

# LINGUIICISM

*Cynthia Willis Esqueda, Ph.D. and Tyler Press Sutherland, Esq.*<sup>1</sup>

---

## Historical Issues for Language and English Only

Linguistically, the United States has a peculiar past and a changing future. Despite the official establishment of a United States government in 1787, England was still the “mother” country and English language was part of that legacy. The United States constitution has no language requirement, since the early framers of the government were aware of past monarchical language restrictions, and they were aware that language promoted freedom of thought.<sup>2</sup> The United States, then, was formed from many national sources and languages. Hence, the “English” spoken in the United States today is a hybrid, with terms and phrases from around the world.<sup>3</sup> However, only 8.3% speak English less than well in the United States.<sup>4</sup>

Nevertheless, the persistent English only movement is founded on racism and notions of White superiority and supremacy.<sup>5</sup> Research highlights the use of a standard language ideology, which is embedded in a power hierarchy.<sup>6</sup> Certainly, the push for the English language has been directed toward every ethnic group deemed to be “outsiders” and this has usually meant against people of color.<sup>7</sup> This was demonstrated from the earliest years of colonial history. Since colonial times, the English language has been an issue of concern for both immigrants and those already in the American colonies.<sup>8</sup> In fact, those in the colonies quickly showed bias against newly arrived English speakers from England with their “foreign” accents, although English immigrants were welcomed and seamlessly incorporated into the United States’ population.<sup>9</sup> Indeed, English language becomes associated with perceptions of nationalism and of citizenship, and the connection between English language and being an American became a standard notion.<sup>10</sup> The colonial period, then, forged a tradition of hyper-assimilationist goals<sup>11</sup> or complete Anglo conformity.<sup>12</sup>

---

<sup>1</sup>Cynthia Willis Esqueda is an Associate Professor of Psychology at the University of Nebraska—Lincoln. Tyler Press Sutherland is the Director of Racial Justice and Equity at the Legal Aid Foundation of Los Angeles (LAFLA).

<sup>2</sup>Andrew Hartman, “Language as oppression: The English-only movement in the United States” *Socialism and Democracy* 17, no. 1 (2003): 187-208, <https://doi.org/10.1080/08854300308428349>.

<sup>3</sup>Paul Spickard, *Almost All Aliens: Immigration, Race and Colonialism in American History and Identity* (Oxfordshire: Routledge Press, 2007), <https://doi.org/10.4324/9780203940846>.

<sup>4</sup>“People That Speak English Less Than “Very Well” in the United States,” United States Census Bureau, April 8, 2020, <https://www.census.gov/library/visualizations/interactive/people-that-speak-english-less-than-very-well.html>.

<sup>5</sup>Terrance G. Wiley, “Continuity and change in the function of language ideologies in the United States,” in *Ideology, Politics and Language Policies: Focus on English*, ed. Thomas Ricento (Amsterdam: John Benjamins Publishing, 2000).

<sup>6</sup>Hartman, “Language as oppression” 187-208; Rosina Lippi-Green, “Accent, standard language ideology, and discriminatory pretext in the courts.” *Language in Society* 23, no. 2 (1994): 163-198, <https://doi.org/10.1017/S0047404500017826>.

<sup>7</sup>Teresa Pac, “The English-Only movement in the US and the world in the twenty-first century.” *Perspectives on Global Development and Technology* 11, no. 1 (2012): 192-210. <https://doi.org/10.1163/156914912X620833>.

<sup>8</sup>Spickard, *Almost All Aliens*.

<sup>9</sup>Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life* (New York: Harper Collins, 2002); Spickard, *Almost All Aliens*.

<sup>10</sup>Alejandro Portes and Rubén Rumbaut, *Immigrant America: A Portrait, Fourth Edition* (Oakland: University of California Press, 2014).

<sup>11</sup>Daniels, *Coming to America*.

<sup>12</sup>Portes and Rumbaut, *Immigrant America*.

## English Only Movement

The preference for English language and a burgeoning English only movement has its roots in the 1750's with the first benevolent and missionary societies' efforts to eradicate indigenous languages and teach indigenous people English<sup>13</sup> – those same indigenous people whose languages predated colonization for thousands of years. African Americans were stripped of the various African languages, either through forced restriction or by gradual acculturation.<sup>14</sup>

In addition, German immigrants' language was a concern due to their sudden rise in the population on the east coast and in the Midwest.<sup>15</sup> Benjamin Franklin articulates the concerns over colonial German immigrants—both their lack of English language and their darker complexion—stating:

Why should the Palantine Boors (Germans) be suffered to swarm into our Settlements, and by herding together establish their Language and Manners to the Exclusion of ours? Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs, any more than they can acquire our Complexion?<sup>16</sup>

Somewhat later, in 1917, Theodore Roosevelt again advocates for English only based on anti-German sentiment as follows:

We must have but one flag. We must also have but one language. That must be the language of the Declaration of Independence, of Washington's Farewell Address, of Lincoln's Gettysburg Speech and Second Inaugural. We cannot tolerate any attempt to oppose or supplant the language or culture that has come down to us from the builders of this Republic with language and culture of any other European country.<sup>17</sup>

## Colonial Legal Language Restrictions

Attempts to restrict language began early in United States history. By the late 1700s, the issue was whether government business and laws should be in English only. On January 13, 1795, Congress considered a proposal to print federal laws in German as well as English, but the proposal failed by

<sup>13</sup>K. Tsianina Lomawaima and Teresa L. McCarty, *To Remain An Indian: Lessons in Democracy from a Century of Native American Education* (New York: Teachers College Press, 2006).

