



An Insight into Linguistic Rights before the Courts and in Public Education in the United States of America

*Loreno D'Angelo**

Abstract: This article aims to assess linguistic rights in the United States of America (United States or US). In particular, it will analyze how these rights are protected and reflect on its effectiveness. Linguistic rights are especially important in multilingual and multicultural societies. The United States are such a society. However, we will see that the United States are becoming a monolingual society, or at least are making efforts to implement the use of a sole language in the public sphere, through various legal and other means.

This article consists of three parts. First, it will give an overview of what linguistic rights are and discuss their importance. Furthermore, it will discuss why English is the predominant language in the country today and what other languages play an important role.

Second, it will lay out how linguistic rights are enshrined in the legal sphere and how these are protected. In this part, the article will focus on the legal frameworks for such rights and will take a closer look at how such rights are protected before the United States courts (both at state and federal level). Special attention is also placed on linguistic minorities and protections for native US languages. When looking at protections before the US courts, the article will draw upon relevant case law in the matter.

Finally, the article will look at the protection of linguistic rights in public education. In doing so, it will assess this protection through the lens of relevant case law, as well as public policy and other relevant instruments. Again, here we will look closer at linguistic minorities and native US languages.

Keywords: Court, Education, Native language, Linguistic minorities, Linguistic rights.

Summary: 1. What are linguistic rights?; 1.1. A brief history of language policies in the United States; 1.2. The official language(s) in the United States; 2. Ensuring linguistic rights before US courts; 2.1. The right to an interpreter; 2.2. Issues obstructing linguistic rights before US courts; 3. Linguistic rights in US public education; 3.1. A brief history of education and language in the United States; 3.2. Legal frameworks ensuring linguistic rights in public education; 3.3. US courts on linguistic rights in public education; 4. Conclusion.

1. What are Linguistic Rights?

Linguistic rights, also known as language rights, are the legal protections and entitlements related to the use of language in various domains of public and private life¹. This article will only analyze linguistic rights in public life. These rights ensure individuals and communities can use, maintain, and develop their languages without discrimination².

Language cannot simply be reduced to a means of communication. It is far more than that, as it is intrinsic and shapes the identity and culture of the people speaking it³. Therefore, by protecting these languages, we also protect and recognize the identity and the culture of those people. Linguistic rights are especially important in multilingual and multicultural societies. The United States are such a

* *Court of Justice of the European Union, LL.M. The Fletcher School of Law and Diplomacy ('22), Belgian American Educational Foundation Fellow ('21). Loreno.D'Angelo@curia.europa.eu. This article has been written in a personal capacity. It does not bind the institution that employs the author.*

¹ M. WOLLACOTT, *What are Linguistic Rights?*, languagehumanities.org (May 23, 2024), <https://www.languagehumanities.org/what-are-linguistic-rights.htm>? (last visited April 14, 2025).

² *Id.*

³ *Mahe v. Alberta*, [1990], S.C.R. 342 40 (Can).



society⁴. Linguistic rights are recognized and protected in several national and international frameworks⁵, such as, *inter alia*, the Universal Declaration of Linguistic Rights⁶ and the European Charter of Regional or Minority Languages⁷. According to the International Covenant on Civil and Political Rights (ICCPR, 1966)⁸, linguistic rights are fundamental human rights⁹ and should therefore be protected. In essence, linguistic rights ensure that linguistic minority groups within society have the ability to use their language freely. The United States signed the ICCPR in 1977 and ratified it in 1992. However, the United States declared that the ICCPR is not automatically enforceable in its domestic courts¹⁰. Therefore, the ICCPR does not confer directly enforceable rights in the United States. This means that individuals can only invoke such rights after Congress has passed specific legislation to implement the provisions of that Covenant. As a result, US courts generally do not apply the provisions laid out in the ICCPR.

In determining the protection of linguistic rights before US courts and in public education in the US, we therefore have to rely on national instruments to bring about such protection. First, however, we must understand the US language policy.

1.1. A Brief History of Language Policies in the United States

When we think of the United States today, we cannot ignore the fact that the country uses English as its official language. Not only does the country use English, it also uses an anglicized pronunciation for nearly every foreign word, for example the French *croissant*.

An important question emerges regarding where this all comes from and why this is the case. Several elements play an important role in this. First, the US colonial history and its political and legal foundations have introduced English as a dominant language. The initial Thirteen Colonies¹¹ were primarily settled by English-speaking colonists, which naturally led to the adoption of English in this part of the country. There was also a strong colonial desire to strive for cultural legitimacy within the British Empire by copying metropolitan English linguistics¹². Furthermore, two important documents that shaped the history and the destiny of the United States, the Declaration of Independence¹³ and the Constitution of the United States¹⁴, were written in English. However, they do not refer to English as an official language of the country. Nevertheless, the mere fact that they are written in that language provides an insight into the language that held the power at that time, and which was able to shape the language policy of the time: English. Second, the majority of settlers and immigrants arriving in this new society either spoke English, were assimilated into the language relatively quickly or were absorbed into an English-speaking culture¹⁵. It was the belief upon arriving in the US that learning English as

⁴ J. NICHOLAS, R. MARKS, R. RAMIREZ, M. RIOS-VARGAS, 2020 *Census Illuminates racial and Ethnic Composition of the Country*, United States Census Bureau (August 12, 2021), <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html> (last visited April 14, 2025).

⁵ M. WOLLACOTT, *What are Linguistic Rights?*, *op. cit.*

⁶ Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000104267> (last visited April 13, 2025).

⁷ Available at: <https://rm.coe.int/1680695175> (last visited April 13, 2025).

⁸ Available at: https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf (last visited April 14, 2025).

⁹ Article 27 ICCPR.

¹⁰ 138 Cong. Rec. S4781-84 (1992).

¹¹ Namely: Carolina (North and South), Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Virginia. Virginia (1607) was the first English colony.

¹² P.K. LONGMORE, "They...Speak Better English Than the English Do": Colonialism and the Origin of National Linguistic Standardization in America, in *The University of North Carolina Press*, 40, 2005, p. 279.

¹³ Available at: <https://www.archives.gov/founding-docs/declaration-transcript> (last visited April 14, 2025).

¹⁴ Available at: <https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm> (last visited April 14, 2025).

