usage, something which I understand has also been of concern to the California Committee on Standards (personal communication; Concepcion Valadez). It is my understanding that some of the other states also have similar procedures to certify the language competence of those involved in bilingual education. It is of interest that in the area of work where language is seen as a scarce resource that the procedures for planning are fairly well elaborated though/certainly there is room for improvement.

Another example of a perceived language need in the area of work is the program of the Alabama State Employment Agency in Baldwin County. We learn from the June 4, 1981 issue of The Onlooker (Foley, Alabama) that the manager of the Alabama State Employment Office in Foley has announced bilingual services for the Baldwin County area. Here we see that the manager is the planner, the plan is to provide bilingual services. Implementation is as follows: "A worker will be available through the office between 8 a.m. and 4:45 p.m. for Spanish or English speaking migrants or seasonal farm workers." Also the bilingual worker will travel to the various farms in the area to aid (how is not specified) the farmers and farm workers and to inform them of public services that are available for agriculture workers. What we are unable to ascertain from this brief clipping is some feedback about

how effective this bilingual worker is and whether one person is sufficient to provide this service.

There is one other area where there should be some perception of linguistic inadequacy in the work domain but in which there has not been much to date. That is, international business corporations have not seen a need for their American employees to learn Spanish (or any other foreign language for that matter) to any great extent. According to three studies (Olympus Research, 1976; Inman, 1978; and Berryman et al, 1979), many U.S. companies require their overseas employees to learn English rather than have their executives learn Spanish. It is very hard to identify cases where lack of Spanish knowledge has been perceived as affecting marketing, contract confirmation or service provision. However, increasingly there are individuals in specific companies who are making the point that language knowledge makes the difference in sealing a contract or providing service. If anyone in the audience can provide case studies where language knowledge or lack thereof has been a major factor in sealing or preventing a business transaction, I would welcome that information.

Media and Communications

Let us look next at the language of the media and of communication facilities. In both cases, the issue is one of access to information and/or service. In California, the Hispanic Coalition has argued for the past ten years that Hispanic customers are not treated equally because they are not given services equal to that of English speakers. Hence, the linguistic inadequacy here is the inability of the California Telephone Company to understand and provide services to its Spanish (and in some cases) Chinese customers. There are a variety of planners in this instance: (1) the Hispanic Coalition which has been pressing the California PUC to see to it that services are provided for Spanish speaking customers (2) The California PUC which has compelled the Pacific Telephone company to provide emergency services (3) The Pacific Telephone Company which has decided on the nature of the services.

The plan is a very complicated one. In 1976, the California PUC ordered the Pacific Telephone to provide emergency telephone services in Spanish and Chinese to those areas where the population of Spanish-speakers or Chinese speakers was more than 5%. In 1976, Pacific Telephone implemented this order by contracting with a phone answering service in Los Angeles. The service was called ESLAB or Emergency Spanish Language Assistance Bureau. The Hispanic Coalition has been questioning the effectiveness of this service. Although there is no documentation of the number of Spanish language calls which are referred to this service, PT and T reported in 1980 to the Commission that 90% of the calls that go to ESLAB are handled satisfactorily. The Coalition has questioned the definition of satisfactory for users in towns other than Los Angeles since the process of transmittal of information is compounded by lack of direct interaction between the operator in the other town and the person reporting the emergency. They argue that Spanish language operators should be part of the Pacific Telephone personnel and available in all cities where there are sufficient Spanish telephone users. In 1979, the California PUC reopened the bilingual services case and held hearings to determine if the Pacific Telephone had complied with the order for bilingual emergency services and to investigate whether Pacific Telephone was providing the same services to non-English speakers as it was to English speakers. To answer these questions, Pacific Telephone contracted the services of Herman Gallegos, a member of the Pacific Telephone Board to do study of the needs of the Spanish speaking community. A MALDEF staff member told me that Mr. Gallegos only interviewed Pacific Telephone customers. The PUC has recognized that his study was biased and is now calling for a survey of the telephone needs of the Spanish speaking community.

What we can observe in this instance is a complex interaction among those who have the authority and power to make and influence language-related decisions but a lack of clear cut specification of the implementation and evaluation process so that the only recourse of the pressure groups is to take every opportunity to reopen the issue.