<sup>14</sup>Spickard, *Almost All Aliens*.

<sup>15</sup>Daniels, *Coming to America*; Portes and Rumbaut, *Immigrant America*.

<sup>16</sup>Portes and Rumbaut, *Immigrant America*, 217.

<sup>17</sup>Theodore Roosevelt, *The children of the crucible*. (1917), 2.

one vote.<sup>18</sup> A subsequent attempt was rejected. Language usage, then, becomes an issue during times of high immigration and/or when the United States faces racial tensions.<sup>19</sup> As noted by historian Frederick Luebke, “Laws regulating the use of languages in the United States evolved in the latter half of the 19<sup>th</sup> century. Before then English was so preponderant in usage that its official adoption seemed superfluous in most states. Louisiana, which became a state in 1812, was an early exception because of its large French-speaking population.”<sup>20</sup>

As in colonial times, with the expansion of the United States, the Congress attempted to eradicate indigenous language with the passage of the *Civilization Fund Act* in 1819.<sup>21</sup> The act began the official process of United States elimination of indigenous languages (and eventually spirituality and culture) through children’s education. This act demanded English only be used.

The second wave of immigration (roughly late 1800s through 1930) brought the largest influx of immigrants the United States has ever experienced, producing 14.7% of the population.<sup>22</sup> The countries of origin expanded to include eastern and southern Europeans. With the growing number of immigrants, Nebraska passed a constitutional amendment to make English the official language of the state, in all proceedings, all schools (private and public), all records and publications.<sup>23</sup> This amendment is still on the books.

In 1923, the U.S. Supreme Court overturned a 1919 state law that prohibited teaching any language other than English to children before the 9th grade.<sup>24</sup> The law had been passed over concerns of Americanization of immigrants and a lack of assimilation. However, the Court held that parents had a right to educate their children in ways they saw fit.

The Immigration Act of 1965 ushers in the modern immigration wave.<sup>25</sup> The Act removed country of origin barriers, eliminating racially motivated restrictions. However, this meant an immigration shift from European countries of origin to Latin American and Asian countries of origin and an expansion of languages from new arrivals. Consequently, preferences for English only initiatives were reignited.

## Attitudes Towards non-English and Accented Speech

The study of language and its form, expression, and meaning has a long history. In 1936, Donald McGranahan outlined various approaches to understand the meaning of language, development

<sup>18</sup>Dennis Baron, “The Legendary English-Only Vote of 1795,” University of Illinois, Urbana-Champaign, accessed April 11, 2022, <http://faculty.las.illinois.edu/debaron/essays/legend.htm>.

<sup>19</sup>Frederick Luebke, “Legal Restrictions on Foreign Languages in the Great Plains States, 1917-1923,” in *Languages in Conflict: Linguistic Acculturation on the Great Plains* ed. Paul Schach (Lincoln: University of Nebraska Press, 1980), 1-19; Spickard, *Almost All Aliens*.

<sup>20</sup>Luebke, “Legal Restrictions on Foreign Languages,” 1.

<sup>21</sup>Civilization Fund Act, Pub. L. No. 15-85, 3 Stat. 516b (1819).

<sup>22</sup>Portes and Rumbaut, *Immigrant America*.

<sup>23</sup>Nebr. Const. art. I, § 27.

<sup>24</sup>Meyer v. Nebraska, 262 U.S. 390 (1923).

<sup>25</sup>Portes and Rumbaut, *Immigrant America*.

of language, and importance of language for transmission of culture.<sup>26</sup> In the case of English only preferences, the notion of Anglo superiority is evident.

The demand for English only is tied to attitudes toward non-English languages, as a marker of racial and ethnic group membership.<sup>27</sup> Attitudes are composed of beliefs or cognitions, affect or feelings, and behavioral predispositions.<sup>28</sup> Prejudice is an attitude, and stereotypes are the belief component of an attitude or prejudice, directed toward identifiable groups of people.<sup>29</sup> Prejudice contains an affective of feelings component, as well. While racial profiling involves the use of stereotypic attributes towards persons who look a certain way, linguistic profiling involves the use of stereotypes when people sound a certain way.<sup>30</sup> In line with linguistic profiling, foreign language use and accented speech can have a stigmatizing effect on perceptions of the speakers.<sup>31</sup> Moreover, accented speakers face discrimination in nearly all social institutions (i.e., education, employment, housing, courts), and even those with foreign language and accented speech hold negative views of themselves and of future social interactions with non-accented speakers.<sup>32</sup>