¹⁵ C. LUU, *When Did Colonial America Gain Linguistic Independence?*, in *JSTOR Daily* (July 4, 2017), <https://daily.jstor.org/colonial-america-gain-linguistic-independence/> (last visited April 2, 2025).



quickly as possible was key to economic and social mobility¹⁶. Third, the majority of *public* schools in the US have always taught in English¹⁷. On top of that, government documents, legal proceedings and official communications have primarily been in English as well, and still are. Finally, English has been the primary language of business, media and entertainment in the United States, which has helped maintain English as the country's official language.

In light of the forgoing analysis, the policies that have shaped language in the United States have to be examined as well. Surprisingly, or maybe not so much, we will see that, after having adopted and secured protections for languages other than English, including Native Languages¹⁸, English is still the most dominant language in the country.

From the early days of the Pilgrims until mid 1850 the focus of the US language policy was on the status of English versus non-English languages¹⁹. Initially, non-English languages, such as, *inter alia*, French, German and Spanish, were tolerated²⁰. This tolerance manifested itself for example in the right to speak and use one's own native language (other than English)²¹. Certain States (in the earlier days called "Territories") even adopted languages other than English as official languages. For example, in 1845 Louisiana legislators could address the body in either French or English²² and its Constitutions of 1845 and 1852²³ required all laws to be written in those two languages as well²⁴. Until today, the validity of documents extends to documents in both in French and English²⁵. However, this tolerance did not extend to non-European languages, such as Native Languages²⁶. Indeed, the US government separated Indigenous people from their cultures²⁷ and from actively engaging in US society by transferring them to reservations. The practice of using languages other than English is not surprising, because of the somewhat unique way the country was formed. In the early days, the United States were a melting pot where many cultures arrived and tried to establish themselves. People arrived here for several reasons: for instance, economic opportunities, the lure of a fresh start and the adventure to go "West". Others were forced to live and work here as slaves. Furthermore, several Indigenous cultures had already long been established here. All these people, those arriving and those already firmly established in the US, not only brought with them their personal and religious background, but also their unique view of life, their culture, and their language. At some point then, as mentioned *supra*, English became the *lingua franca*. However, the adoption and use of English as the working language in the United States is not enshrined in its social contract by default: the US Constitution.

1.2. The Official Language(s) in the United States

The Constitution of the United States does *not* contain an official language provision, such as the constitutions of many other countries. However, the United States are a federal state, and these US states

¹⁶ *Id.*

¹⁷ M.C. MONTROYA, *Linguistic Diversity in U.S. Education*, in T. GIBBINS, E. BECK and K. VANSLYKE-BRIGGS (eds.), *ReStorying Education in the United States, Critical Perspectives in Public Education*, New York, 2024. However, also non-English instruction was common, yet more dispersed and did not focus on only one foreign language.

¹⁸ The word "native" without capitalization simply refers to someone's first language or refers to someone's country or place of birth. When capitalization is used, it refers to "Indigenous".

¹⁹ T.K. RICENTO and W.E. WRIGHT, *Language Policy and Education in the United States*, in S. MAY and N.H. HORNBERGER (eds.), *Encyclopedia of Language and Education*, Boston, 2008, 285.

²⁰ H. KLOSS, *The American Bilingual Tradition*, Washington D.C., 11, 1998, 13; T.K. RICENTO and W.E. WRIGHT, *op. cit.*, p. 285.

²¹ H. KLOSS, *op. cit.*, p. 51.

²² LOUIS CONST: Art. 104 (1845), available at: <https://babel.hathitrust.org/cgi/pt?id=hvd.hx2zy6&seq=85> (last visited April 14, 2025).

²³ LOUIS CONST: Art. 101 (1852), available at <https://catalog.hathitrust.org/Record/011450915> (last visited April 14, 2025).

²⁴ N. GARON, *France within Louisiana Law, Government and Media*, in *Tête-à-Tête*, 2, 2023, p. 3.

²⁵ *Id.*

²⁶ T.K. RICENTO and W.E. WRIGHT, *op. cit.*, p. 285.

²⁷ A.H. LEIBOWITZ, *Educational policy and political acceptance: The imposition of English as the language of instruction in American Schools*, Washington D.C., 1971, p. 70.



have their own constitutions as well. Indeed, several of those states have adopted such *de jure* provisions, sometimes even by voter initiative²⁸. In 1920, Nebraska became the first state to declare English as its official language²⁹. As of April 2025, of the 50 US states, 32 have adopted English as their official language³⁰. Many of those states, *inter alia*, Arizona, California, Georgia, Missouri, and others, have written this in their respective constitutions. For example, Article III, Section 6(b), of the Constitution of California reads: “English is the official language of the State of California”. Furthermore, it refers to English as “the common language of the people of the United States of America and California”³¹. The state of Hawaii is a notable exception in this list, as it adopted both English *and* Hawaiian³² as the official languages in its Constitution, even requiring the use of Hawaiian for certain public acts³³. In doing so, Hawaii protects both the use of a minority language and a Native Language on its territory. Alaska is another state that has multiple official languages, 21 (including English), protecting thereby minority as well as Native Languages³⁴. Of those 21 languages, 20 Native Languages are in danger of extinction³⁵. Louisiana and New Mexico refer to other languages as *significant* languages, but have not written it in their respective constitutions or granted them official status³⁶. South Dakota on the other hand, uses English as its official language, but in 2019 declared O’ceti Sakowin, which is comprised of the dialects of Lakota, Dakota and Nakota, as an official “Indigenous Language”³⁷. However, the state does not grant it an official status on par with English.

The need of these states to declare English as an official language resulted from a fear of American disunity and the increase of Spanish in the United States³⁸, given the fact that by 2050, the Latino population will amount to 24% of the US population³⁹, not to mention many other languages that are on the rise. As language is also an instrument to solidify power in a country, in the United States this fear resulted in an “English-Only” movement⁴⁰. This says something about the predominant mindset and culture in the country. The message from both people and the legislature is clear: *The United States are for Americans, and Americans speak English – and we would like to keep it that way*. All other languages feel “problematic” (as we will see in Chapter 3).

²⁸ R. BYRNE, *Thirty states have adopted English as an official language, 11 through ballot measures since 1920*, Ballotpedia News (3 March, 2025), <https://news.ballotpedia.org/2025/03/03/thirty-states-have-adopted-english-as-an-official-language-11-through-ballot-measures-since-1920/> (last visited April 2, 2025).