One other state has looked into the language needs of its Spanish speaking population--Connecticut. The Southern NE Telephone Company (SNETCO) has done a study of the needs of the Hispanic community and held meetings to ascertain whether their needs were met. This was done because in filing for a rate increase, SNETCO is required to demonstrate that it is satisfying its customers. Unfortunately, SNETCO has decided that the way to meet the needs of Hispanics is to provide an Emergency Spanish Assistance Lab modeled after that of Los Angeles. (All of the above information was provided by attorney Ann Hill of MALDEF).

In the area of media, there are two linguistic inadequacies which have been identified: (1) the need for Spanish language broadcast time and (2) a call for standardization of the Spanish used in broadcasting. In the area of allocation of time for Spanish language broadcasts, until the deregulation of communication which began with the Carter administration, there was some basis for arguing that lack of provision for monolingual Spanish speakers on the airwaves constituted a communication gap. The Communication Act of 1934, which is unfortunately being rewritten with the present Congress, argued that airwaves are public property and that stations are licensed to use these airwaves in the public interest. Therefore, the Federal Communication Commission ruled that stations were obliged to serve the needs and interests of the communities in which it was licensed. Since the FCC has had the authority to grant and suspend licenses (that is, it is the planner in this case), the Commission has construed its responsibility to serve the interests and needs of specific communities as a basis for, at times, requiring broadcasting in languages other than English (for us this is the plan or goal). Further, the FCC has interpreted the public interest to mean minority ownership of stations since ownership influences station policies and that in turn influences the way in which a population is served. We can mention a case in point which has recently been ruled on in Phoenix. In this case, the American International Development (AID) which is owned and managed by a Chicana proposed to bring Phoenix a twenty-four hour Spanish-language FM radio station. The applicant was however, in competition with two

other Anglo-controlled applicants for Phoenix's last remaining FM channel. The case has gone through three review boards: (1) An FCC administrative law judge which ruled in favor of the Chicano (2) An FCC review board which overturned that decision on technicalities and (3) The FCC itself which sustained the first decision in favor of the Chicana applicant. The case has been appealed to the U.S. Court of Appeals but in the opinion of the attorney for the Chicana, (personal communication: Margo Polivy) the decision of the Commission will most likely be sustained.

We should observe that in the case of media that there really is very little planning--that is, the Commission does not monitor the number of non-English speakers in a community to ascertain need on a continuing basis as it relates to the number of stations or other non-English media outlets. Rather, the issue is decided on a case-by-case basis. To date, at least the Commission has had a social policy, namely the 1934 law, which it could invoke to decide specific cases. However, if the law is revoked and deregulation continues, issues of access to the media by Spanish-only inhabitants will probably be heard with less sympathy.

In his paper at this conference John Lipski raises the question of whether there is a need for language standardization in the Spanish used in U.S. broadcasts. The comparative description which he provides is extremely useful. However, as a planner the next question I would ask is: Is there a need for standardization? That is, does the range of variation which he has identified create problems in understanding or in accepting the messages which the broadcaster is trying to put forward. If such evidence is adduced based on the research of linguistics and sociolinguistics, then as a planner I would ask: Who should set standards and how should these be promoted? For example, should a station set standards and if so, how should they indicate their preferences, train their broadcasters, perhaps sanction those who do not comply? The question of language standardization is an important issue in language planning but I would suggest that when the

motivation for standardization is related to some real or perceived communication inadequacy, acceptance of the plan is easier to achieve.

Citizenship Participation and Representation

If we look next at the area of citizenship participation and representation, we find that there are two areas where language inadequacies (or related issues) have been identified--the need for bilingual services connected with voting and the need for Spanish language forms, in carrying out censuses. Looking first at the census question, we can see that the linguistic inadequacy is of two kinds--first the need for Spanish language forms and second, the question of what kind of Spanish should be used in such forms. For the 1976, Survey of Income and Education of the U.S. Census Bureau, through the encouragement of the Center for Applied Linguistics, it was decided to try to prepare a questionnaire that would be understood in the same way by Spanish speakers throughout the United States, so as to avoid introducing any regional or other bias into the responses. That is according to Troike, 1981, the language inadequacy was poor translations of census questionnaires. The planners in this case were: (1) The Center for Applied Linguistics which identified the inadequacy and persuaded the Census Bureau to try to provide a more intelligible Spanish language questionnaire and (2) The Census Bureau which commissioned the preparation of the Spanish form. The goal was to provide a form which would be understandable to speakers of the several regional varieties of Spanish in the U.S. Troike, 1981, describes the process of implementation in the preparation of this form. CAL assembled a group of four translators, one Puerto Rican, one Cuban, one Mexican-American from Texas and another from California. Then, "one member of the team was first assigned to translate the English version of the questionnaire into Spanish, and the resulting version was then given to the others to back-translate into English. The team was then brought together and on the basis of discussions, comparisons of back-translations with the original, and consultation with various sources and resource personnel, they developed--or, rather, negotiated--a consensus translation." Troike describes some of the

