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RESEARCH NOTE



Official-English and the States: Influences on Declaring English the Official Language in the United States

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In this study, I seek to answer the question of why some states choose to declare English the official state language while others do not. Using an event history model, I show that both the proportion of a state's population that is foreign-born and whether the state allows for direct initiatives interact to influence the adoption of language laws. Specifically, states with many immigrants and no initiatives have almost no chance of declaring English the official language while a similar state with direct initiatives is more likely to do so. Implications for ethnic politics, direct democracy, and the future of language policy are discussed.

Language conflicts have come and gone throughout American history, but language has never been as salient an issue in the United States for as long a time as in the past 20 years. To date, 26 states have declared English their official language. Of these 26 declarations, 21 have been since 1980. Most have been made through statutes or amendments to state constitutions though some were passed by voter initiatives. At least twelve of the remaining 24 states have at least debated making English official during the past decade, leaving—at most—twelve states that have not publicly considered official-English legislation in recent history. Many cities, counties, and towns have also passed various types of language policies, including ordinances that regulate the languages of signs in stores. On public opinion surveys, large majorities consistently support the idea

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of making English the official language and providing government services, such as election materials, only in English.

This flurry of legislative activity and the overwhelming support it receives among the public have spawned a variety of research projects aimed at understanding why people support restrictive language policies and what prompts some states to adopt them. The purpose of this article is to add to this research agenda by using an event history model to examine why some states have chosen to make English the official language while others have not. In particular, I build upon the work of Raymond Tatalovich (1995), which examines the adoption of language legislation at the state level, in two ways. First, I incorporate as many states as possible into the analysis, including those that have not seen any statewide official-English activity, like Delaware and Connecticut, along with those that have seen more language conflict, like California and Arizona. Second, my analysis focuses on the powerful relationship between two state-level characteristics in shaping policymaking in this area, a relationship Tatalovich describes but does not test empirically. This relationship is the interplay between the proportion of the state's population that is foreign-born and whether or not the state allows for direct initiatives.

The main conclusion from this study is that the percentage of a state's population that is foreign-born affects whether it will adopt an official-English law. The nature of this effect, however, is different in states that allow for direct initiatives in the policymaking process than in those that do not. States that allow for direct initiatives and have a high proportion of immigrants see pushes for language laws, while states that do not allow for direct initiatives and have high proportions of foreign-born residents experience resistance to such policies. Conversely, states that lack initiatives and have low proportions of foreign-born residents are more likely to declare English the official language than states with direct initiatives and few immigrants.

HYPOTHESES

Five hypotheses, all of which appear at some point in Tatalovich's study, either explicitly or implicitly, are tested simultaneously in this analysis. The first hypothesis is that the partisan make-up of state governments will affect whether English becomes the official language. Analyses of public opinion data have shown that partisan divisions on language and immigration policies are common, though the influence of such divisions on attitudes is somewhat erratic (see, for example, Citrin, Reingold, and Green 1990; Citrin et al. 1997; Hood and Morris 1997; Frenreis and Tatalovich 1997). In the states that Tatalovich studies, Democratic politicians tended to oppose official-English proposals while Republicans were more divided, leading Tatalovich to conclude that "an ideological cleavage underlies the debate about official English" (1995: 241). This hypothesis, therefore, maintains that states with Democratic governments will be less likely to

adopt official-English legislation than will states with Republican governments. The second hypothesis is related to the first and contends that states in which the citizens are more ideologically conservative should be more likely to declare English the official language than states with more liberal residents.

The third hypothesis is based on the conventional wisdom that economic hardship leads people to blame immigrants for their vulnerability, become more willing to tighten borders, and reject policies aimed at accommodating the needs of immigrants. Thus, this hypothesis maintains that states with higher unemployment rates will be more likely to adopt official-English laws than will states with lower rates. Tatalovich finds that the percentage of residents living below the poverty line in a legislator's home county did not influence whether he or she voted for official-English laws, nor did the poverty level in voters' communities make them more or less likely to vote for official-English initiatives. Given these counterintuitive results, it makes sense to keep market competition measures like unemployment in the model for now.

