American ideas have been born in English and require English for their proper preservation and dissemination. Illinois Constitutional Convention, 1920–22

Although a number of legislators had considered Spanish, at least in passing, as a language worth promoting in the United States, Charles Astor Bristed (1855, 57), in his essay on the English language, echoed the common nineteenth-century American rejection of New World Spanish, completely underestimating the political and literary influence that language would achieve only a century later, and dismissing it instead as beneath notice: “Little . . . is known, and as little cared about, the nature and extent of the modifications which the Spanish language may have received in the Hispano—American republics, for these countries occupy but an insignificant place in the political world, and what is more to the point here, are absolutely nowhere in the literary world.” This negative attitude toward Spanish greatly affected the political status of New Mexico in its relations with the United States.

The Spanish Question

While Pennsylvania and Louisiana dealt with the minority-language issue internally, the question of Spanish, for many years the majority language in New Mexico, was initially an external one. At the end of the Mexican War the United States formally annexed New Mexico with the Treaty of Guadalupe Hidalgo (1848), promising in article 9 of the treaty to make the territory a state “at the proper time.” (Congress then substituted article III of the Louisiana Purchase treaty for article IX, promising statehood for New Mexico “as soon as possible”; neither article specifically mentions language rights, though both guarantee territorial residents the protection of the U.S. constitution.) Responding to the treaty promise of statehood and an implied invitation by President Zachary Taylor in his 1849 annual message to Congress, in 1850 the New Mexico Territory held a statehood convention, drew up a constitution, and went so far as to elect state officials and delegates to Congress. But while gold-rich California was admitted to the Union in 1850 with a constitution protecting Spanish, impoverished New Mexico was refused statehood and given a territorial government instead. Repeated petitions for admission to the Union were denied, and New Mexico did not become a state until 1912.

Language was not immediately an issue within the New Mexico Territory, there being relatively few English-speaking settlers in that part of the Southwest. The 1850 constitution, sent to Congress with English and Spanish letters of transmittal from the governor, does not mention language rights, though the convention, sensitive to the mounting anti-Catholic nativism of the states, attempted to protect New Mexico’s Hispanic citizens by instructing its Congressional delegate, Hugh N. Smith, to “secure the Catholic population in the full and free enjoyment of all their religious rights and privileges” (U.S. House 1850, 11).
According to Bancroft (1889, 709), the early territorial legislatures of New Mexico conducted their business in Spanish as a matter of course, though because of the need to produce English documents for Washington, “the journals and laws had to be translated into English for publication.” Indeed, the territorial legislature petitioned Congress in 1869 for additional funds to hire a second official translator at an increased salary so as “to have all bills, memorials, and resolutions written in both languages” (U.S. Senate 1869, 3). It is clear that many New Mexico laws were drafted in Spanish and then translated into English, for in 1874 a territorial statute gave precedence to the language of the original version of any future laws, whether Spanish or English, rather than that of their translation (Kloss 1977, 130).

However, from Washington’s point of view, race and religion, as epitomized by the Spanish language, proved obstacles to New Mexican statehood. In 1876 both the House and Senate committees on the territories recommended passage of a statehood bill as long overdue. However, three members of the House committee opposed statehood on the grounds that New Mexico was thoroughly backward: it possessed no internal improvements, “and though various railways point in its direction, none have yet entered the Territory” (U.S. House 1876, 2). The minority report notes that the territory possessed only five public schools in 1870, and that in the year of the nation’s centennial the territory was an embarrassment to an otherwise enlightened Union: it was settled “by a people nine-tenths of whom speak a foreign tongue, most of whom are illiterate, and the balance with little American literature” (7). The report, which claims that even the Catholic bishop was shocked at the degraded state of the church in the territory, emphasizes the undesirability of the Hispanic population by comparing them to the frequently reviled “uncivilized” Indians: “But few are pure-blooded or Castilian, . . . the rest being a mixture of Spanish or Mexican and Indian [living in a] condition of ignorance, superstition, and sloth that is unequaled by their Aztec neighbors, the Pueblo Indians” (12).

In 1888 Rep. William M. Springer of Illinois presented a similar minority report for the Committee on the Territories, opposing statehood for New Mexico (at the same time, Springer sponsored legislation admitting Washington, Montana, and the Dakotas to the Union). Alleging that New Mexico was not sufficiently advanced “in civilization and education,” Springer cited with alarm the 1881 opinion of Territorial Governor Sheldon that requiring English in the schools “would prevent a majority of the children from being educated in the public schools” (U.S. House 1888, 45). In words reflecting the spirit of nineteenth-century know-nothingism and opposition to the new and visibly Catholic immigration to the states, Springer complained of the Hispanic influence on the New Mexico Territory, in particular the Spanish language, the Mexican style of dress, the adobe houses, illiteracy, the practice of enslaving Indians (a system of peonage was reported in the territory), and the prevalence of vice (that is, prostitution, adultery, and common law marriage) and Catholic idolatry, all of which, Springer charged, were inherited from Southern Europe (39).

By the 1880s minority-language populations had become a political issue in the United States (see, for example, the discussion below of Illinois’ Edwards Law), and Congress was targeting the preponderance of Spanish-speaking New Mexicans as a major reason to deny statehood to the territory. In 1892 a House report by the Committee on the Territories recommending statehood directly addressed the racial issue: “Objections
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[regarding ‘the character of the population of the Territory’] have been urged against the admission of New Mexico which are not usually brought forward against the admission of other Territories” (U.S. House 1892, 16). The House report specifically confronted the issue of language and allegiance: “It has been asserted that the people of New Mexico are not Americans; that they speak a foreign language and that they have no affinity with American institutions” (43). While admitting that some older New Mexicans were monolingual Spanish speakers, the report reassured the Congress that young Hispanics in the territory were switching to English: “There are very few persons in New Mexico under thirty years of age who are unable to speak English, and . . . year by year the use of the English language is taking the place of Spanish” (43). The report expressed confidence that, while the “familiar” use of Spanish might never be entirely eradicated, “the people of New Mexico realize that they are a part of the United States, and that the English language is the national language, and it is a fixed and definite principle among them all that the English language shall be taught to every child in New Mexico” (43).

In the area of New Mexican education, assimilation is claimed for all but extremely remote rural areas. The House report counted 143 English-only schools, 92 bilingual ones, and 106 which were taught exclusively in Spanish, though the state superintendent of public instruction insisted that English was taught in all the schools (17). Former Governor S. B. Axtell of New Mexico testified before the committee to refute contentions that the state’s Hispanics were reluctant to learn English: “I know a number of men who have been educated by the Christian Brothers who speak the English language as well as we do, and they learned to use it properly.” He further estimated that “75 per cent of the adult population of New Mexico can understand the English language and speak it well enough to do business, to buy and sell, and talk to laborers, and reply to questions” (19–20).

The House report also addressed the issue of patriotism in what by the 1920s would become a common theme in the defense of minority-language populations. It strongly objected to the classification of New Mexico’s “Spanish-speaking citizens” as a “foreign race” (43), pointing out that the proportion of native- to foreign-born inhabitants was higher in New Mexico than in Dakota, Montana, or Washington, and arguing that New Mexican natives were surely as loyal as foreign-born Europeans: “Can it be said that a native of New Mexico who renounced his allegiance to the Republic of Mexico over forty years ago has less interest in the Government of the United States, less devotion to republican principles, or less fitness for full American citizenship than a subject of European kingdoms who has within a few years left his native home?” (44). The report, which did not refrain from its own brand of stereotyping, found New Mexico’s “slow and nonprogressive” conservative Hispanic population an ideal corrective for “our overzealous Americans” (17). It predicted that the combination of the two peoples through intermarriage was certain to produce “orators, poets, artists, and statesmen of the highest rank” (44).

In its conclusion, the House report reminded the Congress that the statehood pledge in the Treaty of Guadalupe Hidalgo “contained no condition that all the inhabitants should learn the English language” (43). And it cited the patriotic contributions of New Mexican soldiers and officers during the Civil War: “In the storm of battle they proved their title to American citizenship” (45). But despite a similar
positive recommendation by the Senate Committee on Territories, the vote for statehood failed.