language issues which emerged. For example, "employer was translated as Para quien trabaja? rather than as patron, since the English could refer to a company as well as a person. Armed forces was translated fuerzas armadas, although several members preferred ejercito, because the latter was too restricted; el militar was not accepted by any." Troike gives other interesting compromises. He regrets that there was neither time nor funds available to field test this form so that no real evaluation of its effectiveness did in fact take place.

As all of you know, the 1980 Census provided Spanish language questionnaire forms. In the May 4, 1978, Los Angeles Times, MALDEF indicated how pressures were brought and rationale provided for this decision. They note that an advisory committee was set up by the Census Bureau to identify the reasons for the 1970 Census undercount of many language minority groups. The committee found that one of the reasons was the "inability of census takers to communicate with respondents speaking Spanish." And that in 1970, "Spanish-speaking families who could not read the forms often did not respond and, to compound the problem, non-Spanish speaking interviewers were frequently sent out to collect the missing information." In other words, under the insistence of various civil rights groups, the Census Bureau did investigate a problem which it turns out included a language inadequacy in their administration of the census and as we know did attempt to correct the problem by providing for Spanish language forms.

Estada and Rodriguez have provided us at this conference with documentation of the Spanish language translation process undertaken by the Census bureau. MALDEF expressed concern in the 1978 Los Angeles Times article about whether the implementation would be adequate since at the time only English language forms were to be mailed to homes, even in areas where the population is predominantly Chicano. They noted that there would at least be a small notice in Spanish which tell recipients that they can request a version in their language. Again, we now have fuller information about the promotional effort in Spanish, thanks to the paper by Estrada and Rodriguez.

Another citizenship area is that of the need for Spanish language services in the voting process. As many of you know this is a hotly contested area since the Voting Rights Act of 1975 is up for approval at the end of September and the provision of bilingual services has been challenged by many voting administrators. Nonetheless, it is helpful to understand some of the issues involved and to try to see how much we know about the planning process. Until 1975, the right to bilingual election procedures derived only from section 4(e) of the Voting Rights Act of 1965 in which it was noted that it was a manifest injustice to bar Puerto Ricans from voting because of English illiteracy (PRLDF). Section 4(e) was targeted to prohibit the use of New York's literacy test as applied to Puerto Ricans residing in that State. But, as PRLDF notes: "eradicating the use of literacy tests was not enough, since registration and voting was conducted in English, a language incomprehensible to the intended beneficiaries of section 4(e)" so that beginning in 1973, a series of lawsuits were filed charging that English-only elections constituted a condition on the right to vote of Spanish monolingual Puerto Ricans. In the seminal case, Puerto Rican Organization for Political Action v. Kusper, the court determined that "right to vote" meant the right to an effective vote, and that a Spanish monolingual could not cast an effective vote when confronted with election materials he could not understand.

All of these cases and several others provided the legal underpinning for the bilingual election provisions contained in section 203 of Title II and section 301 of Title III of the 1975 Voting Rights Amendments. The Attorney General is charged with the implementation of the Act. The law specifies that a jurisdiction is deemed in violation of the Act if the Attorney General determines that any voting or registration materials provided to voters are exclusively English when five percent of the voting age population within any state or political subdivision are members of a single language minority and the rate of illiteracy of the particular language minority exceeds the national average of voting-age citizens. We can note that while the attention in the court suits was on the lack of English knowledge and therefore

the inability of citizens to vote, this law rested on language minority figures rather than on language knowledge.

Only a little is known about the actual implementation of this law. The Federal Election Commission contracted with the University of New Mexico to do a survey of creative ideas about how bilingual elections could be carried out (personal communication: David Lopez, one of the principal investigators). Their survey considered Spanish, Chinese and Native American language minorities in the U.S. According to David Lopez, the survey encountered considerable hostility toward the legislation but did identify some exemplary procedures. Lopez further noted that most of the procedures related to the process of voting itself and that this was an inappropriate point of entry since the first and most important barrier to voting was at the point of registration; that without Spanish-speaking officials at the registration sites, Spanish speaking voters could not begin the voting process. Lopez notes that the law is not very specific in identifying the specific services which the state, county and local officials must provide. It is clear that there is no regular mechanism for evaluating the quality and quantity of these services.