²⁹ S.W. CROWE, *Comparatively speaking: language rights in the United States and Canada*, in *Canada-United States Law Journal*, 37, 2012, p. 218.

³⁰ D. CHIACU, *Trump to make English official US language, White House official says*, Reuters (28 February, 2025), <https://www.reuters.com/world/us/trump-make-english-official-us-language-source-says-2025-02-28/> last visited April 2, 2025).

³¹ CAL CONST. art. III, § 6(a), available at: <https://leginfo.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=+California+Constitution+-+CONS> (last visited April 14, 2025).

³² A distinction should be made between Hawaiian (‘Ōlelo Hawai‘i) and Hawaiian Pidgin. The first is an official language, the second is not, though it is widely spoken in the state. ‘Ōlelo Hawai‘i is an Indigenous Polynesian language.

³³ HAWAII CONST. art. XV, § 4, available at: <https://lrb.hawaii.gov/constitution/> (last visited April 14, 2025).

³⁴ Governor of the State of Alaska Administrative Order No. 300.

³⁵ *Id.*

³⁶ French is recognized in Louisiana, due to a strong Cajun and Creole heritage. New Mexico recognizes Spanish and certain Native American languages in government and education.

³⁷ L. KACZKE, *South Dakota recognizes official indigenous language*, Argus Leader (22 March, 2019), <https://eu.argusleader.com/story/news/politics/2019/03/22/south-dakota-recognizes-official-indigenous-language-governor-noem/3245113002/> (last visited April 2, 2025).

³⁸ L.S. SALINAS, *Immigration and Language Rights: The Evolution of Private Racist Attitudes into American Public Law and Policy*, in *Nevada Law Journal*, 7, 2007, p. 902.

³⁹ *Id.*

⁴⁰ S.W. CROWE, *op. cit.*, p. 218.



However, the official explanation is another. On March 1, 2025, President Donald J. Trump (Rep.) signed an Executive Order to designate English as the official language of the United States,⁴¹ thus, solidifying it as the official *federal* language. The government believes that the designation of one official language – English – is in the United States’ best interest as it will “promote unity, cultivate a shared [US] culture for all citizens, ensure consistency in government operations, and create a pathway to civic engagement”⁴². However, this does not mean that current linguistic protections will no longer apply. It also aims at accelerating the adoption of English by all its citizens⁴³. In particular, this Executive Order will affect linguistic protections (generally) in the following way. First, agencies and recipients of federal funding are no longer required to provide extensive language assistance to non-English speakers. Second, agencies are allowed to keep current policies in place and still provide documents and services in other languages, but this Order encourages “new Americans” to learn and adopt English. Finally, agencies will keep their flexibility to decide how and when to offer services in languages other than English. This last point indicates that the power to decide which language to adopt in the agency rests with the Secretary or Administrator of the respective agency. As we will see in Chapter 3, similar policies exist with regard to public education. In reality, this often leads to adopting an “English-Only” approach as the use of any other language is seen as “problematic” (*infra*).

2. Ensuring Linguistic Rights before US Courts

In this section, we will analyze how linguistic rights are protected before US state and federal courts. We will analyze the *de jure* obligations of courts to ensure such rights, and observe how these obligations are not always met. First, we will focus on the courts’ obligations in ensuring such rights as well as the legal frameworks establishing them. We will also delve deeper into the right to use an interpreter if needed. Second, special attention is placed on current issues obstructing the effective protection of linguistic rights before US courts. Finally, we will focus on certain issues relating to the composition of the jury and language.

2.1. The Right to an Interpreter

In the United States, English is the primary language used in legal proceedings across federal and state courts. Cases are generally brought to court in English, and all official documents, testimonies, and proceedings are conducted in English⁴⁴. To accommodate individuals with Limited English Proficiency (LEP), US courts provide language access services, including interpreters and translated materials, to ensure fair participation in legal processes. It is important that these services are provided, to uphold justice and accuracy in judicial proceedings⁴⁵.

Since 1978, all US federal courts must provide interpreters for LEP individuals in all criminal actions and civil actions brought by the US government⁴⁶ (*infra*). This obligation was laid out in the 1978 Court Interpreters Act. The US government has also pointed out that state courts receiving federal financial assistance must provide interpreters free of charge in all types of cases brought before them,

⁴¹ THE WHITE HOUSE, *Designating English as the Official Language of the United States*, 1 March 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/designating-english-as-the-official-language-of-the-united-states/> (last visited April 2, 2025).

⁴² Executive Order March 1, 2025, §§ 1 and 3, available at: <https://www.whitehouse.gov/presidential-actions/2025/03/designating-english-as-the-official-language-of-the-united-states/> (last visited April 14, 2025).

⁴³ THE WHITE HOUSE, *Fact Sheet: President Donald J. Trump Designates English as the Official Language of the United States*, 1 March 2025, <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-designates-english-as-the-official-language-of-the-united-states/> (last visited April 2, 2025).

⁴⁴ L.K. ABEL, *Language Access in the Federal Courts*, in *Drake Law Review*, 61, 2013, p. 593; AMERICAN BAR ASSOCIATION, Standing Committee on Legal Aid and Indigent Defendants, *Standards for Language Access in Courts*, 2012 (hereinafter: ABA Standards).

⁴⁵ ABA Standards, 2.

⁴⁶ Court Interpreters Act, Pub. L. No. 95-539, 92. Stat. 2040 (1978) [codified as amended at 28 U.S.C. §§ 1827-28 (2006)].



in order to comply with Title VI of the 1964 Civil Rights Act⁴⁷ which prohibits discrimination based on national origin among others⁴⁸. The American Bar Association also recommends that LEP individuals have meaningful access to all the services provided by the court⁴⁹. The right to an interpreter is also derived from the Fourteenth Amendment⁵⁰ of the US Constitution. Indeed, without an interpreter, due process can be violated. At the time of writing, all US states provide interpreter services for LEP individuals in court proceedings. Furthermore, according to the National Center for State Courts, most states also have established language plans, including, *inter alia*, language access plans, interpreter certification and credentialing systems, translation of court documents and even remote interpreter services⁵¹.