As early as 1960, researchers found that “Spoken language is an identifying feature of members of a national or cultural group and any listener’s attitude toward a particular group should generalize to the language they use.”<sup>33</sup> Research has also shown that five to six months old infants show preferences for native English language users.<sup>34</sup> Moreover, children as young as five prefer native language speakers for friends over foreign language or accented speakers. Without hearing speech, children choose same race friends, but after hearing speech children show a native accent preference over race in friend choice.<sup>35</sup>

Thus, language is used as a marker for racial and ethnic group membership, and as such, biases against a non-English language or accented speaker is an indication of bias against the speaker’s group, as “hearing the language is likely to arouse mainly generalized or stereotyped characteristics of the group.”<sup>36</sup> When we hear non-English language and accented speech our stereotypes are activated, and such stereotypes can influence our responses, including decision making. As an early example, in Canada, researchers demonstrated this with English and French speaking participants who provided different ratings on perceived traits for English or French bilingual speakers’ taped recordings (i.e., the same person provided the tape in both languages).<sup>37</sup>

<sup>26</sup>D. V. McGranahan, “The psychology of language,” *Psychological Bulletin* 33, no. 3 (1936): 178-216, <https://doi.org/1037/h0056934>.

<sup>27</sup>John Baugh, “Racial identification by speech,” *American Speech* 75, no. 4 (2000): 363.

<sup>28</sup>Susan T. Fiske, *Social Beings: Core Motives in Social Psychology*, 4th ed. (Medford, MA: Wiley, 2018).

<sup>29</sup>Fiske, *Social Beings*.

<sup>30</sup>John Baugh, “Racial identification by speech,” *American Speech* 75, no. 4 (2000): 362-364.

<sup>31</sup>Agata Gluszek and John F. Dovidio, “The way They speak: A social psychological perspective on the stigma of nonnative accents in communication” *Personality and Social Psychology Review* 14, no. 2 (2010): 214-237.

<sup>32</sup>Gluszek and Dovidio, “The way They speak.”

<sup>33</sup>Wallace E. Lambert et al., “Evaluational reactions to spoken languages” *Journal of Abnormal and Social Psychology* 60, no. 1 (1960): 44.

<sup>34</sup>Katherine D. Kinzler, Emmanuel Dupoux, and Elizabeth S. Spelke, “The native language of social cognition” *PNAS* 104, no. 30 (2007): 12577-12580.

<sup>35</sup>Katherine D. Kinzler et al., “Accent trumps race in guiding children’s social preferences” *Social Cognition* 27, no. 4 (2009): 623-634.

<sup>36</sup>Lambert et al., “Evaluational reactions to spoken languages.”

<sup>37</sup>Lambert et al., “Evaluational reactions to spoken languages.”

As part of our review of linguicism, we recruited participants for a focus group to discuss the implications of language bias. Ten participants were recruited from a variety of race/ethnic backgrounds, sexual orientations, and socio-economic statuses. They remained anonymous and were given a participant number. The discussions lasted for one hour, and participants were fully engaged in the discussions.

While participants in the focus group were from varied background and social groups, common themes were present in the commentary that demonstrate the meaning of language use and bias. For example, several participants mentioned that they experienced personal costs to themselves:

I grew up speaking Spanish and I did not learn English till I was older and I still have some issues thinking that I'm not communicating as well as I should be. And it haunts me even after so many years. I'm actually fourth generation Mexican American and a lot of people have a real problem with that. Not realizing that Hispanics or Mexicans were in this area, this what is now the United States before other Europeans, and that we've been here throughout that whole time, and yet even though I'm fourth generation, I still encounter people who think I'm an immigrant or that I don't speak English well enough to be considered an American, and it can be very depressing in some ways. And, that's what I mean by the rhetoric of dominance that, you know, that even though you're you, you've earned your way through all these things, you still are set aside, you're still put in a different category, and it's not... you're just not as good, and so that's kind of where I'm coming from.<sup>38</sup>

Another participant mentioned that:

I have to go through an extra work to be like Okay, how can I express this in a way that will be understood by my mostly you know white peers.

Several participants were concerned about integrated identities and bias based on language use, and commented on the intersectional relationship between their multiple identities. For example, there were participants who were persons of color and belonged to the LGBTQ+ community, and they struggled with language bias issues based on ethnicity and gender group membership.

---

<sup>38</sup>Anonymized audio transcript on file with authors.

External racism and the connection between race and language use was a concern, as well. The stereotypes that accompany people with accented speech or who use a non-English language was deemed an issue. One participant demonstrated this with:

I work in engineering, particularly in aerospace defense. So, throughout my entirety of my life as a Black woman, who's part of LGBT community, who is androgynous, who all these different marginalized identities, I always have to deal with bigotry in various ways: racism to homophobia sexism, particularly because I work in tech slash stem um so I really wanted to contribute. There is a perception that because you have a southern accent that you're not intelligent... It's something that I've had to deal with; because . . . Black people don't assume that I'm an engineer.<sup>39</sup>

Another concern was the internalized and externalized racism against themselves or their families. This issue was mentioned several times. Internalized bias from one's own family due to a lack of original culture language ability or because a family member spoke a non-English language was demonstrated by a lack of ability, as with the following:

You know I've lost a lot of the ability to speak Vietnamese and, like other things without like reading and writing and everything like that and [I'm] sure like a lot of it is due to the sort of strained relationship that I have with my parents and the rest of my family but also there's just not structures, like where I live, that would be conducive to me being able to like maintain a stronger relationship to my culture. Linguistic issues intersect with issues of race and with my queer identity.