Social Welfare

In the domain of social welfare, we found a clear instance of where access to quality and quantity of services is dependent on meaningful communication. At this conference, Aguirre has given us a fine review of some of issues to be considered in the relationship between language issues and the provision of social services. The issue has been most extensively debated in the City of New York by PRLDF and others. Without going into the complexities of the planners and the plan, I think that there are a couple of interesting aspects of this domain that we should look at. The PRLDF argued that because of the lack of Spanish workers or forms, that Spanish-only speaking persons seeking welfare benefits were denied equal access. They argued that Spanish-only applicants received fewer or no benefits and were unequally subjected to hardships because they were required to provide

their own translator and this resulted in their having to return more frequently to the Center, in their having to keep young children out of school so that they can serve as interpreters hence exposing them to family traumas which they perhaps should not have been exposed to, or in violations of privacy when an acquaintance served as interpreter. These complaints were subsequently substantiated by the Mendoza Report, commissioned by the U.S. Department of Health, Education and Welfare and issued in September, 1978. Time doesn't permit me to detail these today but the Mendoza survey is considered a well-conducted survey which substantiated all of the PRLDF claims. Of particular interest to us here is that PRLDF was unable to base its claims on language inadequacies but rather had to rely on Title VI of the 1964 Civil Rights Act which prohibits discrimination on the basis of national origin among others. This case of social welfare is also of interest to us here because it illustrates the complex interaction between the need for recourse to the many sources of authority for language-related problems. In this case, in the first instance, in 1973, the complaint was made as an administrative one to the Office of Civil Rights. When nothing was done there, the complaint was filed in Federal Court which required that the defendant prove that the complaint was incorrect. OCR then did an in depth study which resulted in the Mendoza report. In 1979, OCR issued a letter of findings based on this report which triggered the New York City Department of Social Services into submitting a plan in which the city agreed to hire provisionally 272 bilingual workers. These figures were then disputed by the PRLDF. OCR replied that it would monitor the department and then make a decision. In August, 1981, OCR found that the city is still in violation of Title VI. The PRLDF is still not happy with the implementation of the law because: (1) There is no guarantee that Spanish-only speakers will be assigned to a bilingual worker. They argue against the current policy which assigns applicants on a random basis without consideration of their language needs. (2) They want the city to provide periodic report on the actual number of bilingual workers, and (3) They want the bilingual workers to be given civil service status so as to guarantee that the service will be available. The PRLDF is considering what the best move is since the general Reagan administration ethos is toward

deregulation and OCR suggested that the Fund should be satisfied with its gains rather than push for too high a profile. The PRLDF still is considering going back to the courts. I have not here detailed all of the complexities of this case but it illustrates some of the problems of not only seeing to it that a law applies in a particular instance but then once having done so, all of the complexities in seeing to it that the ruling/regulation is implemented in an effective manner and on a regular basis. Further, although the Civil Rights Act applies across the nation, there are considerable difficulties in seeing to it that the NY decision is brought to bear in other communities where there are non-English speaking welfare applicants. In 1979, MALDEF made a petition to the then Department of Health, Education and Welfare in order to have this law apply across the nation. The PRLDF made a similar petition in 1979 to the Department of Labor. To date, there has been no response to these petitions and the likelihood of a response is slim in an era of deregulation and less government coercion in all areas. (I am indebted for this information to Robert Becker of the PRLDF, and to Adalberto Aguirre, 1980 for details on the Mendoza report).

Education

Finally we come to the domain of education which I have deliberately left for last because it is so complex. In the other domains, we have considered here, the relationship between language knowledge and access to or the quality of services provided is relatively straight forward. Further, although the process of ensuring implementation is complex in the other domains, it is overwhelmingly and extraordinarily diverse in the education domain. This is in large part because of the complex relationship between federal and state regulation in the domain of education. Hence, one would have to investigate and I hope that some of you will be inspired to do so on a state-wide basis, in who the planners are, what the plan is and how planning is carried out. Let me call your attention, however, to a few points of interest to us in this domain. We can note that with education there has been a problem in agreeing on what the function of

education is: is it to provide for children's cognitive growth, is it to socialize them, is it to prepare them for work, is it to make good citizens out of them, is it to help in their self-image etc. That is, unlike the medical domain where the function is relatively clear (although there are many hidden agendas among the medical personnel which prevent the realization of satisfactory delivery of services) in the educational domain agreement on its the function is not common. Indeed there has been continual debate around this issue. Most recently, the debate about the function of education has focused around questions of the validity of and justice in competency testing. A large part of the problem is that people have differing opinions about what education is supposed to be achieving.