According to the Court Interpreters Act, federal courts are required to provide interpreters for LEP individuals in two types of cases. The first type of case requiring interpreter services is in all criminal and civil actions brought by the US government. Here, the court *must* provide an interpreter⁵², although this might not be entirely free of charge. The second is in all civil actions brought by someone other than the US government⁵³, thus excluding this right in criminal actions. Here, the language softens, and courts shall, where possible, make interpreters available at a charge⁵⁴. In reality, federal district courts and bankruptcy courts usually do not provide such services themselves, so this is left to the parties⁵⁵. The reality is thus that LEP civil litigants are often denied interpreters⁵⁶. However, in civil cases not brought by the US government, courts can also provide reimbursement for interpreter expenses⁵⁷.

The reason why the Court Interpreters Act is silent on the right to an interpreter in criminal actions not brought by the US government has to do with the Sixth Amendment of the US Constitution and derived case law in that regard. Under the Sixth Amendment of the US Constitution, “the accused shall enjoy the right to a speedy and public trial, [...] to be informed of the nature and cause of the accusation [...] and to have the assistance of counsel for his defense.” The right to participate and have assistance of counsel for defense also includes the right to an interpreter. This has been established by case law. For instance, in *United States v. Negrón*⁵⁸, the Second Circuit held that failure to provide an interpreter to a Spanish-speaking defendant denied this person the rights granted under the Sixth Amendment. Not granting the defendant an interpreter would obstruct this defendant from participating in the court proceedings and that person’s own defense in a meaningful way.

Finally, something has to be said about the language of these interpretations, as well as the quality. When a person is in need of an interpreter, this interpreter translates the language of the proceedings, English, into another language. This other language is often Spanish⁵⁹. Spanish interpreters are generally held in high regard, providing a high standard of excellence⁶⁰. However, this also comes at a cost, namely that resources for other languages, especially Haitian Creole and Navajo (an Indigenous Language), are less available⁶¹. Indeed, while promoting a standard of excellence in legal interpretation in Spanish

⁴⁷ Available at: <https://www.archives.gov/milestone-documents/civil-rights-act> (last visited April 14, 2025).

⁴⁸ L.K. ABEL, *op. cit.*, p. 596.

⁴⁹ ABA Standards, 15.

⁵⁰ Available at: <https://constitutioncenter.org/the-constitution/amendments> (last visited April 14, 2025).

⁵¹ NATIONAL CENTER FOR STATE COURTS, Language Access Services Section, *Limited English Proficiency and the State Courts Final Report*, 2019, https://www.ncsc.org/_data/assets/pdf_file/0027/19494/sji-lep-final-report-5-8-19-web-version.pdf (last visited April 12, 2025).

⁵² 28 U.S.C. § 1827(d)(1).

⁵³ L.K. ABEL, *op. cit.*, p. 607.

⁵⁴ 28 U.S.C. § 1827(g)(4).

⁵⁵ 28 U.S.C. § 260; L.K. ABEL, *op. cit.*, p. 607.

⁵⁶ L.K. ABEL, *op. cit.*, p. 608.

⁵⁷ *Id.*

⁵⁸ 434 F.2d 386 (2d Cir. 1970).

⁵⁹ Spanish is the most sought-after language, followed by Mandarin, Russian and Cantonese.

⁶⁰ L.K. ABEL, *op. cit.*, p. 614-15.

⁶¹ *Id.* at p. 615.



before US courts, the federal government has failed to provide interpreter certifications for other languages⁶². State courts on the other hand, provide their own court interpreter certifications (*supra*).

2.2. Issues Obstructing Linguistic Rights before US Courts

Although there are frameworks in place to ensure people have access to interpreters before US courts, some issues deserve closer attention. First, some judges deny access to interpreters for people that understand or speak at least some English. Second, documents are often only available in English. Third, bi- or multilingual people can be excluded from the jury if the court deems this necessary.

The reality is such that a person with basic English does not necessarily qualify as an LEP in all cases, at least in the eyes of certain judges. Indeed, the Court Interpreters Act only states that, in cases brought before the court by the US government, an interpreter shall be provided when a person “speaks only or primarily a language other than the English language [...] so as to inhibit such party’s comprehension of the proceedings [...] or so as to inhibit such witness’ comprehension of questions and presentations of such testimony”⁶³. As a result, some judges have interpreted “inhibit” narrowly, thus allowing a person who can understand or speak at least some English to be denied an interpreter⁶⁴. For instance, in *Gonzalez v. United States*⁶⁵, the Ninth Circuit found no clear error in the District Court’s decision not to appoint an interpreter for a Spanish-speaking criminal defendant who could not speak English well, could not read English at all, and responded to questions in a manner the opposition characterized as “inarticulate”⁶⁶. The Ninth Circuit pointed out that the Court Interpreters Act required appointment of an interpreter only if a defendant’s difficulty with the English language was a “major” problem⁶⁷. Despite this ruling, some state courts interpret this “inhibit” more broadly and require that an interpreter still be provided to people that are able to understand or speak some English⁶⁸.

A second problem regarding the effective protection of linguistic rights before US courts is that vital documents, such as court forms, instructions, websites and other written materials, are sometimes only available in English, although progress is being made in that regard, albeit mostly in Spanish⁶⁹.

Finally, a person’s ability to understand or speak languages other than English might see that person excluded from the jury. This is because some judges believe that a given bi- or multilingual juror might either (i) be affected by a party speaking a language that this juror understands, “inviolating” the juror’s decision, or (ii) affect the other jurors during the deliberations due to a sympathy or understanding of the party’s non-US cultural background⁷⁰. In *Hernández v. New York*⁷¹, the US Supreme Court found that while the use of peremptory strikes to exclude Spanish-speaking jurors raised a plausible (but not necessary) inference that language might be a pretext for race discrimination, excluding bilingual jurors through the use of a strike did not violate the US Constitution⁷². Here, the US Supreme Court looked at language not through the lens of race, but through that of culture⁷³ and suggested that language might indeed be considered something more than a choice or mutable characteristics⁷⁴, leaving the door open

⁶² UNITED STATES COURTS, *Federal Court Interpreters*, available at: <https://www.uscourts.gov/court-programs/federal-court-interpreters> (last visited April 12, 2025).

⁶³ 28 U.S.C. § 1827(d)(1)(a).

⁶⁴ L.K. ABEL, *op. cit.*, p. 620.

⁶⁵ 33 F.3d 1047, (9th Cir. 1994).