In 1902 the 57th Congress rejected yet another in the long series of petitions for New Mexican statehood (along with statehood for the territories of Arizona and Oklahoma). The historian Albert Jeremiah Beveridge, a “progressive” Republican senator from Indiana, chaired hearings on the statehood bill in New Mexico and in Washington, D.C., and ultimately recommended against its passage. While party politics had always been a factor in the New Mexican statehood question, during the hearings and in his subcommittee report, Beveridge, who believed in “America first! Not only America first, but America only” (DAB, s.v.), focused exclusively on the prevalence of Spanish in New Mexico’s public and private affairs. The New Mexico historian Ralph Twitchell (1912, 2: 575-76n) describes the Beveridge hearings as “the most dastardly performance by a committee of congress ever witnessed.” Beveridge’s subcommittee arrived in New Mexico unannounced, summoned witnesses, placed them under oath, and interrogated them one at a time behind closed doors. According to Twitchell, the subcommittee had clearly decided in advance to deny statehood to New Mexico: “Never before in the history of the American people were the qualifications and fitness of the people of a territory subjected to and passed upon by a committee of either branch of the American congress.”

Beveridge and his subcommittee, which included freshman Sen. William P. Dillingham of Vermont, who would later chair the Immigration Commission and become a leading exponent of quota restrictions in immigration (see chapter 5), toured Las Vegas (then a part of the New Mexico Territory), Albuquerque, Santa Fe, Las Cruces, and Carlsbad for nine days, expressing distress at the many business signs in Spanish, worrying over the presence of Spanish-language newspapers, and interrogating children in schoolyards, only to find them unable to reply in English. Witness after witness before the Beveridge subcommittee was forced to admit that in New Mexico, ballots and political speeches were either bilingual or entirely in Spanish; that census takers conducted their surveys in Spanish; that justices of the peace kept records in Spanish; that the courts required translators so that judges and lawyers could understand the many Hispanic witnesses; that juries deliberated in Spanish as much as in English; and that children, who might or might not learn English in schools, as required by law, “relapsed” into Spanish on the playground, at home, and after graduation. Subcommittee witnesses also confessed that Hispanics committed more crimes than Anglos, although several witnesses reminded the subcommittee that the territory’s crime rate was extremely low and blamed the majority of the few felonies that were committed on outlaws from Texas entering the territory through Mexico.

Both Anglo and Hispanic witnesses used the term Mexican to refer to Hispanic natives of New Mexico as well as immigrants from “old” Mexico. Everyone else, in New Mexican parlance, was an American. Benjamin S. Baker, an associate justice of the New Mexico Supreme Court, told the subcommittee, “When I use the term ‘American’ I mean all other nationalities except Mexicans” (U.S. Senate 1902, 46). At one hearing, Senator Beveridge criticized the English of one such “Mexican” school principal, saying, “I observe that you talk a little bit brokenly; how long have you spoken English?” (10). The reply was, “Since 1874,” or twenty-eight years. The “American” superintendent of the East Las Vegas schools (an Anglo area of settlement) confirmed the subcommittee’s
suspicion that “it is very hard to teach [Mexicans] English well” (24), while just as the Pennsylvania Germans were criticized for not using standard High German, an Anglo justice of the peace, who testified that he knew no Spanish, informed the subcommittee that the Spanish used by New Mexican Hispanics was far from adequate: “They speak the Spanish language, or try to; but I understand that it is not the pure Castilian; it is a sort of jargon of their own” (18).

Pro-statehood witnesses (only one subcommittee witness actually opposed entering the Union) denied that Spanish was permitted in the public schools and emphasized the rapid assimilation to English of the young. The journalist Thomas Hughes implied that the minority language situation in New Mexico resembled that in Senator Beveridge’s home state of Indiana: “Spanish is taught as a side issue, as German would be in any State in the Union. . . . This younger generation understands English as well as I do” (64–65). One sympathetic senator reminded his audience, “These people who speak the Spanish language are not foreigners; they are natives, are they not?” (347).

But Senator Beveridge did not consider Mexicans to be natives. He was so troubled by the Spanish problem that he appended to the record of his hearings several exhibits demonstrating his contention that the territory was more Mexican than American: a series of legal notices in Spanish and English; and a list of grand and petit jurors for 1902, together with a list of criminal indictments for 1900-1902, both containing a very high proportion of Hispanic names. Beveridge ignored witnesses who explained that Anglos always managed to get themselves excused from jury duty on trumped-up medical grounds, and he implied that the crime statistics attached to the report, which show assault, adultery, and fornication to be the most common misdemeanors punished in the territory, clearly reflected the moral degradation of the Mexican population.

Many witnesses before the Beveridge subcommittee testified that while older Spanish-speaking residents of New Mexico spoke little English, the younger generation was quickly becoming anglophone. But not quickly enough for Senator Beveridge, who categorized the “Mexicans” of the American Southwest as “unlike us in race, language, and social customs,” and who concluded that statehood must be contingent on assimilation. He recommended that admission to the Union be delayed until a time “when the mass of the people, or even a majority of them, shall, in the usages and employment of their daily life, have become identical in language and customs with the great body of the American people; when the immigration of English-speaking people who have been citizens of other States does its modifying work with the “Mexican” element” (U.S. Senate 1902, Report, 9).

Seven years later Beveridge finally supported a New Mexico statehood bill (a promise of statehood for the territories had been a plank in the Republican platform that President Taft was determined to keep). However, there is some suggestion that Beveridge and his Senate colleagues backed the legislation only because they were certain it would fail in the House. In any case, Beveridge rewrote the enabling act which eventually passed Congress in 1910 to include a variety of provisions reflecting his English-only preference. The House version of the New Mexico and Arizona statehood bill permitted school instruction in languages other than English, and while it required English of state government offices and officials, it did not require English of state
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legislators. Beveridge imposed a stricter official-English requirement on New Mexico as a condition of its entrance into the Union. The Senator complained,

One of the most serious difficulties of . . . the Territory of New Mexico, has been and is the disposition of the Mexican population to continue the Spanish language from generation to generation. . . . Had the provisions of the Senate bill been in force in the Territory for a generation the conditions above described would not now exist. Since we are about to admit this Territory as a state of the Union, the disposition of its citizens to retain their racial solidity, and in doing so to continue the teaching of their tongue, must be broken up. (U.S. Senate 1910, 25—26)

The enabling act as amended by Beveridge permitted New Mexico to form a constitution and state government and provided for the establishment of a system of free public schools that “shall always be conducted in English.” It also required “that ability to read, write, speak and understand the English language sufficiently well to conduct the duties of the office without the need of an interpreter shall be a necessary qualification for all State officers and members of the state legislature” (New Mexico 1910, 257).

Despite these restrictions, the enabling act passed the House unanimously. But New Mexico was still bilingual, and one of the first orders of business at the 1910 constitutional convention at Santa Fe was the election of an interpreter. All proceedings and committee files were ordered to be printed in English and Spanish (23). One hundred thousand copies of the constitution were ordered printed, fifty thousand in each language (96), and the constitution of the incipient state of New Mexico was ratified by means of bilingual ballots (76).

At the 1910 convention, the education committee report provided for the mainstreaming of Spanish-speaking children: “That children of Spanish descent in the State of New Mexico shall never be denied the right and privilege to attend the public schools or other public educational institutions of the state, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children” (116). This was followed by a provision for separate schools for “children of African descent,” a section which was opposed by a minority committee of three Hispanics and which was ultimately omitted from the final draft of the constitution.

In addition to requiring English of office holders and the schools, the first official New Mexican constitution contained several other language-specific provisions. One supported transitional bilingual education, ordering that “the legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish speaking pupils and students in the public schools and educational institutions of the state; and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students” (234).

The constitution also ordered that “for the first twenty years after this constitution goes into effect, all laws passed by the Legislature shall be published in both the English and Spanish languages” (241—42), a provision that was subsequently extended. In protecting minority languages within the state, it classed English and Spanish as equal, providing that “the right of any citizen of the State to vote, hold office, or sit upon juries, shall never be restricted, abridged or impaired on account of religion, race, language or
color, or inability to speak, read or write the English or Spanish languages except as may be otherwise provided in this constitution” (New Mexico 1911, 47-48). Furthermore, “in all criminal prosecutions the accused shall have the right . . . to have the charge and testimony interpreted to him in a language that he understands” (14-15).