However, we do have several planners and plans which have agreed that children with limited English proficiency are not being adequately served and that something other than the normal English program must be provided for them. The legal cases in which this has been mandated are well known: Lau v. Nichols is the landmark case on the federal level and Aspira of New York v. New York City Board of Education an important landmark case in the states. As you all know, there are and continue to be many other cases which specify that limited English speaking children must get special care. How is this decision to be implemented? On the federal level, OCR issued the Lau remedies which spell out how the court decision is to be implemented. The remedies specified that only bilingual education was an acceptable program unless a school district could prove that another treatment was acceptable. As you may know, these remedies were finally challenged by the State of Alaska on a technicality--namely, that normal federal procedure was not followed, that a public hearing is required before a regulation becomes law. OCR attempted to provide new regulations which were more specific about the nature of the instruction, the certification of teachers, the process of entry and exit into these programs, and the nature of testing. Public hearings were conducted in six cities throughout the U.S. and over 7000 depositions taken. Secretary Bell rejected these regulations in January of this year, striking down a federal means of ensuring bilingual education for

LES/NEs children. Nonetheless, the Federal government still continues to provide monies toward the implementation of bilingual programs by supporting bilingual programs, materials development centers, technical assistance, centers; teacher training programs; evaluation, development and assessment, and the National Clearinghouse for Bilingual Education. Many of the states have also enacted bilingual education laws which provide for limited English speakers. That of California tries to spell out much of the implementation process in detail.--how many children, what kind of treatment, how many teachers, what kind of competence teachers should have, what sort of testing and placement. California law AB507 took effect in September, 1981, however, all of the regulations associated with it are not yet in place and administrators are still looking to the state for guidance in this area.

There are two other language-related issues in education that should be mentioned, both of them are concerned with what could be called corpus planning issues. The first relates to the testing of the Spanish language knowledge of children and the second with the development of materials for Spanish language children. Troike, 1971, described how the Materials Development Center in Miami tried to serve children using different varieties of Spanish. He notes that they developed separate parallel curricula for Mexican-American, Cuban, and Puerto Rican Spanish in response to local demands. Further, he feels that most of the differences among these varieties for written purposes appear to lie in the names of objects, i.e., nouns and cities a few examples of these differences. ". . . the Southwestern tortilla, a flat, thin, circular, unleavened corn or wheat bread, is an omelette in the East, while an orange is a china in the East but a naranja in the West. Keller, n. d. has presented extensive information on the corpus planning issues in Spanish in the U.S. He notes that the problem has been to decide which variety of Spanish to use in the classroom? He finds that "The answer has been often made in the form of one or two extremes. There are those who exalt the ethnic form of their locality and denigrate what the American Association of Teachers Spanish and Portuguese has called "world standard Spanish." Conversely, there are

those who exalt "world standard Spanish" and denigrate the ethnic or folk form. As a more specific example, Keller cites his experience as linguist for an NIE project in 1974 which was to evaluate approximately 100 curriculum titles in Spanish bilingual education. The project found eight types of Spanish in actual existence in 1974 in Spanish bilingual education programs:

1. Programs which use "world standard Spanish." The language is free of regionalisms. Some of the language is free of regionalisms. Some of the language may not be understood by United States Spanish speakers who use a regional or ethnic designation instead of a standard one (e.g., program uses autobus but not camion, nor quagua).
2. Programs which use language specific to particular regions or social groups of the Hispanic world outside of the United States, such as Spain, Bolivia or Chile. For example, these programs may use micro (Chile) or autocar (Spain), but not autobus, camion or quagua.
3. Programs which use language characteristic of all the regions and ethnic varieties of United States Spanish. That is, the program uses quagua and camion but not autobus.
4. Programs which use language characteristic of the eastern United States and the Caribbean, for example, uses quagua, but not autobus nor camion.
5. Programs which use language characteristic of the western United States and Mexico. For example, use camion but not quagua nor autobus.
6. Programs which use non-standard, non-Spanish (as in bad translations).
7. Programs which use both the regional or ethnic varieties of language as well as the "world standard Spanish" variety. For example, uses camion and quagua in addition to autobus. Programs which use controlled "world standard Spanish," using only language in the standard for which there are no alternate regionalisms or ethnic varieties, hence eliminating camion, quagua and autobus from instructional materials." (Keller, n. d., p. 17-18).