⁶⁶ *Gonzalez v. United States* at 1053; L.K. ABEL, *op. cit.*, p. 621.

⁶⁷ *Gonzalez v. United States* at 1050; ABEL, *op. cit.*, p. 621.

⁶⁸ *Id.* at 621-22.

⁶⁹ *Id.* at 625-27.

⁷⁰ C.M. RODRÍGUEZ, *Accommodating Linguistic Difference: Towards a Comprehensive Theory of Language Rights in the United States*, in *Harvard Civil Rights-Civil Liberties Law Review*, 36, 2001, p. 203.

⁷¹ 500 U.S. 79 (1986).

⁷² *Hernández v. New York* at 371-72; C.M. RODRÍGUEZ, *op. cit.*, p. 205.

⁷³ *Hernández v. New York* at 370.

⁷⁴ C.M. RODRÍGUEZ, *op. cit.*, p. 206.



for linguistic minorities to deserve access to political institutions as linguistic minorities⁷⁵. Interestingly, the Supreme Court also held that bilingual jurors can have an important role to play, namely in bringing any discrepancies they find in translations to attention to the judge, albeit under responsibility⁷⁶. However, most courts have not followed these open doors in *Hernández*, and thus continue to strike bi- or multilingual jurors for the reasons mentioned above⁷⁷. In doing so, entire communities might be prevented from taking up their civic duties, might be discriminated against, maybe not based on race, but under the veil of “language”, and might be obstructed from participating effectively in a democratic society. Regardless, like we will see in Chapter 3, it has been, and still is, a person’s ability to speak (preferably only) English that gives that person the best cards when dealing with US courts.

3. Linguistic Rights in US Public Education

Linguistic rights in US public education derive from several policies and instruments. In general, language policies not only derive from official enactments of governing bodies or authorities, such as legislation, executive directives, judicial orders or decrees, but also from policy statements, voter-approved initiatives and non-official institutional or individual practices or customs. Policies may also evolve as a consequence of actions governments do not take⁷⁸.

3.1. A Brief History of Education and Language in the United States

The relationship between public education and language in the United States is rather delicate and complex. Initially, around 1800, it was not uncommon to educate children in their own language, of course in combination with English⁷⁹. Less than a hundred years later, with the emergence of free and compulsory schooling, English became the dominant language, and other languages were seen as more controversial⁸⁰. There was a clear policy behind public education at that time, namely to “assimilate” immigrants into the US culture, especially the newly arrived from Southern and Eastern Europe⁸¹. By 1920, bilingualism and thus bilingual education came under attack. Psychological studies showed that bilingual children suffered from a language handicap. In comparison with monolingual children, they were found to score lower in both verbal and non-verbal intelligence tests⁸². This, in combination with other factors, such as, *inter alia*, a more rigid immigration policy and a strong Americanization movement, saw English triumph in public education⁸³. As a result, all non-English languages, including Native Languages, were strongly discouraged and de-emphasized in public education, which made way for a growing “English-Only” movement across⁸⁴ the United States⁸⁵. However, in the 1960s, the US government took a more active role in promoting non-English education (*infra*).

3.2. Legal Frameworks ensuring Linguistic Rights in Public Education

Linguistic rights in US public education can be derived from several legal sources. It is important to note that linguistic rights in the US in general are mostly always derived from or coupled to another

⁷⁵ *Id.*

⁷⁶ *Hernández v. New York* at 364.

⁷⁷ C.M. RODRÍGUEZ, *op. cit.*, p. 206.

⁷⁸ T.K. RICENTO and W.E. WRIGHT, *cit.*, p. 285.

⁷⁹ D.K. PALMER, C.E. ZUÑIGA, and K. HENDERSON, *A Dual Language Revolution in the United States?*, in W.E. WRIGHT, S. BOUN, AND O. GARCÍA (eds.), *The Handbook of Bilingual and Multilingual Education*, Hoboken (NJ), 2015, p. 450.

⁸⁰ D.K. PALMER, C.E. ZUÑIGA, and K. HENDERSON, *op. cit.*, p. 450; H. KLOSS, *op. cit.*, p. 51.

⁸¹ C. SCHMID, *The Politics of English Only in the United States: Historical, Social and Legal Aspects*, in R.D. GONZALEZ and I. MELIS (eds.), *Language ideologies: Critical Perspectives on the Official English Movement*, New York, 2001, p. 66.

⁸² *Id.*

⁸³ C. SCHMID, *op. cit.*, p. 66; T.K. RICENTO and W.E. WRIGHT, *cit.*, p. 295.

⁸⁴ Although differences existed between states.

⁸⁵ D.K. PALMER, C.E. ZUÑIGA, and K. HENDERSON, *op. cit.*, p. 450.



right, such as non-discrimination based on race or national origin (*infra*). However, we will see that the trend is to assimilate LEP students into English, more and more through “English-Only” instruction.

In the 1960s, the right to bilingual education was fairly well established. Title VII⁸⁶ of the Elementary and Secondary Education Act (1995)⁸⁷ provided protections for linguistic rights in education⁸⁸. In essence, it provided for bilingual students to receive instruction in their native language, and then gradually be assimilated into English⁸⁹. Furthermore, bilingual education was funded by the federal government⁹⁰. In 1968, the Bilingual Education Act allowed for the use of non-English languages in the education of low-income language minority students who had been segregated in inferior schools or been placed in “English-Only” classrooms⁹¹. This changed in the early 2000s, when President George W. Bush (Rep.) signed the No Child Left Behind Act⁹² (*No Child Left Behind*). In Title III of that Act, the reference to “bilingual education” was suddenly replaced by “English language acquisition”⁹³, which clearly underscores that English is the main language in public education. However, under *No Child Left Behind*, students had the right to receive instruction in their native language for the first five years of education, after being assimilated into English instruction⁹⁴. *No Child Left Behind* established an important pillar from which significant case law later followed (*infra*). In essence, it intended to hold states accountable for increasing English proficiency in its schools by requiring “demonstrated improvements” in English proficiency of LEP students each year, as well as “adequate yearly progress” for those students⁹⁵, without providing an instructional approach⁹⁶. Furthermore, as education falls essentially within the remit of the state, these states also have broad discretion in educational programming and thus in complying with *No Child Left Behind*. It is clear that the shift from the Bilingual Education Act to *No Child Left Behind* is a mindset and policy shift from seeing bilingual education, or multilingualism in general, as a strength to multilingualism as “problematic” and thus adopting an “English-Only” policy in practice.