Similarly, another participant mentioned the loss of language ability.

I came to this so that I can add some perspective about like my experience with like language and the type of discrimination that I have faced and my family has faced in other people in like the West African community. Because I feel like I was kind of like stolen like out of my language, because I don't speak my home language and how like that affects me and why I don't because I used to and I don't anymore.

Or, language bias and racism because a father spoke Spanish, as follows.

Racism within my own family, my mom's family and not being accepting of my dad and vice versa, my dad's family, not necessarily being accepting of my mom and their relationship and then myself and my two brothers so I'm hoping to be able to provide that aspect.

With externalized racism, participants spoke of their parents' and their desire to participate in the focus group to honor their parents' language struggles. These included comments such as:

Because I am second generation and my parents were born in the Philippines, so I want to speak on their behalf, and what they experienced in terms of racism, and I also want to share my experience in the fashion industry as a person...

<sup>39</sup>See also Williams Comrie, Landor, Townsend Riley, and Williamson Contribution.

Or another participant:

I'm from the Midwest, and so I wanted to also kind of speak on my dad's behalf watching him kind of have to navigate the world as someone who didn't speak English in this country and who definitely, I guess, looks the part to a lot of people, as you know, someone who is an immigrant and you know, has like darker skin.

The costs of not speaking English or of speaking a non-English language was mentioned by several participants. One participant mentioned this with:

I'm an African immigrant and I have had a very complicated relationship with language um I grew up in Ethiopian and I lived most of my life there, and so I worked really hard to lose my accent. So, I sound very midwestern now. But I also wanted to speak on behalf of my parents. My mother only got a formal education up until she graduated high school, but my dad is a professor and he has a graduate degree, but he has a very thick accent, so a lot of times they would want me to do the communicating, even though he has a very vast vocabulary he's very knowledgeable and so, you know, they're both very strong.

Consequently, there is a cost, even inter-generationally, for speaking with accented speech.

Some participants spoke of the connections between phenotype and race identity, with language use as a means to demonstrate one's race group belonging.

I am a Black Hispanic male. I almost have to like prove my Hispanic business through being like, Okay, I can speak fluently this language that I was raised in. My mother's a Spanish teacher in Puerto Rico. my dad was born in Puerto Rico, but I still feel like I have to prove that to everybody else. It's an interesting intersection because I think a lot of people when they think of Hispanic person they don't think of a Black person.

And another mentioned phenotype for identification.

I think additionally people saw me and would say you know something along the lines of like I'm not Mexican because I have light skin but I'm also not white because my dad's Mexican, and so this kind of weird thing that was going on there.

Finally, the discussion focused on public policy and law, and one theme was the elimination of stereotypes that accompany non-English speakers and those with accented speech. However, it also was a concern that non-English speakers and those with accented speech were not receiving the assistance they needed in critical times. When asked about policy issues, one participant stated:

I think that language, can be a way of like keeping information or resources.

While another participant stated:

You should have that [language] incorporated, you should have interpreters, you should have, you know, translated materials, you should want to communicate with the communities that you're serving. But I think what happens, and we saw in the pandemic, is that there are huge populations of people that were just completely left out of being able to access services: access hospitals, access police, access the courts, based on language, and so you see sort of like the trauma that comes out of not being able to access critical services based on language and so that's another reason.

Another spoke about the language expectations from public institutions and the pressure this creates, with the following comment.

We like understand the information from like the institutions, from our institution, and also, I think that there's pressure. I feel pressure to code switch like you know when I'm in a classroom or when I'm speaking to my Professor, I, you know, I have to be careful with my words and vocabulary, so I, I am not deemed unintelligent because of my physical identity. And so I feel like I need to compensate by making sure that I'm very articulate and, like, I know what I'm talking about and but it's more reluctant, but then also I feel pressure to like speak a different way. With my friends, specifically, like my Black friends, where I feel pressure that I'm like not Black enough because I don't necessarily sound like them either, and I think there's a lot of pressure to conform depending on like the circumstances that you're in.

## General Findings on Language Bias

As with the focus group participants and their knowledge, today, we know much more about the ramifications of a foreign language or of accented speech on perceptions of speakers.<sup>40</sup> We know that

<sup>40</sup>See Scott A. Reid and Howard Giles, "Intergroup relations: Its linguistic and communicative parameters," *Group Processes & Intergroup Relations* 8, no. 3 (2005): 211-214: <https://doi.org/10.1177/1368430205053938>.



biases against language and accented speech permeates various areas of United States life,<sup>41</sup> making linguistic structural racism a serious issue that is often overlooked. Memory for accented speech is inferior to listening to standard English speech.<sup>42</sup> In general, we connect accented and non-accented speech with a physical appearance.<sup>43</sup> Speech seems more accented when exposed to an Asian face, than when shown a White one.<sup>44</sup>