Although the constitution and enabling act were passed in 1910 and ratified early in 1911, statehood was delayed yet again. During the delay, the House Committee on the Territories recommended dropping the English-language requirement for New Mexico state officials and legislators. In its report, the committee found the disqualification imposed on the Spanish-speaking New Mexicans potentially unconstitutional as well as a violation of the letter and the spirit of the Treaty of Guadalupe Hidalgo. The House committee observed that the U.S. Constitution does not deny citizens the right to hold office if they cannot speak English, and it pointed out that article 9 of the treaty guarantees the constitutional rights of the territory’s Hispanic population (U.S. House 1911, 6).

Although the language of the enabling act was not revised, the English-only requirements for education and office holding in New Mexico were softened. The constitutional provision mandating English for state officials and legislators was repealed in 1912, over the governor’s veto, after the granting of statehood (New Mexico 1912, 272), and subsequent school legislation provided that “Spanish may be used in explaining the meaning of English words to Spanish-speaking pupils who do not understand English” (New Mexico 1915, 133) and required bilingual reading instruction in the first three grades if a majority of parents demanded it (New Mexico 1917).

Although the constitutional mandate that schools always be conducted in English (article 21, sec. 4) remains in effect, in 1941 the New Mexico legislature enacted a paradoxical law ordering Spanish instruction in grades five through eight, while at the same time giving county school authorities the option of excluding such instruction. Furthermore, it assured “that no pupil attending any public school in this state shall be required to take the course in Spanish . . . where the parent . . . specifically objects in writing” (New Mexico 1941). Naturally, this sort of equivocal minority-language protection did little to enhance the status of Spanish in the schools. Indeed, for much of the twentieth century, despite legal efforts to protect Spanish speakers, their language was stigmatized in New Mexican schools, and students were punished for using Spanish on school grounds (see chapter 5).

In writing the Senate version of the Arizona and New Mexico Enabling Act of 1910, Senator Beveridge treated the two territories differently. While he opposed Spanish in New Mexico, he simply deleted from the Enabling Act an Arizona territorial law requiring voters to demonstrate their ability “to read the Constitution of the United States in the English language in such manner as to show [they are] neither prompted nor reciting from memory,” a statute that had twice been vetoed by the Arizona governor (U.S. Senate 1910, 5).

Beveridge’s opposition to the Arizona English literacy statute was no doubt prompted by two political considerations: first, the law had been passed in a party-line vote by a Democrat-controlled legislature and vetoed by the Republican governor, Joseph Kibbey, who was a presidential appointee (Beveridge, as we noted, was a Republican); and second, the Hispanic voters it would disenfranchise constituted only 10 percent of the electorate in Arizona, a minority Beveridge could afford to protect without endangering
the spread of official English. Naturally, Beveridge did not cite political motives for his action. Instead, he quoted the arguments put forth by Governor Kibbey rejecting the Arizona English literacy requirement on the grounds that it was both unpatriotic and unfair.

In his first veto of the Arizona law, Kibbey spoke with pride of those Americans in the states who spoke only German, French, Hebrew, or what he referred to as Scandinavian, who could understand the Constitution “quite as well as” those able to read it in English. He reminded the legislators that the first Anglo settlers in the Arizona Territory learned Spanish, which was both the majority language and the official one. And he noted that the Treaty of Guadalupe Hidalgo made residents of the territory American citizens even if they did not speak English, and that linguistic assimilation was both a slow and an involuntary process:

A people does not, nor, indeed, do individuals, usually change their speech voluntarily. The acquisition of a new language voluntarily is a refinement of education confined to few individuals as a mere accomplishment. That a whole people should change their language denotes that there was a necessity more or less urgent to do so, or the acquisition is the result of years and often generations of association and intercourse with a people speaking a different language who have become predominant. (6)

In enacting the English literacy measure, the Arizona legislature found a precedent in the Maine constitution of 1893. As early as 1879 Maine’s school superintendent had proposed “to educate all its children in the language of the State and Nation and to make them an English-speaking people” (Kloss 1940, 1: 511). However, as Arizona’s Governor Kibbey noted in his second veto message (the bill had been slightly rewritten and passed by the legislature again), the parallel between Arizona and Maine did not hold. While both regions had similar non-English-speaking populations, the Maine rule on voter qualification, aimed at the state’s French inhabitants, required English of new voters and did not apply to those already enfranchised or to those over sixty years of age, who were assumed to be too old to learn English, while the Arizona law had no such provisos and would actually disenfranchise many who had been voting all their adult lives. Kibbey objected further that the Arizona law would disenfranchise not only Hispanics, but Scandinavians, Germans, and Italians as well (10). His successor, Gov. Richard E. Sloan, further charged that the English literacy requirement was a racial and not an educational test, aimed directly at the best class of Arizona’s Hispanic voters, and he found it therefore “unjustly discriminatory” (13–15).

Although Pennsylvania, Louisiana, and New Mexico have dealt with their German, French, and Spanish speakers differently at different times, sometimes supportively, sometimes repressively, a number of striking similarities emerge. In these states, minority-language speakers typically strove to preserve their language rights while fighting a losing battle against language shift among the young and in the face of opposition from English speakers.

In all three states, supporters of minority language rights emphasize both an obligation to translate for citizens who are too old to learn English, and a need to
recognize the patriotic contributions of nonanglophones to the nation’s war efforts. In contrast, proponents of English-first—both anglophones and minority language speakers favoring assimilation—argue that learning English is the ultimate act of patriotism: that without the majority language one cannot understand or participate in the nation’s democratic institutions. And some among the English-firsters add that English is necessary for economic success as well as ideological enlightenment. Such talk is common as well in the English-first debate today.

Furthermore, these three states have had, throughout their histories, large, single minority-language populations in addition to smaller numbers of speakers of other non-English languages. Despite individual measures mandating English as the language of instruction or the language of the laws, none of these states has passed an overriding official-language act, nor is it likely that they will at the present time, although official-English supporters have targeted Pennsylvania for future action. This is not to say that all states with similar population histories have done the same. California, with a significant number of Spanish and Asian language speakers throughout its history, together with a long tradition of discrimination against these populations, recently passed an official-English law. And Hawaii, a state which, like New Mexico, had to wait for admission to the Union because that Union rejected its racial composition as un-American, now has two official languages, English and Hawaiian. Though the state’s major second language is Japanese, Hawaiian was selected for legal protection because it is an endangered, indigenous language. While Spanish in the American Southwest was perceived as a local threat to English and to Americanization in the new states of the area, the language that in the eyes of the English-first nativists posed the greatest danger to the nation as a whole was German.

The Language Panic of World War I

The equation between language and nationality established in the eighteenth century by Locke and Michaelis, among others, was strengthened by nineteenth-century European nationalist movements and in particular by the work of such German-language philosophers as Johann Gottfried Herder ([1772] 1966), Johann Gottlieb Fichte ([1808] 1922) and Wilhelm von Humboldt. Fichte, concerned with resisting Napoleonic expansionism, argued that every linguistic group constituted a nation and should be self-governing. Von Humboldt, writing in 1837 of the superiority of the Indo-European languages over other linguistic groups, went further in defending the notion that language reflected national character and posited “an undeniable connection . . . between language structure and the success of all other kinds of intellectual activity” (1988, 44). Such assertions were characterized by contemporary philologists as racist and Eurocentric, a charge that von Humboldt, for one, could not successfully refute. Combined with the equation of English with liberty, this linguistic nationalism produced such statements as that of W.G.T. Shedd (1848, 658), an early editor of Coleridge: “Studying a well organized language . . . brings the mind of the student into communication with the whole mind of a nation . . . the whole genius and spirit of the people of whose mind it is the evolution.” But unfortunately it also captured the popular imagination of the day, leading to such pernicious and absurd connections between language and ethnicity as the charge made in 1911 that Jews could not learn European languages “because of physical
differences in the anatomy of their speech and hearing organs” (cited in Lieberson 1981, 4).

Ironically, however, this nation-language connection so effectively disseminated through German romantic language philosophy backfired as the Treaty of Versailles, breaking up the German Empire after World War I, attempted to redraw the map of Europe along linguistic lines at the expense of German (Guy 1989, 154). Furthermore, German itself, perceived to be the antidemocratic language of absolutism, was now seen to threaten American national unity. During and after World War I, negative feeling toward German, Polish, Czech, and the Scandinavian languages resurfaced, particularly in the Midwest (anti—German language feeling was common in England and France as well).