The protection of Native Languages also deserves some attention. In 1974, Congress adopted the Native American Programs Act, which awarded federal grants to ensure the “survival and continuing vitality of Native American Languages”⁹⁷. The 1990 Native American Language Act endorses the preservation of Native Languages and requires government agencies to promote this as well⁹⁸. However, before 1978 students with an Indigenous background were not eligible for admission to federally funded bilingual programs for the mere fact that English was reported as their dominant language⁹⁹, and thus did not qualify as LEP students as such. Even though English was reported as their dominant language, some Indigenous students still encountered difficulties in “English-Only” classrooms, because different tribes used different varieties of English. In 2002, Title VII of *No Child Left Behind* laid down provisions to ensure that elementary and secondary school programs for Indigenous people were reformed to best serve Indigenous students. Despite these provisions, Title VII does not mention opportunities for those students to develop and maintain their tribal languages¹⁰⁰. In reality, *No Child Left Behind* does not

⁸⁶ Title VII ESEA is also known as the Bilingual Education Act.

⁸⁷ P.L. 89-10 (1195).

⁸⁸ S.W. CROWE, *op. cit.*, p. 220.

⁸⁹ *Id.*

⁹⁰ T.K. RICENTO and W.E. WRIGHT, *op. cit.*

⁹¹ *Id.* p. 287.

⁹² Available at: <https://www.congress.gov/bill/107th-congress/house-bill/1/text> (last visited 14 April 2025).

⁹³ T. W. ENGLAND, *Bilingual Education: Lessons from Abroad for America's Pending Crisis*, in *Washington University Law Review*, 86, 2009, p. 1222.

⁹⁴ T.K. RICENTO and W.E. WRIGHT, *op. cit.*, p. 287.

⁹⁵ No Child Left Behind Act, 20, U.S.C. § 3102 (2001); S.W. CROWE, *op. cit.*, p. 220.

⁹⁶ T.K. RICENTO and W.E. WRIGHT, *op. cit.*, p. 287.

⁹⁷ Native American Programs Act (1974), U.S.C., § 2991b-3(a)(2) (2006).

⁹⁸ T.K. RICENTO and W.E. WRIGHT, *op. cit.*, p. 287.

⁹⁹ *Id.* p. 288.

¹⁰⁰ *Id.*



appear to facilitate revitalization programs for Native Languages and Cultures¹⁰¹ and appears to indeed leave behind some students.

3.3. US Courts on Linguistic Rights in Public Education

When discussing the protection of linguistic rights before US courts, or the violation thereof, courts often rely on other legal frameworks to interpret such rights and violations. For instance, the Fourteenth Amendment of the US Constitution, which contains the Equal Protection and Due Process Clauses. Other relevant frameworks are Title VI of the 1964 Civil Rights Act¹⁰² and the 1974 Equal Educational Opportunities Act¹⁰³, which provide statutory bases for linguistic rights¹⁰⁴. Hence, linguistic rights are rarely interpreted in their own right, but always in relation to another, such as the right not to be discriminated against based on race or national origin, or further, the right to equal opportunity.

The most significant court case in relation to linguistic rights protection in public education in the US is *Lau v. Nichols*¹⁰⁵. The United States Supreme Court ruled that a school district's failure to provide programs for non-English-speaking students (in this case students with a Chinese heritage) to assist them in overcoming their language barriers violated Title VI of the 1964 Civil Rights Acts. However, the Court did not specify any appropriate remedy¹⁰⁶. In the wake of this ruling, the Office for Civil Rights adopted the Lau Remedies. It instructed school districts on how to identify and evaluate limited and non-English-speaking children, "treatments" to use (including bilingual education), and established exit criteria and standards professional teachers had to meet¹⁰⁷. Soon after, strong political opposition emerged regarding the maintenance of bilingual programs, which led to the fact that such programs became "transitional", meaning that students were transferred to "English-Only" programs only after three years in bilingual classrooms¹⁰⁸. It highlights the US government's attitude in this regard, namely that the ultimate civil rights objective here was the rapid acquisition of English by linguistic minorities and minimizing separate language tracks in schools¹⁰⁹. To put it differently: linguistic difference was something that had to be *overcome* rather than embraced. It held that discrimination occurs when non-English-speaking students are *not* given instruction in English¹¹⁰. Thus, multilingualism in general is seen as "problematic", as there is a fear that this will negatively impact a person's ability to speak English well and integrate into US society accordingly. Today, nationwide access to bilingual programs for English learners remains rather limited due to (i) a shortage of highly qualified teachers and (ii) strong political opposition to providing such students access to these programs¹¹¹.

As a result of *Lau v. Nichols* and the Lau Remedies, the courts have continued to interpret language as a *deficiency* to be overcome¹¹². For instance, in *Guadalupe Organization, Inc. v. Tempe Elementary School District No. 3*¹¹³, the Ninth Circuit ruled that Title VI of the 1964 Civil Rights Act did not require

¹⁰¹ *Id.* p. 289.

¹⁰² C.M. RODRÍGUEZ, *op. cit.*, p. 210.

¹⁰³ Available at: <https://www.congress.gov/bill/93rd-congress/house-bill/40> (last visited 14 April 2025).

¹⁰⁴ *Id.* at 287.

¹⁰⁵ 414 U.S. 563 (1974).

¹⁰⁶ *Id.*

¹⁰⁷ T.K. RICENTO and W.E. WRIGHT, *op. cit.*, p. 288.

¹⁰⁸ *Id.*

¹⁰⁹ M. JIMÉNEZ, *The Educational Rights of Language-Minority Children*, in J. CRAWFORD (ed.), *Language Loyalties: A Source Book on the Official English Controversy*, Chicago, 1992, pp. 245-46; C.M. RODRÍGUEZ, *Accommodating Linguistic Difference: Towards a Comprehensive Theory of Language Rights in the United States*, p. 212.

¹¹⁰ C.M. RODRÍGUEZ, *op. cit.*, p. 210.

¹¹¹ L. VILLEGAS, *State of Language Rights and Bilingual Education 50 years after Lau vs. Nichols*, New America, 6 February 2024, <https://www.newamerica.org/education-policy/edcentral/state-of-language-rights-and-bilingual-education-50-years-after-lau-vs-nichols/> (last visited April 5, 2025).