Fourth, Tatalovich finds that states in the South, with their historical legacy of anti-minority legislation, are more likely to favor official-English laws. Therefore, I also test whether southern states have been more likely to pass such laws.

The final hypothesis is not tested directly in Tatalovich's work and is the most complicated one, incorporating both the demographic composition of each state and the institutional design of allowing for a direct initiative. Intuitively, it makes sense to think that the percentage of a state's population that is foreign-born would play a role in determining whether that state declares English the official language. These policies are designed as a reaction to a rise in the number of immigrants entering the United States and, quite likely, to the racial and ethnic background of those immigrants. The rise in language conflicts in the U.S. coincides with the rise in the proportion of immigrants coming from Latin American and Asian countries, which suggests that anti-minority sentiments play a part in this story.¹ Thus, nativity should be a factor that influences adoption—but in which direction? Should a high percentage of immigrants make states more or less likely to adopt an official-English law? On the one hand, one might think that native-born residents would feel unsettled by a plurality of languages and ethnicities in the public sphere, in which case a high percentage of immigrants could lead to greater chances for adoption. On the other hand, states with many foreign-born residents will have larger electoral constituencies made up of ethnic minorities, constituencies that will most likely be opposed to adopting a language law. Therefore, a high percentage of immigrants could conceivably decrease the chances for adoption. Tatalovich does not include measures of nativity

¹ Immigration from Asia, Latin America, and the Caribbean has come to account for over 70 percent of all legal immigration to the United States whereas in the 50s and early 60s, it accounted for only 47 percent (U.S. INS 1999).

in his analyses, though he does perform several tests as to whether the percentage of Spanish-speaking residents in counties and states matters. In the end, he finds few instances in which it does and finds in one model that counties with higher proportions of Spanish-speaking residents yielded fewer votes for direct initiatives in California, Colorado, and Florida.

Citing electoral motivations, Tatalovich explains that many politicians of both parties in Florida, Texas, Arizona, Colorado, and California, all states with many immigrants, did not embrace attempts to make English official. He writes, "the Republicans who held statewide offices and thus might be reluctant to offend Hispanic voters, like California governor Deukmejian and Governor Mechem of Arizona . . . were opposed" (1995: 169-70). He also observes that "advocates of English Only measures [in Florida] had to resort to popular initiative because previous attempts in the state legislature had died quick political deaths" (1995: 89). Conversely, proposals in states with fewer minorities did not have such high mortality rates. In fact, political leaders in states with fewer immigrants, like Tennessee and Mississippi, saw language laws as innocuous, and sponsors of official-English laws in those states felt that "the political impact of their action was negligible" (Tatalovich 1995: 224). In these case studies, Tatalovich lays the groundwork for, but does not explicitly test, my fifth and final hypothesis. In states that allow for direct initiatives, having more foreign-born residents should increase the chances for adoption while in states that do not allow for direct initiatives, having more foreign-born residents should decrease those chances. The presence of the direct initiative option will provide the native-born residents with a mechanism to express their desire for the policy without having to go through a legislature that is being careful not to alienate a large bloc of potential voters while native-born residents in non-initiative states will not have that option. At the same time, politicians in states with few immigrants will feel that official-English legislation is more of a symbolic issue and that they will not risk offending voters by supporting official-English laws.²

DATA AND METHODS

Data were collected on 44 of the 50 states for 1981 through 1998.³ Of these 44, 20 have declared English the official language, either by amending the state constitution, by voter initiative, or by an ordinary statute. The time period starts at 1981 because that is the year in which Senator S. I. Hayakawa (R-CA) first

² Citrin, Reingold, Walters, and Green (1990) also suggest that an interplay between the size of a state's immigrant population and the opportunity for using a direct initiative drives adoption of official-English laws.