The United States entered World War I in April 1917. In June the federal government passed the Trading with the Enemy Act (50 U.S.C. Appendix). Section 19 of this act was designed to suppress or render transparent all foreign-language publication dealing with the conduct of the war or other war-related matters. It is reminiscent of the eighteenth-century suggestions for suppressing German in Pennsylvania discussed in chapter 3:

It shall be unlawful for any person, firm, corporation, or association, to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial or other printed matter, respecting the Government of the United States, or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto: Provided, That this section shall not apply to any print, newspaper, or publication where the publisher or distributor . . . has filed with the postmaster at the place of publication, in the form of an affidavit, a true and complete translation of the entire article containing such matter proposed to be published . . . in plain type in the English language.

Nonconforming printed matter was declared nonmailable, though the act permitted the president to issue permits freeing individual publishers from these restrictions. This regulation lapsed after the war, and an attempt in 1923 to reinstate a more sweeping version of the restriction, denying the use of the mails to any publication printed in a foreign language unless an English translation appeared in parallel columns, failed to gain support (HR 9727, 68th Congress, 1st session). The Great War affected language in the schools as well, finally accomplishing what earlier statutes had failed to do. In the fall of 1917 and the winter and spring of 1918, a language panic swept the country: German was specifically targeted as an enemy language to be rooted out.

While in 1917 many public figures and educators sought to defend the study of German against a groundswell of popular opposition to the language, by 1918 the tide had turned and voices everywhere considered the use of German suspect. Reacting to charges that the German government was underwriting language instruction in American schools in order to prevent the assimilation of German-Americans and to further its war effort, and that German classes were hotbeds of subversion and espionage, school districts throughout the country promptly banned the teaching of German. On 25 May,
1918 the New York Times reported that as many as twenty-five states had already removed German from their curricula.

Occasionally a voice was raised in defense of German language study, claiming that the language was necessary for anyone in the sciences, or that it was essential in order to unveil enemy plots, uncover strategy, and win the war. But even these rational arguments were dismissed, and the effort to dump German redoubled. Scribner’s was urged to publish no German titles during the war. Sheet music dealers refused to handle German songs. At least one American Berlin was renamed Liberty. Even German foods were transmuted on restaurant menus: across the land, German fried potatoes became American fries and sauerkraut became liberty cabbage; some superpatriots even caught the liberty measles instead of the German measles (Mencken 1963, 258; rubella, the latinate medical term for the disease, was probably too foreign-sounding for the public taste).

The New York Times applauded a Board of Education plan to drop German from the New York City public schools as “sound hard common sense.” Basing its opposition to German—a language it characterized as “suspect and taboo”—on educational as well as patriotic grounds, the Times asked, “Why neglect the one necessary tongue [English] in order to get a smattering of another?” It argued that students of German “don’t, as a rule, know English sufficiently well, learn it amply, [or] use it in speaking and writing with correctness, let alone elegance.” According to the Times, English would provide the “common bond” in a city “loud with strange languages and jargons.” The abandonment of German is “a matter of polity, of patriotism, of Americanism,” and the newspaper recommended that if a second language is needed at all, the schools should consider Spanish, which is more useful for business, or French, surely “more cosmopolitan and urbane” (May 25, 1918, p. 12).

Across the United States between 1918 and 1920, local ordinances were passed forbidding the use of German. A Texas county defense council urged that German be forbidden. The state of Oregon went beyond federal restrictions on war-related minority-language publication, restraining the foreign language press regardless of subject matter. The Oregon act made it unlawful “to print, publish, circulate, display, sell or offer for sale any newspaper and periodical in any language other than the English, unless the same contains a literal translation thereof in the English language of the same type and as conspicuously displayed” (Oregon 1920). The law, which remained in force for seven years, applied to pamphlets and circulars as well, and carried a penalty of up to six months in jail, a five-hundred-dollar fine, or both. Oregon passed another language-restrictive law in 1921 which required “that all records, reports and proceedings required to be kept by law shall be written in the English language,” with the exception of druggists’ or physicians’ prescriptions.*

Writing on the connection between language and Americanization, Mahoney and Herlihy (1918, 3) argued that an inability to speak English posed “a threatening liability” in wartime: “The very first step in making a unified people back of our fighting line, a zealous industrial army to augment our fighting forces, is to teach the foreigner English.” (We will look more closely at the role of the schools in anglifying immigrants in the next chapter.) Perhaps most drastic of all, and most indicative of public sentiment at the time, was the proclamation of Gov. William Lloyd Harding of Iowa, issued in May 1918, forbidding the use of any foreign language in the schools, in public, or on the telephone, a
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more public instrument than it is now. Flouting the doctrine of separation of church and state, Harding even went so far as to prescribe English as the official language of religion: “English should and must be the only medium of instruction in public, private, denominational and other similar schools. Conversation in public places, on trains, and over the telephone should be in the English language. Let those who cannot speak or understand the English language conduct their religious worship in their home” (New York Times, 18 June 1918, p. 12). Such attitudes had a chilling effect on language use. According to James Crawford (1989, 23), as many as 18,000 people were charged in the Midwest during and immediately following World War I with violating the English-only statutes.

A feeling of linguistic as well as political isolationism swept the country after the war. In 1919 Iowa passed a law making English the language of instruction for secular subjects in public and private schools, though foreign languages were permitted above the eighth grade (Iowa 1919, 219). In 1918 New York ordered non-English speaking minors to attend school through the fifth grade, permitting English classes in the workplace to fulfill this requirement, and in 1919 the state allocated up to one hundred thousand dollars to “promote and extend educational facilities for the education of illiterates and of non-English speaking persons” (New York 1918; 1919).

Other states were less concerned than New York with supporting a transition period for the acquisition of English. German instruction was specifically banned in twenty-two states (Leibowitz 1971, 16). Early in 1919 the state of Indiana approved an “emergency measure” requiring all school subjects to be taught in English only, “provided, that the German language shall not be taught in any of the elementary schools of this state.” German was also forbidden in Indiana’s private and parochial schools. The penalty for violating the English-only law was a fine of twenty-five to one hundred dollars, up to six months in jail, or both, and to underscore the severity with which the state regarded noncomplying schools, “each separate day in which such act shall be violated shall constitute a separate offense” (Indiana 1919, 50–51). Apparently the Indiana General Assembly recognized the possibility that legislation singling out German for special treatment might be declared unconstitutional, for the legislature qualified the bill by noting that in case any section of the law was invalidated by the courts, the other sections would remain in effect.

During the nineteenth century, Ohio supported public English-German schools and in 1903 required German instruction in the public schools upon the demand of “75 freeholders resident in the district.” In 1913 the state made such instruction optional and “auxiliary to the English language” (Leibowitz 1971, 16), and six years later it rejected German entirely by copying the Indiana law almost word for word, including the provision for unconstitutionality (Ohio 1919). The Ohio anti-German law was indeed specifically struck down by the United States Supreme Court decision in Meyer v. Nebraska in 1923 (see chapter 5).

Despite the eventual reversal of many English-only and all anti-German provisions, the English-first sentiment was not without its effect: although hamburgers and sauerkraut have resumed their place in American cuisine, the use of the German language declined drastically in the United States, and its place in the school curriculum would never be the same. But as we will see below, language shift has occurred on a
large scale in the United States even without the repressive linguistic policies that accompanied World War I.

Language and the Law in Illinois

We have looked at minority language situations in three American states and considered the general language anxiety caused by the First World War. It will be instructive now to examine the minority language issue in Illinois, a state which is both industrial and rural, and one with a complex history of minority-language speakers and attitudes that is perhaps more typical of the general American pattern of minority-language permissiveness within an implied or expressed official-English context. In 1923 Illinois passed one of the first official-English laws in the nation. The state has also dealt with the question of official English and the status of minority languages in its various state constitutions, where English is established as the language of government; in school laws designating English as the language of instruction but explicitly permitting the study of foreign languages, and most recently, bilingual education as well; and in the establishment of an English literacy requirement for voting.

Most other states have dealt with similar language issues, though for some the outcome has been more favorable in terms of minority-language status, while for others the result was more protective of English. On balance, while Illinois clearly has put English first, it has made room for minority languages as well. During the three periods in United States history when English-first movements have put pressure on the nation’s legal and educational systems—1880 to the early 1890s, the period during and after World War I, and the present—Illinois has placed itself firmly in the middle of the road. The state has chosen English as its official language and its laws encourage transition to English rather than mother-tongue maintenance for minority-language speakers. However, official English in Illinois is statutory rather than constitutional and, more important, it is symbolic rather than restrictive: moves to suppress minority languages have been short-lived, and the state offers both official and informal support services to nonanglophones.