¹¹² C.M. RODRÍGUEZ, *op. cit.*, p. 212.

¹¹³ 587 F.2d 1022, 1029 (9th Cir. 1978).



schools to provide non-English-speaking students a bilingual-bicultural education¹¹⁴, but simply that schools are required to rectify language deficiencies of such students. In another case, *United States v. Texas*¹¹⁵, the District Court concluded that “bilingual education is designed to fill an educational vacuum until a particular child is able to function adequately in an all English classroom”¹¹⁶. In *Castañeda v. Pickard*¹¹⁷, the plaintiff asked the Court to create a bilingual education requirement. The Court rejected this challenge, fearing that (i) an overemphasis on the acquisition of the English language adversely affected students’ cognitive development¹¹⁸ and (ii) labeling students with language deficiencies would be associated with low-intelligence¹¹⁹. Finally, in *Valeria G. v. Wilson*¹²⁰, the Court ruled that all remedies for linguistic barriers should take form of transitional programs¹²¹, in order to ensure that students gain access to “the American dream of economic and social advancement”¹²². In light of these cases, a strong debate and belief emerged in several states¹²³, namely that it would be best to abolish bilingual education altogether. For instance, the state of California passed Proposition 227 in 1998, which ended most bilingual education programs in public schools. This proposition was a clear manifestation of an “English-Only” approach in public education. However, in 2016, the same state passed Proposition 58, repealing the former one. The new proposition gave schools the flexibility to offer bi- and multilingual programs, if enough support existed.

We can conclude that linguistic rights in US public education are not so much understood as a right to language, and more specifically, as a right to use one’s own native language, but rather as a right to the English language¹²⁴. This, once again, affirms that multilingualism is seen as “problematic”, and that English is the predominant language in the United States, through and through, from policy to court rulings. In order to gain access to “the American dream of economic and social advancement” (*supra*), it is best one indeed speaks (only) English.

4. Conclusion

We can conclude that, even before designating English as the official language of the United States of America, English had been used as the country’s official language since its founding. This is also true with regards to US courts, as well as in US public education. Several frameworks are in place to protect linguistic rights in the US, both before the courts and in public education, but the country’s attitude is that multilingualism is “problematic”. Before US federal and state courts, LEP individuals have the right to an interpreter in certain situations, but, in practice, this is not always free of charge and mostly limited to Spanish. Furthermore, a person’s knowledge of a non-English language or the fact that this given person has a non-US background, might see that person excluded from the jury if the judge so decides. This substantially hinders this given individual in participating effectively in a democratic society. In public education, preference is still given to “English-Only” education and bi- or multilingual programs are seen as transitional to English education. Linguistic rights are protected to the extent that LEP students assimilate English rather quickly and transfer to “English-Only” education. These findings underscore that US policy with regards to linguistic rights is a policy seen from the perspective of the English language. In the US, a right to language exists, albeit a right to the English language. In designating English as the official language of the United States, it has become clear that the US government envisions a country for Americans where its people speak (only) English.

¹¹⁴ C.M. RODRÍGUEZ, *op. cit.*, p. 212.

¹¹⁵ 506 F. Supp. 405 (E.D. Tex. 1981).

¹¹⁶ *United States v. Texas* at 419.

¹¹⁷ 648 F.2d 989, 1015 (5th Cir. 1981).

¹¹⁸ C.M. RODRÍGUEZ, *op. cit.*, p. 214.

¹¹⁹ *Id.* p. 215.

¹²⁰ 12 F. Supp. 2d 1007 (N.D. Cal. 1998).

¹²¹ C.M. RODRÍGUEZ, *op. cit.*, p. 215.

¹²² *Valeria G. v. Wilson* at 1013.

¹²³ Although this varies. Some states are even open to the idea of offering such programs instead.

¹²⁴ C.M. RODRÍGUEZ, *op. cit.*, p. 212.



Bibliography

Literature

- ABEL, L.K., *Language Access in the Federal Courts*, in *Drake Law Review*, 61, 2013, pp. 593-638.
- AMERICAN BAR ASSOCIATION, Standing Committee on Legal Aid and Indigent Defendants, *Standards for Language Access in Courts*, 2012.
- CROWE, S.W., *Comparatively speaking: language rights in the United States and Canada*, in *Canada-United States Law Journal*, 37, 2012, pp. 207-230.
- ENGLAND, T.W., *Bilingual Education: Lessons from Abroad for America's Pending Crisis*, in *Washington University Law Review*, 86, 2009, pp. 1211-1239.
- GARON, N., *France within Louisiana Law, Government and Media*, in *Tête-à-Tête*, 2, 2023.
- JIMÉNEZ, M., *The Educational Rights of Language-Minority Children*, in CRAWFORD, J., (ed.), *Language Loyalties: A Source Book on the Official English Controversy*, Chicago, 1992.
- KLOSS, K., *The American Bilingual Tradition*, Washington D.C., 11, 1998.
- LEIBOWITZ, A.H., *Educational policy and political acceptance: The imposition of English as the language of instruction in American Schools*, Washington D.C., 1971.
- LONGMORE, P. K., "They...Speak Better English Than the English Do": Colonialism and the Origin of National Linguistic Standardization in America, in *The University of North Carolina Press*, 40, 2005, pp. 279-314.
- MONTOYA, M. C., *Linguistic Diversity in U.S. Education*, in GIBBINS T., BECK, E. and VANSLYKE-BRIGGS, K., (eds.), *ReStorying Education in the United States, Critical Perspectives in Public Education*, New York, 2024.
- PALMER, D.K., ZUÑIGA, C.E., and HENDERSON, K., *A Dual Language Revolution in the United States?*, in WRIGHT, W.E., BOUN, S., and GARCÍA, O., (eds.), *The Handbook of Bilingual and Multilingual Education*, Hoboken (NJ), 2015.
- RICENTO, T.K., and WRIGHT, W.E., *Language Policy and Education in the United States*, in MAY, S., and HORNBERGER, N.H. (eds), *Encyclopedia of Language and Education*, Boston, 2008, pp. 285-300.
- RODRÍGUEZ, C.M., *Accommodating Linguistic Difference: Towards a Comprehensive Theory of Language Rights in the United States*, in *Harvard Civil Rights-Civil Liberties Law Review*, 36, 2001, pp. 133-223.
- SALINAS, L.S., *Immigration and Language Rights: The Evolution of Private Racist Attitudes into American Public Law and Policy*, in *Nevada Law Journal*, 7, 2007, pp. 895-932.
- SCHMID, C., *The Politics of English Only in the United States: Historical, Social and Legal Aspects*, in GONZALEZ, R.D., and MELIS, I., (eds.), *Language ideologies: Critical Perspectives on the Official English Movement*, New York, 2001.