Keller argues that there needs to be appropriate compartmentalization. Type 1 he feels is best used in more advanced Spanish language courses, particularly in the content areas such as math and the sciences. Types 4 and 5 should be used in the relevant regions in transitional bidialectal education. Type 8 he feels

successfully deals with miscues that would otherwise crop up in teaching literacy. The complexities of language planning in education are fascinating and require several volumes to understand all of the issues, planners, plans and processes of implementation and feedback. I cannot nor will not detail these further. If some of you wish to provide examples or raise questions please feel free to do so.

Summary

We have surveyed today some of the major kinds of actors and activities which have occurred in the United States in the last 20 years in the identification of and attention to perceived language inadequacies in the provision of services to the Spanish language community. We can note that in some cases (legal, voting rights, certification for bilingual teachers) the issues were directly related to language whereas in some cases, it was necessary to use other legal precedent to provide services for Spanish-only language clients, as for example, in the case of the provision of social services in the State of New York where the PRLDF had to rely on Title VI of the Civil Rights Act. As a summary of cases from the PRLDF notes: "Accommodating non-English speakers in areas other than education requires a showing that without bilingual services the protection of substantial rights is diminished. Thus, non-English speaking plaintiffs must premise their language discrimination claim on the preservation of established rights, and not naked demands for bilingualism" (p. 96). They note further that the greatest gains for non-English speakers has been where the rights at issue are deemed of particular importance by the courts, for example, both voting rights and inequality in the criminal justice area are scrupulously probed whereas the courts have given less favorable treatment to unequal delivery of social services.

The range of an interaction of planners in the identification of and the making of a plan in any one domain is impressive. We have noted the extensive participation of the PRLDF and MALDEF as well as other attorneys in influencing language-related decisions. At the federal level, there is a very wide range of planners who have the

authority and power to make language-related decisions; decisions can be made through judicial decrees, they can be made through executive regulatory decisions, or they can be made through congressional law. Although the PRLDF and MALDEF have thus far concentrated on litigation as a means of affecting policy, since cases decided in a particular court are not automatically applied to other states without further litigation or executive regulation. Further, decisions made through litigation are difficult to implement since the courts do not have the staff to ensure implementation and often appoint someone without much power to oversee the court order. When a decision is taken in the courts and then implemented by an administrative branch of the executive, the possibilities for effective implementation are greater. For example, once the courts ruled in Lau v. Nicholas that limited English speakers needed more than "English only" treatment, the Office of Civil Rights had the basis to make regulations to implement bilingual education in all of the school districts. As we have noted, there are other planners on other levels; often these planners can be found in the private sector.

The plans occur in a wide variety of forms and products. In the federal case, as we have indicated above, they come most often in the form of court decisions, laws or administrative regulations. But they can also consist of textbooks which contain specific kinds of language or dictionaries which prescribe correctness or designate regionalisms and so forth.

Finally, we can note that the area of planning is the one where the actors are most diffuse. To the extent that the plan specifies who is to implement the plan, in what way, who is to monitor the implementation process according to what sort of guidelines and what they are to do with this monitoring, we can observe that the planning stage can be more effective. However, in most of the instances we have examined the plan is often not very specific in these areas and then we find that there is a very disjointed continual attempt to define the basis for an effective and appropriate implementation procedure. For example, the PRLDF in two separate cases in the education domain

brought suit to ensure adequate implementation. One suit related to the dispersal rather than the concentration of Hispanic children in Delaware (Evans v. Buchanan). Another related to the need to hire more Hispanic teachers (Morgan v. McDonough). Nonetheless, we can note that when regulations are too specific and the implementors do not agree with them, often because they do not suit their specific situation, then implementors may choose to ignore or violate them as long as they can. So, enlisting the participation of the implementors in the process of making a plan has been recognized as essential by some students of planning.

We can conclude that over the past twenty years the United States has been deeply involved in defining language inadequacies which limited English speakers may have in many public domains. Many of the issues have been brought on behalf of Spanish-only speakers.

Finally, I would like to note that scholars have a very important role to play in this process. First and foremost, they can be very influential in defining language inadequacies for Spanish-only speakers. Secondly, they have been and will continue to be important in providing information for making a plan and in the actual planning process by helping to define adequate criteria for implementation as well as criteria for the evaluation of such plans. I hope you will agree that it is an extremely exciting area for the application of linguistic and sociolinguistic skills.