³ Five states, HI, IL, LA, MA, and NE, declared English the official state language before 1981 and are omitted from the analysis. Alaska is also omitted because the measure of the conservatism of the state's citizens is unavailable.

introduced an official-English amendment in Congress and is therefore considered to be the starting point of the current wave of attempts to legislate language use. The data are organized such that there is an observation for each state for each year in the time period. Each state is given a 0 for each year that it does not pass a language law and a 1 for the year in which it does (if at all). Once a state adopts a language law, it is dropped from the analysis for the remaining years. For example, with California, the dependent variable is coded as 0 from 1981 to 1985. Then in 1986, the year in which California voters passed Proposition 63 to declare English the official language, California gets a 1. From 1987 to 1998, California is dropped from the analysis. The explanatory variables included in the model are used to test the five hypotheses discussed above and are coded in the following manner:

Party Control: I use two variables to capture the partisan nature of the language debate. The first captures Democratic control of state politics; a state gets a 1 for each year that its government is unified Democratic and a 0 otherwise. The other measures Republican control; a state gets a 1 for each year that its government is unified Republican and a 0 otherwise.⁴

State Conservatism: To measure how conservative the population of each state is, I use the mean conservatism scores developed by Erikson et al. (1993), which I re-code such that states with more conservative populations get a higher score than states with more liberal populations.⁵

Unemployment: This variable consists of the unemployment rate per year by state as reported by the Bureau of Labor Statistics.

South: A state is given a 1 if it was in the Confederacy and a 0 otherwise.

Percent foreign-born: Estimates of the percentage of a state's population that is foreign-born are not readily available for the entire time period. To estimate the figures for the 1980s, I use the census question that asked foreign-born residents for the year in which they entered the U.S., taking the percent foreign-born per state from the 1990 census and subtracting out the people who had not yet entered the U.S. by the year in question.⁶ To get the percent foreign-born for the 1990s, I use the March Current Population Survey (CPS), which has collected

⁴ "Unified" means the upper and lower houses both have Democratic (Republican) majorities and the governor is a Democrat (Republican).

⁵ Erikson et al. calculate the conservatism score in the following manner: 122 CBS/NYT polls from 1976-1988 are aggregated, and the authors look at responses to the question: "How would you describe your views on most political matters? Generally, do you think of yourself as liberal, moderate, or conservative?" They compute the percentages for each category for each state, and develop the mean position by assigning a score of -100 to each conservative, +100 to each liberal, and 0 to each moderate and calculating the conventional mean. The mean score can then be interpreted as the relative percentage point difference between liberals and conservatives in each state (Erikson et al. 1993: 16). I re-code this mean so that the more conservative states are given a higher score.

⁶ For example, in 1987, I use the 1990 figure and subtract the people who said they entered between 1988 and 1990.

this information since 1994. I interpolate the percent foreign-born for 1991 to 1993 using an average of the surrounding years.⁷ The resulting measure of the percentage of each state's population that is foreign-born has a mean of 4.5 percent, a minimum of 0.05 percent (Mississippi throughout the 1980s), and a maximum of 22.7 percent (New York in 1998).⁸

Direct Initiative: A state gets a 1 if it allows direct initiatives and a 0 otherwise.⁹

Foreign-born/Initiative Interaction: I include a term to capture the interaction between the direct initiative process and the percentage of foreign-born residents. This term allows me to test whether the direction of the effect of state demographics on declaring English the official language depends on whether the state allows for direct initiatives.

I use a hazard model with a Weibull distribution to test the five hypotheses.¹⁰ This model provides a good way of answering the following question: Given that a state has not declared English the official language by the year under observation, what is the probability that it will do so during that year? It is an event history model and is particularly well suited to answering the type of question under scrutiny here. It is also well suited to dealing with data that are "right-censored," which means that the time period ends before all potential events have a chance to occur. The conceptual difference between using a hazard model and a more conventional probit model is whether one looks at states as "states without language laws," as in a probit analysis, or as "states that have not yet passed language laws," as in a hazard analysis (Box-Steffensmeier and Jones 1997).¹¹ An advantage of the hazard model is that it allows changes in the independent variables over time to affect the probability of experiencing the event. Some factors that affect language law adoption are not fixed, but rather they change over time; the percentage of foreign-born residents is one of these variables. Furthermore, the hazard model allows the effect of a unit change in the level of an independent variable on the probability of adopting a policy to vary, depending on when in the time period such changes occur (Box-Steffensmeier and Jones 1997).