Websites

BYRNE, R., *Thirty states have adopted English as an official language, 11 through ballot measures since 1920*, Ballotpedia News (3 March, 2025), <https://news.ballotpedia.org/2025/03/03/thirty-states-have-adopted-english-as-an-official-language-11-through-ballot-measures-since-1920/> (last visited April 2, 2025).

CHIACU, D., *Trump to make English official US language, White House official says*, Reuters (28 February, 2025), <https://www.reuters.com/world/us/trump-make-english-official-us-language-source-says-2025-02-28/> last visited April 2, 2025).

KACZKE, L., *South Dakota recognizes official indigenous language*, Argus Leader (22 March, 2019), <https://eu.argusleader.com/story/news/politics/2019/03/22/south-dakota-recognizes-official-indigenous-language-governor-noem/3245113002/> (last visited April 2, 2025).

LUU, C., *When Did Colonial America Gain Linguistic Independence?*, in JSTOR Daily (July 4, 2017), <https://daily.jstor.org/colonial-america-gain-linguistic-independence/> (last visited April 2, 2025).

NATIONAL CENTER FOR STATE COURTS, *Language Access Services Section, Limited English Proficiency and the State Courts Final Report*, 2019, https://www.ncsc.org/_data/assets/pdf_file/0027/19494/sji-lep-final-report-5-8-19-web-version.pdf (last visited April 12, 2025).

NICHOLAS, J., MARKS, R., RAMIREZ, R. and RÍOS-VARGAS, M., *2020 Census Illuminates racial and Ethnic Composition of the Country*, United States Census Bureau (August 12, 2021), <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html> (last visited April 14, 2025).

THE WHITE HOUSE, *Designating English as the Official Language of the United States*, 1 March 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/designating-english-as-the-official-language-of-the-united-states/> (last visited April 2, 2025).

THE WHITE HOUSE, *Fact Sheet: President Donald J. Trump Designates English as the Official Language of the United States*, 1 March 2025, <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-designates-english-as-the-official-language-of-the-united-states/> (last visited April 2, 2025).

UNITED STATES COURTS, *Federal Court Interpreters*, available at: <https://www.uscourts.gov/court-programs/federal-court-interpreters> (last visited April 12, 2025).

VILLEGAS, L., *State of Language Rights and Bilingual Education 50 years after Lau vs. Nichols*, New America, 6 February 2024, <https://www.newamerica.org/education-policy/edcentral/state-of-language-rights-and-bilingual-education-50-years-after-lau-vs-nichols/> (last visited April 5, 2025).

WOLLACOTT, M., *What are Linguistic Rights?*, languagehumanities.org (May 23, 2024), <https://www.languagehumanities.org/what-are-linguistic-rights.htm?> (last visited April 14, 2025).

Legislation

California Constitution, available at: <https://leginfo.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=+California+Constitution+-+CONS> (last visited April 14, 2025).



Civil Rights Act (1964), available at: <https://www.archives.gov/milestone-documents/civil-rights-act> (last visited April 14, 2025).

Constitution of the United States of America, available at: <https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm> (last visited April 14, 2025).

Court Interpreters Act, Pub. L. No. 95-539, 92. Stat. 2040 (1978) [codified as amended at 28 U.S.C. §§ 1827-28 (2006)].

Declaration of Independence, available at: <https://www.archives.gov/founding-docs/declaration-transcript> (last visited April 14, 2025).

Elementary and Secondary Education Act, P.L. 89-10) (1995).

Equal Educational Opportunities Act (1974), available at: <https://www.congress.gov/bill/93rd-congress/house-bill/40> (last visited 14 April 2025).

European Charter for Regional or Minority Languages, available at: <https://rm.coe.int/1680695175> (last visited April 14, 2025).

Executive Order March 1, 2025, §§ 1 and 3, available at: <https://www.whitehouse.gov/presidential-actions/2025/03/designating-english-as-the-official-language-of-the-united-states/> (last visited April 2, 2025).

Hawaii Constitution, available at: <https://lrb.hawaii.gov/constitution/> (last visited April 14, 2025).

International Covenant on Civil and Political Rights, available at: https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf (last visited April 14, 2025).

Louisiana Constitution (1845), available at: <https://babel.hathitrust.org/cgi/pt?id=hvd.hx2zy6&seq=85> (last visited April 14, 2025).

Louisiana Constitution (1852), <https://babel.hathitrust.org/cgi/pt?id=uiug.30112068098190&seq=1> (last visited April 14, 2025).

Native American Programs Act (1974), U.S.C., § 2991b-3(a)(2) (2006).

No Child Left Behind Act (2001), available at: <https://www.congress.gov/bill/107th-congress/house-bill/1/text> (last visited 14 April 2025).

Sixth and Fourteenth Amendment of the US Constitution, available at: <https://constitutioncenter.org/the-constitution/amendments> (last visited April 14, 2025).

Universal Declaration of Linguistic Rights, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000104267> (last visited April 14, 2025).

Congress Record no. 138, 138 Cong. Rec. S4781-84 (1992).

Case law

Castañeda v. Pickard, 648 F.2d 989, 1015 (5th Cir. 1981).

Gonzalez v. United States, 33 F.3d 1047, (9th Cir. 1994).



Guadalupe Organization, Inc. v. Tempe Elementary School District No. 3, 587 F.2d 1022, 1029 (9th Cir. 1978).

Hernández v. New York, 500 U.S. 79 (1986).

Lau v. Nichols, 414 U.S. 563 (1974).

Mahe v. Alberta, [1990], S.C.R. 342 40 (Can).

United States v. Negrón, 434 F.2d 386 (2d Cir. 1970).

United States v. Texas, 506 F. Supp. 405 (E.D. Tex. 1981).

Valeria G. v. Wilson, 12 F. Supp. 2d 1007 (N.D. Cal. 1998).