Expectancy violations theory explains a series of studies that demonstrate this connection. Expectancy violations result in enhanced attributions, compared to when no violation in expectations has occurred.<sup>45</sup> For example, when given appearance then speech (German or Turkish), those who look “foreign” but then speak German received an increased competency rating, while speaking German then appearing “foreign” received a decreased competency rating.<sup>46</sup> In the United States, appearance and language also demonstrate expectancy violations theory. Black Americans who use nonstandard English are judged more positively (congruent) than White Americans who use nonstandard English (incongruent).<sup>47</sup> Language and accented speech are indicators of race and ethnic group membership.<sup>48</sup>

Given the connection between race/ethnicity and language and accented speech, we focus on two areas that demonstrate how linguistic biases are embedded in important institutions in the United States – the education and legal systems – and how these biases support systemic racism.

## Education

Today, Black and Latinx students are less likely to have access to quality education and to graduate from high school, compared to White students.<sup>49</sup> Historically, language use has been used to discriminate against students based on race/ethnicity within the United States education system. Some of the earliest school desegregation cases were founded on using Spanish language as justification for segregating Mexican American students from White students.<sup>50</sup> Albert Ramirez provides an overview of bias involving Spanish language speakers and those with Spanish accented speech. In particular, White and non-White students judged those with accented speech negatively.<sup>51</sup>

<sup>41</sup>Dawn L. Smalls, “Linguistic profiling and the law,” *Stanford Law & Policy Review* 15, no. 2 (2004): 579-604.

<sup>42</sup>Annette D’Onofrio, “Complicating categories: Personae mediate racialized expectations of non-native speech.” *Journal of Sociolinguistics*, 23 (2019): 346-366, <https://doi.org/10.1111/josl.12368>.

<sup>43</sup>D’Onofrio, “Complicating categories.”

<sup>44</sup>Yi Zheng and Arthur G. Samuel, “Does seeing an Asian face make speech sound more accented?” *Attention, Perception, and Psychophysics* 79 (2017): 1841-1859, <https://doi.org/10.3758/s13414-017-1329-2>.

<sup>45</sup>Neal J. Rouse and Jeffrey W. Sherman, “Expectancy,” in *Social Psychology: Handbook of Basic Principles* 2nd ed., eds. Arie W. Kruglanski and E. T. Higgins (New York: Guilford Press, 2007), 91-115.

<sup>46</sup>Karolina Hansen, Tamara Rakic, and Melanie C. Steffens, “Foreign-looking native-accented people: More competent when first seen rather than heard.” *Social Psychological and Personality Science* 9, no. 8 (2018): 1001-1009, <https://doi.org/10.1177/1948550617732389>.

<sup>47</sup>Lee Jussim, Lerita M. Coleman and Lauren Lerch, “The nature of stereotypes: A comparison and integration of three theories.” *Journal of Personality and Social Psychology* 52, no. 3 (1987): 536-546.

<sup>48</sup>Gluszek and Dovidio, “The way They speak.”

<sup>49</sup>Amelie Ramirez, “Research: Discrimination impacts educational outcomes for Latinos,” *Salud America!*, September 13, 2020, <https://salud-america.org/research-discrimination-impacts-educational-outcomes-for-latinos/>; “K-12 disparity facts and stats,” *United Negro College Fund*, last accessed {date}, <https://uncef.org/pages/k-12-disparity-facts-and-stats>.

<sup>50</sup>Jasmine B. Gonzales Rose, “Race inequity fifty years later: Language rights under the Civil Rights Act of 1964.” *Alabama Civil Rights & Civil Liberties Law Review* 6, no. 1, (2014): 167-212.

<sup>51</sup>Albert Ramirez, “Racism towards Hispanics: The culturally monolithic society”, in *Eliminating Racism*, eds. Phyllis A. Katz and Dalmás Taylor. (New York: Plenum Press, 1988), 137-157; see also Ramirez and Rosado Contribution.

Biases against Black people with English dialects have also been examined. In terms of educational performance, teachers have rated the same verbal descriptions differently for Black and White students who use middle class accents, with the Black students rated more negatively.<sup>52</sup> Scholars Fairchild and Edwards-Evans provide an overview of decades of research on a variety of education topics (e.g., teacher attitudes, educational expectations, administrators, etc.) where African American students' English dialects may negatively influence perceived educational performance.<sup>53</sup>

Law professor William Chin has shown that students need not speak a foreign language to encounter bias, an accented speech is enough to receive it.<sup>54</sup> Furthermore, there is evidence for negative perceptions of Black, Asian, Latinx, and Arabic scholars with accented speech which results in attributions of negative traits, abilities, etc. Chin recounts discriminatory treatment against students from each "race" category, and this treatment came from school personnel (e.g., teachers), other students (at various levels of schooling), and the public. It includes lower performance rankings, assignment of negative traits (unintelligent, poverty, unsuccessful, etc.), and negative emotions to accented speakers.