⁷ For example, in 1991, I add the figures from 1989, 1990 and 1994 and divide by three.

⁸ California's population is 25.6 percent foreign-born in 1998, but California drops out of the analysis in 1986.

⁹ In UT, WA, and ID, initiatives are allowed for statutes only. In MI and FL, they are allowed for the state constitution only. In the remainder (AZ, AR, CA, CO, MO, MT, NV, ND, OH, OK, OR, SD), an initiative can be for either statutes or the constitution (Council of State Governments). All of these states are given a 1.

¹⁰ Before the model was estimated, the conservatism scores and unemployment rates were re-scaled with a mean of zero to simplify the interpretation of the results.

¹¹ In this case, a probit model yields results similar to those from the hazard model, though using probit instead hazard results in lost information and imprecise estimates (Box-Steffensmeier and Jones 1997).

RESULTS AND DISCUSSION

Results are presented in Table 1.¹² The coefficients can be interpreted as the effect that a one-unit change in the independent variable has on the log-odds of a state adopting a language law in year t given that it has not yet adopted one. Some initial conclusions can be drawn from examining these results. As the percentage of foreign-born residents rises, the likelihood of declaring English the official language decreases, but only for states that do not have direct initiatives. Having a unified Democratic government also makes a state less likely to declare English the official language, and southern states are more likely to pass language laws than non-southern states. Passing such laws thus has partisan, institutional, and demographic components, but neither the ideology of a state's citizens nor the unemployment rate seem to matter. To understand better how the initiative process and the demographic composition of the state work together to influence policy adoption, it is useful to see how these factors influence the predicted probability of making English official.

Examining the results in terms of predicted probabilities is useful for various reasons. First, interaction terms yield conditional slope coefficients, not constant ones. To interpret the results fully, I need to compare the probability of passing the law in states with high percentages of foreign-born residents with the probability in states with lower percentages. Further, I need to examine how the probabilities differ in states with direct initiatives and in states without them. Second, one of the features of the hazard model is that it provides a baseline hazard, which is the probability of adopting the language law in year t if all of the independent variables are equal to zero. This baseline hazard is different for each year in the time period; it changes each time a state adopts a language law and drops out of the data set. Information about the baseline hazard is useful because it allows me to calculate the probability of declaring English the official language at different values of the independent variables and at different points in time.

It turns out that if all of the independent variables were held at zero, the probability of declaring English the official language in any given year would rise over the time period, starting at less than 1 percent in 1982 and ending at 4.6 percent in 1999.¹³ The increasing baseline hazard suggests the existence of

¹² A model that included the percent foreign-born squared produced similar results; the squared term yielded an effect for states without initiatives that was slightly stronger than the effect in the final model, but the difference was negligible and there was no significant evidence of non-linearity. A model with an exponential distribution (constant hazard) and a Cox proportional hazards model also produced essentially similar substantive results.

¹³ Remember that conservatism and unemployment are scaled such that they have a mean of zero. Thus, the baseline for a given year represents the probability of declaring English official for a non-southern state with average unemployment and ideology, divided government, no foreign-born residents, and no direct initiative process.

≡ TABLE 1
 INFLUENCES ON OFFICIAL-ENGLISH IN THE STATES:
 RESULTS FROM EVENT HISTORY MODEL

Variable	Coefficient	Robust s.e.
Democratic government	-0.85*	0.56
Republican government	0.63	0.8
State ideology	-0.02	0.04
Unemployment rate	-5.79	10.01
South	2.99***	0.85
% Foreign-born	-55.73***	15.94
Direct initiative	-0.93	0.93
(% Foreign-born) * (Direct initiative)	58.15***	17.26
Constant	-2526.04**	957.75
Log likelihood	80.09	