Although the Illinois official-language law was passed in 1923, the problem of language is addressed implicitly and explicitly throughout the legal history of the state. The fact that the Ordinance of 1787 (the Northwest Ordinance) as well as the constitutions and laws of Illinois are written in English gives that language at least semi-official status from the outset. Indeed, many states followed the pattern we have seen in Louisiana, inferring English as the nation’s official language from the fact that it is the language of the United States Constitution. Nonetheless, from the outset, minority-language groups in Illinois asserted their rights as well: the French of Kaskaskia and Cahokia maintained separate courts in the 1780s. In 1794 the territorial laws were ordered translated into French so that francophone judges could enforce them, and a French school was set up for one month in Cahokia. Shortly thereafter, the Cahokia French protested to Congress the abridgment both of their language rights and of their property rights, in particular, their right to keep slaves, slavery being prohibited by the Northwest Ordinance (Inquiry 1796, 151; Allinson 1907, 281).

The Illinois constitution of 1818 does not mention language, though article 2, section 17 reads, “The style of the laws of this state shall be, ‘Be it enacted by the people
of the state of Illinois represented in the General Assembly,” “a phrase which all but requires state laws to be drafted in English. As early as 1845 English was mandated as the official language of instruction in Illinois public schools, and the 1848 constitution gives the governor’s oath of office in English.

Schedule 18 of the constitution of 1848, repeated without change in the 1870 constitution, requires that “all laws of the State of Illinois, and all official writings, and the Executive, Legislative and Judicial proceedings, shall be conducted, preserved and published in no other than the English language.” This and similar requirements set by other states have been construed by the courts to establish English as the presumptive official language of the states.

While statutes may mandate or imply the drafting of laws in English, elsewhere the status of the official language has often been less clear. One area where the law in Illinois and other states has shifted to reflect changing attitudes toward English and minority languages is the publication of official notices. In many cases, such notices were originally printed in the minority-language press so as to reach concerned readers or, as was sometimes charged, to make the notice inaccessible to anglophones.

Although nativist movements like the Know Nothings subsided by the end of the Civil War, attempts to extend the legal sway of English did not. From the 1870s on, English-firsters pressed their cause at state constitutional conventions, in the schools, and in the courts. A series of lawsuits challenged the validity of the publication of official notices in a minority language, or in English in the minority-language press. Decisions in these cases are based on the legal doctrine that publication of laws must be done, as Blackstone maintains in his Commentaries, “in the most public and perspicuous manner; not like Caligula, who . . . wrote his laws in a very small character, and hung them up upon high pillars, the more effectually to ensnare the people” (Blackstone 1803, 1: 46). Similarly, according to Henry Black’s Dictionary of Law (1891, s.v.), publication means printing copies of a notice “in such a manner as to make their contents easily accessible to the public.”

In the case of Graham v. King (50 Mo. 22 [1872]), an ordinance requiring advance publication of foreclosure notices was interpreted by the Missouri Supreme Court to require printing of such notices in English in an English-language newspaper. The Missouri case served as a precedent for later cases in Michigan and Illinois. Like their colleagues in other states, the Missouri court assumed the citizens of the state to be monolingual speakers of English or of another language, and made clear its opinion that only an English notice in an English-language newspaper satisfied the law’s accessibility requirement: “An English advertisement in a German newspaper is bad. . . . Those among whom the [German] paper circulates would not be able to read it in the English language. And if it were published in German, then it would be a sealed book to the most of those who read and speak English.”

In 1891 a New Jersey court in a similar ruling decided that merely printing an official notice did not constitute publishing it: “A notice contained in a German newspaper in a language other than English is not published but only printed” (State v. Orange 14 LRA 62, cited in Kloss 1940, 2: 935). The Michigan Supreme Court went a step further in a similar foreclosure case, ruling that while the legislature may explicitly provide for foreign language publication of official notices, in the absence of such explicit direction, English must be intended: “The English language is the recognized
language of this country, and whenever the law refers to publication in newspapers it means those published in the language of the country” (Attorney General v. Hutchinson, 113 Mich. 245 [1897]).

On several occasions, Illinois legislators have indeed designated other languages in addition to English for official publications, though the English versions of such publications were always seen to have precedence in the case of disputed interpretation. However, responding to the English-first fever of the early 1890s, the Illinois Supreme Court invalidated laws explicitly permitting or requiring official publication in languages other than English.

In 1863 the city of Chicago gave its common council the discretionary power to publish ordinances, proceedings, and other public notices in a designated English-language newspaper as well as “in some newspaper printed in the German language,” and in 1867 that municipal law was amended to require official publication both in an English-language paper and in the German-language newspaper having the largest daily circulation in the city. In 1891 William McCoy, in a class-action suit representing the city’s taxpayers, challenged this practice. The Illinois Supreme Court ruled in McCoy’s favor, arguing that when Chicago had become incorporated in 1875, it lost its home-rule powers and came under the jurisdiction of state law. The city ordinance of 1867 was therefore rendered invalid by schedule 18 of the 1870 state constitution, which required all official publication to be in the English language (McCoy v. City of Chicago, 136 Ill. 344 [1891]).

In 1916, at the start of the next wave of protective English legislation, the Illinois attorney general issued an opinion that the charters and names of domestic insurance companies were similarly required to be in English, “and that a proposed company having a name expressed in the German language cannot, therefore, be organized” under Illinois law (Illinois 1920, 304). The Illinois Supreme Court went further in 1916 and 1917, forbidding official-English publications in the foreign-language press. In Perkins v. Board of Commissioners of Cook County (271 Ill. 449 [1916]), Dwight H. Perkins challenged the Forest Preserve Act of 1913 on the grounds that the ordinance was printed, albeit in English, in a Chicago German-language newspaper, the Staats-Zeitung, which as the complaint alleged was read only “by those of German nationality who adhere to the German language in preference to the language of this country” (emphasis added). The court agreed, ruling that such publication did not satisfy the constitutional requirement of schedule 18: “A notice or ordinance published in the English language in a newspaper printed in a foreign language cannot be said to be ‘published,’ in the sense in which that word is used in the constitution and laws of this State.” The forest preserve ordinance was rendered void, and its tax levy was enjoined.

In the related People v. Day (277 Ill. 543 [1917]), Mark L. Day refused to pay his real estate tax because the Cook County appropriation bill had been published in English in the Staats-Zeitung and nowhere else. The Illinois Supreme Court ruled that Day was not liable for that portion of his tax rendered void by improper publication of the appropriation, but that he was responsible for the payment of the rest of the assessment. Chicago city ordinances eventually came into line with such legal decisions and with the anti-German feeling that swept the country during and after World War I. Since 1922 the city’s Municipal Code has specified publication of required notices in an English
newspaper, provided that newspaper does not advocate the overthrow of the government by force or violence.

While Illinois has privileged the English language in the promulgation of laws and the publication of notices, it has also been tolerant of the state’s minority languages, even during periods in American history when other states were taking a more repressive view of the language question. A proposal to publish five thousand copies of the 1848 constitution in German was overwhelmingly adopted, and committees were appointed by the constitutional convention to supervise publication in both German and Norwegian (with the translators being sworn to translate correctly). But not all minority languages received the same treatment: a proposal to print one thousand copies “in the Irish and French languages” was soundly defeated. The 1869 constitutional convention ordered separate copies of the new constitution in German and “Scandinavian,” and while it rejected a move to print that document in French, it ordered copies of the English version to be supplied to foreign-language publishers in the hopes they would translate all or part of the constitution for their readers. And while the English-only requirement of schedule 18 of the 1870 constitution stipulates that the formal record of all court proceedings to be in intelligible English, it does not limit the language of such court proceedings as “oral testimony, depositions, or documentary evidence.” It further permits the court clerk to use a system of shorthand to record the minutes of such proceedings, though these must later be fleshed out in official English—one judgment was vacated on appeal because the final record of the proceedings “was entered in a system of abbreviations which would be unintelligible to an English speaking person” (Illinois 1920, 305).