It should also be noted that teachers with accented speech are also denigrated. One study found that, in general, information was believed less truthful when the speaker had an accent.<sup>55</sup> Another study examined perceptions of practicing teachers, teacher candidates, parents, and high school students and found accented speech was less comprehensible and "...when an accent is 'present,' or at least detected by listeners, it is one of the most salient factors involved in rating a person's suitability to teach," in this case a negative suitability.<sup>56</sup>

Biased assessments have ramifications for students of color who speak with accented speech by lowered perceptions of academic performance and potential, less access to charter school entrance,<sup>57</sup> differential treatment by educators (including misdiagnosis as learning disabled)<sup>58</sup> and lowered ethnic pride and self-esteem.<sup>59</sup> Indeed, students with accented speech feel less a part of the United States and more like an outsider, compared to those with a regional or standard English accent.<sup>60</sup>

<sup>52</sup>Robert C. Granger et al., "Teacher Judgments of the Communication Effectiveness of Children Using Different Speech Patterns," *Journal of Educational Psychology* 69, no. 6 (1977): 795, <https://doi.org/10.37/h0078392>.

<sup>53</sup>Halford H. Fairchild and Stephanie Edwards-Evans, "African American dialects and school: A review," in *Bilingual Education: Issues and Strategies*, eds. Amado M. Padilla et al. (Thousand Oaks, CA: SAGE, 1991), 76-86.

<sup>54</sup>William Y. Chin, "Linguistic profiling in education: How accent bias denies equal educational opportunities to students of color," *The Scholar* 12, no. 3 (2010): 355-384.

<sup>55</sup>Shiri Lev-Ari and Boaz Keysar, "Why don't we believe non-native speakers? The influence of accent on credibility," *Journal of Experimental Social Psychology* 46, no. 6 (2010): 1093-1096, <https://doi.org/10.1016/j.jesp.2010.05.025>.

<sup>56</sup>Meghan Moran, Okim Kang, and Mary McGroarty, "Arizona educational stakeholders' perceptions of K12 teachers' accented speech," *Journal of Multilingual and Multicultural Development* (2021): 12, <https://doi.org/10.1080/01434632.2021.1921783>.

<sup>57</sup>William Y. Chin, "Linguistic profiling in education: How accent bias denies equal educational opportunities to students of color," *The Scholar* 12, no. 3 (2010): 355-384.

<sup>58</sup>Jennifer Keys Adair, *The Impact of Discrimination on the Early Schooling Experiences of Children from Immigrant Families*, Migration Policy Institute, September 2015.

<sup>59</sup>Patricia A. Cavazos-Rehg and Janice L. DeLucia-Waack, "Education, ethnic identity, and acculturation as predictors of self-esteem in Latino adolescents," *Journal of Counseling & Development* 87, no. 1 (2009): 47-54.

<sup>60</sup>John F. Dovidio et al., "Understanding Bias toward Latinos: Discrimination, Dimensions of Difference, and Experience of Exclusion," *Journal of Social Issues* 66, no. 1 (2010): 59-78, <https://doi.org/10.1111/j.1540-4560.2009.01633.x>.

This bias against students of color with accented speech is reflected in the public's views about language in schools. One study found Whites are less in favor of multiple languages in schools compared to non-Whites, based on responses to the statement "English should not be the only language used in public schools."<sup>61</sup> Indeed, another study found that dual language programs, intended to assist Latinx students with English language learning, were only valued when White students could gain a benefit from the program.<sup>62</sup> The inclusion of White students, with limited slots for enrollment, meant Latinx students were not provided admission to dual languages programs which were set up to offset learning and knowledge acquisition issues.

The education system in the United States, then, suffers from systemic bias in the perceptions, processing, treatment, and inclusion of students and teachers with accented speech and/or English as a second language. "Standard language ideology is a basic construct of our elementary and secondary schools' approach to language and philosophy of education."<sup>63</sup> This systemic bias may account, in part, for the difficulties many students and teachers of color encounter in identifying with education and academic pursuits.<sup>64</sup>

## How Does Language and Accented Speech Influence Racialized Legal Decisions?

Another area where structural racism based on accented speech can be found is in the legal system, where discrimination against legal actors who use a foreign language or accented speech is found. This includes *linguistic profiling*, where speech cues provide evidence to infer social category (e.g., race, socio-economic status) or behavior (e.g., traits).<sup>65</sup> The legal system has not dealt sufficiently with the effects of accented speech and the potential for unjust outcomes.<sup>66</sup>

The examination of the effects of accented speech for legal issues and racism is not confined to the United States. One Australian research study examined perceptions of guilt for when a suspect had one of three accented speech styles (standard or received British accented English, Australian accented

<sup>61</sup>Carlos Garcia and Loretta E. Bass, "American identity and attitudes toward English language policy initiatives," *Journal of Sociology & Social Welfare* 34, no. 1 (2007): 73.

<sup>62</sup>Laura C. Chávez-Moreno, "Dual language as white property: Examining a secondary bilingual-education program and Latinx equity." *American Educational Research Journal*. 58 no. 6 (2021): 1107-1141. doi:10.3102/00028312211052508.

<sup>63</sup>Lippi-Green, "Accent, standard language ideology, and discriminatory pretext," 169.