No. of obs = 630; no. of states = 44

*p < 0.1

**p < 0.05

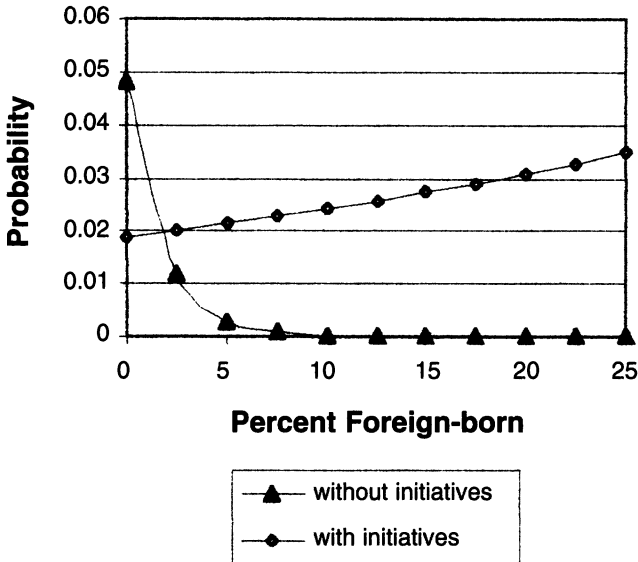
***p < 0.001

policy-diffusion across states over time. It is possible that as more states declare English the official language, the remaining states become more likely to do so as well. This diffusion of ideas need not be spatial (i.e., geographically adjacent states do not necessarily influence one another); rather, states might be influenced by other states that are similar to them in other characteristics. The increasing baseline also suggests that it is not the case that some states are predisposed to make English official while others are not. If that were so, then we would find a decreasing hazard instead; after the predisposed states drop out of the analysis, the probability of the remaining states adopting language laws would decrease toward zero.

To illustrate how the initiative process and ethnic change work together in influencing policy adoption, I calculate the probability of adopting official English laws at the end of the time period. Figure 1 shows the probability of declaring English official at the start of 1999 for states with direct initiatives and for states without direct initiatives.¹⁴ First, one should notice that the probabilities are rather small—a state with the direct initiative and a population that is 25

¹⁴ To calculate the predicted probabilities in states without direct initiatives, I first converted the baseline hazard into a log odds ratio ($\ln(\text{baseline}/1-\text{baseline})$). This ratio was then added to the slope coefficient times the percentage of foreign-born residents. For states with direct initiatives, I added on the slope for the interaction term times the percent foreign-born and the slope for the initiative indicator variable.

≡ FIGURE 1
 PROBABILITY OF DECLARING ENGLISH THE OFFICIAL LANGUAGE (1999)



percent foreign-born has only a 3.5 percent chance of declaring English official in 1999. In any given year the probability of passage is low, even though 20 of the 44 states under study have already adopted official-English laws by 1999. One should note, however, that while the probability of passage in a single year is low, the probability of passage over the time period is considerably larger. For example, a state that allows direct initiatives and has a population that is 10 percent foreign-born has a 2.4 percent chance of making English official in 1999 but a 13 percent chance of doing so over a 10 year period. If the percent foreign-born increases over the time period, as it is likely to do, then the probability of adoption would increase even more.

The more important thing to notice about the pattern in this graph is that the two types of states diverge quite dramatically in their probabilities of declaring English official. If a state does not allow for initiatives, the chance of it passing official-English legislation is zero once its foreign-born population reaches around 7 percent. In contrast, states with initiatives become more likely to pass such legislation by roughly 2.5 percent across the observed range of the independent variable. The relationship between the two types of states is reversed when the percentage of foreign-born residents is low. States with a population that is less than 3 percent foreign-born and that allow direct initiatives are not more likely than similar states without initiatives to adopt a language law. In fact,

states without initiatives and with few immigrants are the most likely candidates for making English the official language.¹⁵

A comparison of probabilities across years (not shown) reveals that the qualitative relationship between the two types of states is constant over time; states with initiatives are more likely to pass the law as their proportions of immigrants increase while states without initiatives are less likely to do so. The probabilities, however, increase dramatically from 1982 to 1999, suggesting that language issues have become more salient during the time period under investigation. This increased salience lends credence to the claims of those who fear that language laws are not just anti-immigrant but are particularly anti-Latino; that the changing face of immigration coincides with an increase in debates about language is, perhaps, no coincidence.