The Illinois legislature has frequently dealt with the legal position of English and minority languages in the schools, an issue that remains controversial today. As we have already noted, the 1845 School Law designated English as the language of instruction in Illinois schools. The official status of English was reaffirmed in later revisions of the school laws, which spelled out the right of schools to permit the teaching of other modern languages as well. According to the statute of 1845, “No school shall derive any benefit from the public or town fund unless the text books in said schools shall be in the English language, nor unless the common medium of communication in said schools shall be in the English language.” Exempted, however, were foreign languages being studied as such. A law passed in 1869 further clarified the right of instructors to use a modern language as the vehicle for instruction in that modern language, a pedagogical technique whose importance seems self-evident today but which was clearly something in need of legal shoring-up a century ago.

The legal specification of the right to teach foreign languages in state public schools was successfully defended in Powell v. Board of Education (97 Ill. 375 [1881]). In that case, a group of concerned citizens sued a St. Clair county public school district to enjoin the use of public moneys for German language instruction. The courts decided for the school board, and the Illinois Supreme Court upheld the judgment. The school in question offered one half hour of German instruction per day in the first grade, and a maximum of one hour per day thereafter. Participation in the German lessons was voluntary, though 80 to 90 percent of the pupils “volunteered” for it. German instruction had been provided for some fifteen years, and the question had recently been approved at the polls as well. Reviewing the school laws, the Illinois Supreme Court concluded in its opinion that the teaching of modern languages in the state’s public schools was legal, and
that it did not diminish their character as English schools. Furthermore, the court ruled that since the teaching of modern languages had been common in the elementary branches for many years, it would take legislative rather than judicial action to forbid such instruction.

Perhaps in response to this finding, as well as to the move by the Catholic church in 1884 to expand its parochial school system into every parish in the country, with priests exhorting congregations that attendance at public school was a sin (Forbes and Lemos 1981, 105), in 1889 the Illinois legislature passed with little fanfare and virtually no opposition a compulsory education law which required English as the language of instruction in all public and parochial schools. It did not take long for the public to realize that the new act, called the Edwards Law after Richard Edwards, then state superintendent of public instruction, gave public school boards the authority to certify private schools as conforming to the English-only requirement. Quakers and many Protestant groups, including Swedish Lutherans, supported the English-only law. However, Catholics and German Lutherans opposed it, rejecting public regulation of the curriculum in their private schools. By 1890, there were 254 Catholic and 290 Lutheran schools in Illinois, many of them using German in whole or in part as the language of instruction (this account of the Edwards Law is summarized from Kucera 1955).

The Edwards Law triggered a nativist reaction, splitting the state along philosophical, ethnic, religious and party lines. English education was pitted against Catholic education. Opposition to the Edwards Law was viewed as an attack on public education, prompting violent anti-Catholic, anti-Democrat, and anti-German attacks in the press. In an editorial, the solidly Republican Chicago Tribune labeled as open enemies of the public schools the American Catholic clergy, “inforced by a number of bigoted Ultramontane sectaries... who are inspired by an inextinguishable hate of the American free school system. They want to break down the public schools and build up the parochial schools. They think no education is worth the having which does not consist chiefly of a catechism and is not administered exclusively under the control of priests. . . . They would grab a big slice of the taxes and have them used for the support of their dogmatic schools” (14 January 1890, p. 4). On the other hand, the Tribune identified as misguided friends of the schools those who every year called for more dollars for schools and higher pay for teachers.

In another editorial, the Tribune supported a claim that the Catholic church was “bent on securing the mastery of American youth” and it referred with pride to “the Protestant defenders of the public school system,” agreeing that “Ballots [are] more potent than bullets” (24 February 1890, p. 4). In a pre-election edition, the newspaper published on its front page a number of reports of Sunday sermons in support of the Edwards Law, reports containing such phrases as “Our common schools are the first to feel the encroachments of Catholicism” and “How many members of Protestant churches do we find who are keepers of saloons and gambling hells?”

Making clear that it supported the use of the bible in the public schools, and urging its readers to vote for the “Little Red Schoolhouse,” the Tribune also quoted one minister’s tally that 229 of the 363 prisoners at the Joliet correctional facility who declared a religious preference were Catholic. Assuring his congregation, “I am not a bigot,” this avowedly unbiased clergyman commented, “Surely this proportion does not seem to show that Catholic education has been a success” (3 November 1890, pp. 1─2).
The Edwards Law was closely associated with the Republican administration, and the law’s passage had political repercussions for the GOP. Opposition to the law produced an unusual political alliance of German Lutherans, who normally voted Republican, and Catholics. Despite the campaign of hate and fear launched by the Republicans, the newly allied groups managed to defeat Edwards in his bid for reelection as school superintendent, replacing him with a Democrat who happened also to be a German-American. In June 1891, discussing an unsuccessful attempt to remove the English-language requirement from the compulsory education law, the Tribune praised the state’s Republicans for being reluctant to say “that an elementary education is sufficient with the American tongue left out, or forbidden to be taught to the American children of narrow-minded, un-American foreigners,” and predicted that Illinois Democrats would support the complete exclusion of English from the schools if they thought it would get them votes (14 June 1891, p. 12).

Such characterizations did not appeal to voters. In 1892 Judge John P. Altgeld made the school language issue a central feature of his gubernatorial campaign, and the Democrats managed to end twenty years of Republican rule in the state. The Edwards Law was repealed in 1893, and a new compulsory attendance law was implemented without the English-language provision, though only for the time being.

The school language issue resurfaced in Illinois after World War I. In 1919 a bill to forbid the teaching of foreign languages in the elementary schools was introduced in Illinois, but it was tabled. In that same year, at the urging of Samuel Insull, chair of the State Council of Defense of Illinois, a group originally formed to coordinate the state’s war efforts on the home front, the Illinois legislature revised the school code and English once again became required in public and parochial schools. In addition, at Insull’s urging, a law was passed to facilitate the teaching of English to adults in the state in order to Americanize the foreign born and minimize work-related accidents.

Section 276a of the new Illinois School Code embodied the language of Insull’s Defense Council. It is not surprising, then, that the legislation sounds a bit like wartime propaganda:

Because the English language is the common as well as official language of our country [it was not, in fact, the de jure official language of the country], and because it is essential to good citizenship that each citizen shall have or speedily acquire, as his natural tongue, the language in which the laws of the land, the decree of the courts, and the proclamations and pronouncements of its officials are made, and shall easily and naturally think in the language in which the obligations of his citizenship are defined, the instruction in the elementary branches of education in all schools in Illinois shall be in the English language.

Addressing the Commercial Club of Chicago in 1919 on the wartime accomplishments of the State Council of Defense, Insull explained that his call for an English-only school law arose from purely patriotic motives, combined with the practical need to Americanize the foreign born. For him, English language schools formed the most important step in the Americanization process.
Insull argued that America could not function as a team if the members of the team spoke “a multitude of tongues,” and he warned that multilingualism was a subversive activity: “A confusion of tongues is the simplest and most effective method for defeating a common purpose yet discovered; it was the method employed by Jehovah himself to accomplish that end” (Insull 1919b, 465).

Insull admitted that getting first-generation Americans to speak English was a difficult proposition. He shared the common suspicion of the loyalties of newly arrived immigrants: they could never become fully Americanized, he claimed, because they retained memories, however negative, of their homeland. Nor did Insull object to the teaching of foreign languages in the schools of Illinois, though he strongly objected to foreign-language schools: “It is these which most need to be Americanized, in behalf of a sound and enduring patriotism.” Insull opposed the minority-language maintenance such schools attempted to provide: “There is no reason why we should go on maintaining and propagating the babel of languages through the second, and even the third and fourth, generations.”

According to Insull, children could not be good citizens if they did not learn the basics of an elementary curriculum, “the three R’s, common grammar and fundamental history,” in English. By failing to provide an English education in the basics, “we deliberately make them poor Americans by allowing them to acquire their education in a foreign tongue” (465). Insull was willing to give up on the parents in an immigrant family—there were only two of them, after all, while there were generally four to ten children (his figures). He concluded, “We can’t make a foreign-born citizen a good American by law. But we can make the schools of Illinois American by law, and thereby make it easier for those born here to be good Americans” (466).