<sup>64</sup>Jennifer Keys Adair, "The Impact of Discrimination."

<sup>65</sup>Baugh, "Racial identification by speech."

<sup>66</sup>Gluszek and Dovidio, "The way *They* speak."

English, or Asian accented English) and was accused of one of three crimes types (embezzlement, vandalism, or assault).<sup>67</sup> The study found that the person with standard British English was thought most guilty for embezzlement, while the person with Australian English was thought most guilty of vandalism and assault crimes. Another study examined White English-speaking participants' perceptions of guilt for English and Cape Afrikaans speakers.<sup>68</sup> Findings indicated the English speaker who switched to Cape Afrikaans speech was rated guiltier for crime, compared to an English speaker who did not switch languages.<sup>69</sup> A third study in the United Kingdom, varied accent (Birmingham/Brummie or standard British), suspect race (Black or White), and crime type (blue collar or white collar) for guilt attributions.<sup>70</sup> Findings indicated the Black, Brummie-accented speaker, accused of a blue-collar crime, was believed guiltier, compared to all other conditions.

In the United States, researchers have considered accented speech as an extra-legal factor, a factor that affects the legal process beyond the information presented and creates discrimination. In fact, law professor Mari Matsuda has suggested that accent bias can affect how claims of discrimination are evaluated, and proposes a framework for evaluating these claims in light of such biases.<sup>71</sup> Indeed, judges often rely on their own personal notions of language to decide if language-based discrimination has occurred.<sup>72</sup>

Nevertheless, accented speech and language use has ramifications for people of color within the legal system. For example, one survey of court cases found a negative impact on defendants if these defendants testified in Spanish.<sup>73</sup> In two mock jury studies with an assault case, defendants who spoke in Spanish (Study 1) or Thai (Study 2) with a translator were believed guiltier, compared to the conditions with no accents. However, a judge's jury instructions admonishing against use of a translator in decisions eliminated the effect of accent.

Some Black attorneys have reported that during professional engagements, they switch from "Black English" to "Standard English" due to perceptions of the latter as more professional and associated with positive traits.<sup>74</sup> At the same time, many of these attorneys wished to maintain connection to their ethnic identity and used "Black English" to do so. This linguistic switching highlights the power of "Standard English" ideology and its impact on legal professionals of color.

<sup>67</sup>Ian Seggie, "Attribution of guilt as a function of ethnic accent and type of crime." *Journal of Multilingual & Multicultural Development* 4, no. 2-3 (1983): 197-206

<sup>68</sup>John A. Dixon, et al., "The role of speech accommodation and crime type in attribution of guilt." *Journal of Social Psychology* 134, no. 4 (1994): 465-473.

<sup>69</sup>Dixon et al, "The role of speech accommodation," 470-71.

<sup>70</sup>John A. Dixon, Berenice Mahoney, and Roger Cocks, "Accents of guilt? Effects of regional accent, race, and crime type on attributions of guilt." *Journal of Language and Social Psychology* 21, no. 2,(2002): 162-168.

<sup>71</sup>Mari J. Matsuda, "Voices of America: Accent, antidiscrimination law, and jurisprudence for the last reconstruction." *Yale Law Journal* 100, no. 5 (1991): 1329-1408.

<sup>72</sup>Lippi-Green, "Accent, standard language ideology, and discriminatory pretext," 177-178.

<sup>73</sup>Harmon M. Hosch, et al., "Non-felony criminal cases adjudicated in El Paso County, Texas, between January 1988 and December 1989." Unpublished raw data. (El Paso: University of Texas-El Paso, Center for Law and Human Behavior, 1991).

<sup>74</sup>T. Garner & D. L. Rubin, "Middle class Blacks' perceptions of dialect and style shifting: The case of Southern attorneys," *Journal of Language and Social Psychology* 5, no. 1 (1986): 33-48; see also Williams Comrie, Landor, Townsend Riley, and Williamson Contribution.

Linguistic discrimination also shows up in jury selection.<sup>75</sup> Latinx exclusion from jury service was widely practiced under Juan Crow and before civil rights laws, particularly in the Southwest. The courts' treatment of jurors' language use in jury selection (i.e., inclusion of Spanish speakers in a jury) serves to subordinate Spanish speaking defendants and withhold a fair process.<sup>76</sup> Two cases highlight this. In *United States v. Lopez*, No. 86 CR 513, 1987 WL 18573 (1987), the defendant sought bilingual, Spanish-speaking jurors because the bulk of the evidence was in Spanish. Since language produces nuanced meanings that are not translatable,<sup>77</sup> translations would not be as sound as the original evidence. The court held that bilingual jurors were not required, and that excluding people who spoke only English might constitute discrimination on the basis of national origin. In *Hernandez v. New York*, 500 U.S. 352 (1991), the prosecutor excluded Spanish speaking prospective jurors because based on their demeanor when answering questions, the prosecutor determined that they might not defer to the official translation of a Spanish transcript. The court held that these exclusions were "race-neutral" and thus permissible. In *Lopez*, the Court held that exclusion of monolingual jurors would constitute discrimination against non-Hispanic jurors based on national origin, but in *Hernandez*, the court held that exclusion of bilingual jurors was "race neutral," illustrating a double standard.