These findings provide quantitative empirical support to Tatalovich's case studies and to the work of those who have written on the potential for direct democracy to produce anti-minority outcomes. The question of whether the initiative process allows for a permanent majority to tyrannize a permanent minority is a valid one and my findings, along with the findings of others like Gamble (1997), show that it should be taken seriously. As pro-official-English activists in Florida stated, the legislature "put the language issue in a drawer," opening the way for an initiative campaign to protect Floridians from feeling like they "just stepped off into South America" (Tatalovich 1995: 92). A large number of immigrants apparently makes native-born residents want official-English laws in the hope of protecting the community from being overtaken by minorities and makes elected officials shun those same laws in the hope of protecting their position. States with fewer immigrants face no such dilemma; the stakes are lower for everyone involved and language laws can be enacted through the legislature without controversy. It is likely that interest groups like U.S. English or English-First will be active in such states but that there will be little, if any, organized opposition. This one-sidedness creates a political situation in which there are a handful of winners and few losers.

CONCLUSION

A majority of Americans support the idea of making English the official language. In some states this support has been translated into policy, while in others it has not. One factor that helps determine whether this translation takes place is the opportunity to bypass the state legislature and let the voters decide on the proposals for themselves. This opportunity matters more than other factors, such

¹⁵ Iowa is one of the few states without an official language and very few immigrants at the end of the time period, making it, according to my findings, more likely than other states to make English the official language. In March of 1999, the Iowa Senate indeed passed a bill to do just that, though the bill later died in the lower house (Glover 1999).

as the partisan make-up of the state's legislature, the unemployment rate, and the ideology of the state's citizens. Not every state that has English as its official language and a direct initiative process has used that method to pass the law, but the mere existence of the opportunity makes passage more likely, especially as the percentage of foreign-born residents increases. As Gerber (1996) shows, legislators in states with initiatives are more likely to pass laws that satisfy their state's median voter than legislators in states without initiatives. Even if a state rarely uses the initiative process, the simple fact of its existence can be enough to constrain lawmakers; vetoing or voting against a bill that might later pass by voter initiative would result in an unwanted crisis of legitimacy. Arkansas provides an example of a state that allows for direct initiatives yet adopted an official-English law through its legislature. As President, Bill Clinton expressed regret at signing that bill in 1987 while he was governor, citing a veto-proof majority in his defense (Tatalovich 1995: 222).

Some speculation as to how the processes explored here might play themselves out on the national level is warranted. If the state-level phenomenon is analogous to national-level policymaking, then the fact that there is no institutional provision for a national direct initiative could imply that a national language law will not get adopted. Having a nation with no initiatives and a population that is over 7 percent foreign-born could mean that the chances of passage in any given year are near zero. Returning to the Arkansas example, that state's population was less than 1 percent foreign-born in 1987 when Clinton signed that state's official-English law. In 1996, the Clinton Administration indicated it would veto the English Language Empowerment Act should it reach the President's desk, a year in which the foreign-born population in the nation was around 9 percent (Green 1996).¹⁶ These findings bolster the conventional belief that if immigrants and minorities become more involved in the political process, both locally and nationally, then lawmakers might be less likely to support legislation that could alienate them. That the recent Democratic and Republican presidential candidates regularly demonstrated their ability to speak Spanish suggests that this might already be happening, though whether this symbolic gesture is a preview to legislative intent clearly remains to be seen.

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¹⁶ The House passed the English Language Empowerment Act, which would have declared English the official language of the country, in 1996. The bill died in the Senate but gets re-introduced every year. Perhaps, as Tatalovich notes at the state level, those representatives holding state-wide rather than district-wide offices will continue to block such proposals.

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