In 1920, the same year that the Modern Language Association, meeting in Columbus, Ohio, urged Congress to support increased foreign language instruction now that the war had ended, Illinois tried to extend its English-only school law to the rest of the nation. Rep. Charles E. Fuller, of the Illinois 12th Congressional District, transmitted a petition from the Illinois Society of the Sons of the American Revolution to the U.S. House of Representatives “favoring the teaching only of the English language in elementary schools” (Congressional Record, 66th Congress, 1st Session, 23 March 1920). The House Committee on Education did not act on the measure.

While postwar legislators in Illinois affirmed the position of English as the one official language of government and education, they resisted the temptation to restrict minority language rights. The Illinois constitutional convention of 1920–22, charged with the task of revising the constitution of 1870, dealt with the language issue in three major areas: literacy, the courts, and the schools. The delegates wrote into the new constitution an English literacy requirement for all appointed and elected officeholders, while rejecting a literacy test for voting. They affirmed English as the official language of the laws and public records of the state. And they rejected a constitutional requirement making English the language of instruction of the schools because—as we have just seen—legislation to that effect had already been passed in 1919.

The delegates to the constitutional convention overwhelmingly supported a requirement that public officeholders, whether appointed or elected, be able to speak, read, and write English. Opponents feared it might work as a racial and ethnic barrier, but the measure,
which was regarded as both patriotic and practical, passed nonetheless. According to Sylvester J. Gee, the Republican delegate from Lawrenceville who spearheaded the English literacy drive, if an officeholder is not patriotic enough to learn English, “we do not owe him anything” (Illinois 1920–22, 995). Opposition to Gee’s proposal was sporadic. Rodney Brandon, a delegate from Mooseheart County, felt the requirement was redundant. He asked the convention, “Is it true that we are so ignorant in the State of Illinois that we have to put in our Constitution a provision to prevent our people in this State from electing illiterate people to office?” More seriously, Brandon warned that literacy requirements were used in the South to prevent blacks from voting and holding office, and he feared similar misuse of a literacy requirement in Illinois (1260). Charles Hamill, from Cook County, objected that English was not necessary for offices such as road supervisor, and he expressed concern about an accurate measurement of literacy: “The question of whether a man can read or write the English language is one not easy to answer” (3713). The literacy requirement for officeholders was discussed on several occasions, and it ultimately passed the convention by a vote of 52 to 2.

Representative Gee and his supporters sought to make English literacy a requirement for voting as well, but this move proved much more controversial, and after some impassioned debate on both sides, it failed. Although most English-first advocates today strongly oppose bilingual ballots, many supporters of official English in the United States earlier in this century balked at requiring English for voting. For one thing, they recognized that testing literacy could be subjective and inaccurate, leaving considerable room for discrimination on the part of registrars. Although some states, like New York, had adopted such measures, literacy tests were associated with the denial of voting rights to blacks in southern states, and the U.S. Senate had quashed as racially discriminatory the Arizona Territory’s English—only voting law as a condition for its admission to the Union in 1912.

The debate over English literacy for voting in Illinois did not single out one nonanglophone group (the state’s German population was largely assimilated by that time), but instead targeted the newer immigrants who had come to the state before the war. Both supporters and opponents of the measure took patriotism as their theme. Sylvester Gee’s motion met with considerable opposition from speakers who reminded the convention that a literacy requirement would disenfranchise many blacks and non-English-speaking patriots who had fought in the Civil War and the recently concluded Great War. George Lohmann, of Chicago, protested that many of his black constituents had not been well served by the schools. If the literacy requirement were passed, he warned, some forty thousand of Chicago’s “colored voters” would reject the constitution. Unmoved, the paternalistic Gee denied that blacks had been discriminated against in Illinois schools: “In my county they sit in the same schools. I have a young man in my employment who is a bright colored boy. He has had the same opportunity as any white child, and he is able to read and write.” As for the foreign born, Gee argued, “I do not ask anything of them that is not asked of American-born citizens, and I do not think it is asking too much that they be able to read and write the language of their country” (997).

Asked how a person could demonstrate literacy in English for the purposes of voting, Sylvester Gee replied, “I think to ask him to write his name,” a requirement that seemed much less onerous than those proposed by other states (997). No delegate voiced
the obvious objection that writing one’s name is not necessarily a language—specific test of literacy. Instead, opponents focused on the unfairness of the test. Charles J. Michal, of Chicago, who pointed out that he himself had not been born in the United States, saw the English literacy requirement for voting as “an affront to the people who have not had an adequate opportunity to learn to write and read the English language, but who are nevertheless willing and desirous of becoming loyal citizens.” Michal argued that prescribing education was despotic and inimical, something more appropriate to New England (where nativism had been strong in the mid-nineteenth century) than to an all-American midwestern state: “I think it is blue-bellied Yankeeism. I think it is not Americanism. I think it is hostile to the fundamental principle of our country, and I think the amendment ought to be voted down” (997-98). Joseph Fifer, of Bloomington, particularly objected to the unfair treatment of veterans that a literacy requirement implied: “To disfranchise certain men who in the darkest hour that this nation ever saw went out with their lives in their hands ready to do and die for our flag, would be an infernal disgrace” (998). This was apparently enough for Gee, who accepted a revision of his motion that dropped the issue of literacy altogether and focused on another vexed question, his recommendation to deny voting rights to conscientious objectors, a measure which also failed to win the convention’s approval.

Lewis A. Jarman, a Republican delegate to the convention from Rushville, Illinois, put forward a motion to amend the Education Committee’s report by requiring English as the language of instruction in all of the state’s public and private schools. In a long speech defending his motion, Jarman claimed as his model a Nebraska law to the same effect and made no reference to the flap in Illinois over the Edwards Law in 1890, referring instead to the English-only school law passed in that same year by the Wisconsin legislature in response to Gov. William D. Hoard’s 1889 state of the state message, which called for “a reasonable amount of instruction in common English branches, especially . . . the ability to read and write the language of this country.” Like the Edwards Law, though, Wisconsin’s Bennett Law cost the governor the next election, and it too was quickly repealed (Kellogg 1918; Kucera 1955).

Jarman’s motion clearly reflected the isolationism that swept the nation after World War I. Naming other states that had recently passed similar measures, Jarman contended that English-first laws were necessary to protect the nation “from the insidious wiles of foreign influence,” a phrase that he borrowed from George Washington’s warning against foreign entanglements in the well-known Farewell Address to the Troops. Jarman noted that Washington never imagined that Americans would have to protect the English language from such entanglements, adding, “Who indeed could conceive ‘the insidious wiles’ of modern Germany?” (1140).

Jarman made it clear that he would not ban German from the school curriculum, a move favored by many across the country. Nor was Jarman opposed to foreign-language instruction as such. Nonetheless, he did single out German as a problem language for American schools: “We have needed the alarm of war to awaken us to the significance of the fact that in some cities and communities of this country we have elementary schools where German is the only language spoken, except in that room where English is taught as a foreign language. . . . I think it is a reproach to any community of the United States, and a reflection upon its loyalty to American ideas, to have, not simply a public
elementary school where German is taught, but to have German public elementary schools” (1140–41).

Jarman then set forth the now familiar one-nation, one-language doctrine, arguing the United States to be a special case because unlike Germany, where everyone shared the same ethnic heritage, “in this country national unity is not a matter of blood but of ideas.” Thus language, for Jarman, would replace ethnicity as a primary socio-political force: “American ideas have been born in English and require English for their proper preservation and dissemination” (1140). Since in his opinion the goal of public education was national unity itself, any tolerance of minority languages would threaten the national fabric: “How shall we ever make these millions think America [sic] if we do not teach them to speak American?”

Citing the repeal of Wisconsin’s English-only law in 1891, Jarman warned, “To make a public think German it is necessary to make it speak German. . . . If we permit the children and citizens to live, move and have their intellectual being in the language and literature of absolutism, it will be well nigh hopeless to attempt to preserve a pure democracy among them.” Exciting ethnic stereotype further still, Jarman categorically asserted, “There has never been an absolutism among English-speaking peoples” (1141).

Jarman concluded his passionate speech by raising the specter of Babel and “the disintegrating tendencies of polyglot States” (1141). While he claimed to oppose an “America for Americans” exclusionist immigration policy, he rejected any notion of minority language maintenance and drew applause from the convention with a final equation of English with liberty: “He is a public enemy who would in any way hinder [the schools] from teaching American ideas, cherishing American ideals, promoting American patriotism, and above all, producing American citizens, unhyphenated and uncompromising, a united democracy loving liberty, and thinking and speaking the language of liberty, our English undefiled” (1142).

The emotion stirred by Jarman’s prepared remarks was quickly deflated when Frank S. Whitman of Belvidere reminded the delegates that the previous legislature had already reinstated English as the language of school instruction, and Jarman’s amendment, which was no longer necessary, failed to pass. But it was clear to all that the sentiment of the delegates favored protecting English when such a move did not threaten to alienate voters. There was little discussion, for example, about carrying over from the previous constitutions schedule 18, requiring English as the official language of the state’s executive, legislative, and judicial branches (4523). Breaking with precedent, however, the 1920–22 constitutional convention did not authorize the publication of the new constitution in any language other than English, and in 1923 Illinois passed its first official-language law.

Postwar official-language sentiment was colored not only by resistance to German and the languages of Asian as well as central and southern European immigrants. It was fueled, too, by the anti-British feeling of many Irish Americans, and by the tendency of many Americans and Europeans to refer to the language of the United States as American. Not since the 1790s had interest in a federal language been so intense. The journalist H. L. Mencken published his study The American Language in 1919; its immense popularity led to a second edition in 1921 and a third in 1923. Also in 1923 Rep. Washington Jay McCormick of Montana introduced a bill in the U.S. Congress to make American the nation’s official tongue. McCormick’s bill was not so much anti-
German or anti-minority language as it was virulently America—first and anti—British. As proposed, the bill was sweeping in its scope: it would amend all congressional acts and government regulations, substituting American for English in references to language. McCormick hoped to “supplement the political emancipation of ’76 by the mental emancipation of ’23,” and he advised American writers to “drop their top-coats, spats, and swagger-sticks, and assume occasionally their buckskin, moccasins, and tomahawks” (McCormick 1923). In an editorial, the New York Times took a jocular view of McCormick’s proposal, suggesting it was prompted by news that London sightseeing buses had engaged special interpreters for Americans, or the need to supply English editions of American books with glossaries. The Times also found amusing the bill’s implication that Congress would serve as a vehicle for standardizing the American language, though it guessed that turning Congress into a language academy could divert that body from its more harmful occupations. The editor concluded, “We must cut loose from allegiance to foreign grammar, and avoid as we would the plague all entangling linguistic alliances” (7 February 1923, p. 14).

McCormick’s bill died in committee, but American was clearly in the air at the time, and similar bills appeared in a number of state legislatures: Minnesota (1923), North Dakota (1937), New Jersey (1944), and Massachusetts (1952). All but one failed. State Sen. Frank Ryan of Chicago sponsored a law making American—not English—the official language of Illinois. In 1919 the Illinois General Assembly had passed a resolution urging the American representatives to the Versailles Peace Conference to support home rule for Ireland. Another resolution passed by the legislature at the same time urged the creation of a Jewish state in Palestine. Both statements reflected the sharpened ethnic interests of Illinois citizens, but in the eyes of Illinois lawmakers they had the added benefit of indirectly attacking the colonial policies of the British. Pro–Irish sentiment was spearheaded by Mayor William (“Big Bill”) Thompson of Chicago, who warned King George V to stay out of Chicago, and its result is clear in the wording of Ryan’s official-language law, whose “whereases” attack those American Tories “who have never become reconciled to our republican institutions and have ever clung to the tradition of King and Empire.” According to Ryan, such Anglophiles foster racism and defeat the attempts of American patriots “to weld the racial units into a solid American nation.”

Ryan’s law clearly appealed to the Irish electorate of the state, and although before passage it was toned down considerably, its original sentiment remained unaltered. As finally worded, the statute’s Brit-bashing clauses were replaced by a paean to America as the world’s welcoming haven for immigrants. The bill justified changing the name of the language for several reasons. It argued, for one thing, that newcomers to the United States considered its institutions and language to be American, not English. Furthermore, “the name of the language of a country has a powerful psychological influence upon the minds of the people in stimulating and preserving national solidarity.” And finally, “the languages of other countries bear the name of the country where they are spoken.”

The Chicago Daily News opposed Ryan’s proposal, claiming that the phrase American language was originated by the then much-reviled Germans to show their dislike of the British. A similar view was voiced by the German-born clergyman Edward A. Steiner (1916b, 93), who faulted German American newspapers for insisting “that since the war, we have begun to speak something which is called American,” though the
term American in reference to language actually goes back to the America of the late eighteenth century (Mencken 1945, 143). Despite its passage, the Illinois law produced no sweeping changes in usage in the state, where English rather than American continued to be taught in the public schools. The Massachusetts official-English law, proposed unsuccessfully in 1952, would have remedied this oversight: besides declaring American the official language of the state, it would have prohibited the teaching of English in the schools, banning such terms as English grammar and English language from all textbooks, “so that all students within the commonwealth of Massachusetts shall know that they are studying the American language and are using the American language in their speech and writing” (New Yorker 28 [23 August 1952], p. 41).

In 1928 the Illinois Appeals Court observed that the state’s official-American law did not conflict with the constitutional requirement that Illinois laws be published in English (Leideck v. City of Chicago, 248 Ill. App. 545 at 558). The case, which had been decided for the plaintiff, involved an injury claim, and on appeal the defense raised a number of issues, one of which was the assertion that the words prima facie, used in an instruction to the jury, were not English, consequently would not be understood, and thereby constituted an error in the trial. The Appeals Court disagreed, finding that prima facie was indeed English, had been English for some five hundred years according to the Oxford English Dictionary, and would not be misunderstood by a jury, whose members were by law required to understand the English language. (Neither the defense nor the court addressed the issue of whether the jury could understand prima facie as a technical legal term.) The court further ruled that while the legislature had changed English to American in establishing the state’s official language, these languages were “in legal effect and intendment . . . the same thing.” One obvious result of Ryan’s law was to make Illinois’ usage of American unique among the states, and the statute was quietly amended in 1969, as the official state language reverted once again to English (Public Act 76—1464).

Provisions for English as the language of instruction in Illinois schools and the adoption of a state official-language law did not prevent passage of a bilingual education law in Illinois in 1973. However, until 1988 the Illinois School Code technically prohibited bilingual education. Exempted from the 1919 state law requiring English as the language of instruction in the schools were “vacational schools where the pupils have already received the required instruction in English during the current school year.” Vacational was a rare word even in its own day. Funk and Wagnalls’s Standard Dictionary, the only dictionary that records it, calls the word colloquial. In the Illinois School Code, the word referred to schools held during vacation periods. A more appropriate term might have been vacation schools, either summer schools or weekend schools. The intent of the 1919 law was to require that English be the language of instruction, but it clearly exempted from that provision not public summer schools but supplementary parochial ones, what we would describe now as Sunday schools or vacation bible schools.

When the School Code was overhauled in 1945, an error crept into this section of the code: the word vacational was incorrectly changed to vocational. Section 27—2 of the new code read, “Instruction in the elementary branches of education in all schools shall be in the English language except in vocational schools where pupils have already received the required instruction in English during the current school year.” It is not clear
how vocational became vocational. It may have been a typographical error or a revision on the part of some committee member who read the original “vacational” as a typo and sought to restore the original language. While minor, and unnoticed for forty-three years, the incorrect reference to “vocational” schools could have become a problem. Fortunately, section 27-2 of the School Code was revised again recently to permit the already existing bilingual education programs finally to conform to state law. In this last process of revision, which brought Illinois state law into line with federal rulings requiring special programs for students described in the regulations as “non-English-proficient” and “limited-English-proficient” (or, NEP and LEP), the nonsense statement about vocational schools was dropped, although those involved in the revision of the law had no idea they were correcting an error in doing so. The section, which applies to public schools only, now reads, “Instruction in all public elementary and secondary schools of the State shall be in the English language except in second language programs and except in conjunction with programs which the school board may provide, with the approval of the State Board of Education pursuant to Article 14C, in a language other than English for children whose first language is other than English” (1988 Public Act 85-1389).

In Illinois, as in many other states, language has been both a symbolic and a practical issue. Illinois language laws have reflected public linguistic and ethnic prejudice, though as in most states its legislation has avoided the extremes of nativism and racism that conflict with federal constitutional protections. Illinois language law is also typical in that it has proved flexible enough to accommodate shifting attitudes or public policies toward language and education. In the next chapter, we will examine more closely how these attitudes and policies affected American schools in the twentieth century.