Linguicism can also affect perceptions of witness credibility. One study found Hispanic jurors' impressions of the witness' ability (e.g., knowledgeability and intelligence) and persuasiveness (e.g., credibility, trustworthiness) were influenced by speech style, and these impressions were predictive of jurors' verdicts.<sup>78</sup> In addition, Hispanic jurors provided more negative ratings of a witness with powerless speech (hesitations and hedges), including more guilty verdicts. Another study found eyewitnesses with accents (German, Mexican, and Lebanese) received lower ratings on credibility, accuracy, and prestige, and a higher rating on deception, compared to a non-accented eyewitness.<sup>79</sup> While guilt was not directly affected, guilt was correlated with the rated measures.

As part of linguistic profiling, witnesses may also identify suspects based on their accented speech, but this raises issues of identification accuracy<sup>80</sup> and aversive racism.<sup>81</sup> Aversive racism is a subtle form of racism whereby racism will be demonstrated when non-race related cues are present, and biased treatment can be attributed to the non-race related cue. In *People v. Sanchez* (1985), the question was "Must a witness be qualified as an expert in order to give his opinion regarding a person's accent?"

<sup>75</sup>Christopher F. Bagnato, "Change is Needed: How Latinos are Affected by the Process of Jury Selection," *Chicana/o Latina/o Law Review* 29, no. 1 (2010): 59-68.

<sup>76</sup>Bagnato, "Change is Needed."

<sup>77</sup>Gillian Lane-Mercier, "Translating the untranslatable: The translator's aesthetic, ideological, and political responsibility," *Target: International Journal of Translation Studies* 9, no. 1 (1997): 43-68.

<sup>78</sup>Norma A. Mendoza, et al., "Well . . . ah . . . : Hesitations and hedges as an influence on jurors' decisions," *Journal of Applied Social Psychology* 30, no. 12 (2000): 2610-2621.

<sup>79</sup>Lara Frumkin, "Influences of accent and ethnic background on perceptions of eyewitness testimony," *Psychology, Crime & Law* 13, no. 3 (2007): 317-331, <https://doi.org/10.1080/10683160600822246>.

<sup>80</sup>John Baugh, "Linguistic profiling and discrimination," in *The Oxford Handbook of Language and Society*, eds. Ofelia Garcia, Nelson Flores, and Massimiliano Spotti (Oxford: Oxford University Press, 2017): 349-368; Baugh, "Racial identification by speech."

<sup>81</sup>John F. Dovidio and Samuel L. Gaertner, "Aversive racism and selection decisions: 1989 and 1999," *Psychological Science* 11, no. 4 (2000): 315-319, <https://doi.org/10.1111/1467-9280.00262>.

An eyewitness was asked about the ethnicity of the suspect based on Spanish accented speech (i.e., Puerto Rican or Dominican). Defense counsel objected, since the eyewitness was not qualified as a linguistic expert. Nevertheless, the judge deemed the witness's past experience with Spanish and speaking with Puerto Ricans and Dominicans as sufficient background to distinguish Spanish ethnic accents. In 1999, in *Clifford v. Commonwealth*, the linguistic profiling revolved around an undercover police officer who was trying to make a drug deal.<sup>82</sup> An informant brought the undercover officer to the apartment of Clifford. The informant was wired, and another officer was listening in on the event. At trial, the informant claimed one version of the drug transaction (i.e., that it was informant's drugs, and the informant did the sale), while the officer who monitored the audiotape (later deemed inaudible) claimed the dealer had sounded Black. The defendant was the only Black person involved in the incident. It was ruled that the officer's statement about a Black speaker was admissible and did not interfere with a jury's ability to discern whether the officer's opinion was correct. The testimony fell within the confines of Federal Rule of Evidence 701. Thus, linguistic profiling by witnesses has been deemed admissible, yet further research should determine the accuracy of such testimony given other issues that might affect it (i.e., confidence, language experience or exposure, ideology, etc.).

One study examined if defendant's race (Black, Latino, White) would interact with accented speech (accented, not accented) to influence research participants' perceptions in a civil case.<sup>83</sup> Results indicated that the police officer was believed more truthful when testifying against an accented defendant than an unaccented one, and defendants with accents were rated more negatively compared to non-accented defendants. Moreover, accented defendants were believed to have a lower socio-economic status (SES) than unaccented defendants, particularly Mexican American defendants. Willis Esqueda and colleagues have demonstrated that there are legal decision-making biases that accompany culpability, guilt, and sentencing decisions for Mexican Americans of low SES,<sup>84</sup> who are more likely to speak with an accent.<sup>85</sup>

Our laws, policies, and institutions perpetuate bigotry against those who are limited English proficient (LEP). Language protections in the federal court stems from Title VI's prohibition against discrimination on the basis of national origin, and the federal government has expanded these protections to also cover programs and activities that federal agencies conduct.

While federal law obligates state court systems to provide translation and interpretation to litigants who need these services, many state laws authorize translation and interpretation for low-income litigants in criminal proceedings, but not civil proceedings.<sup>86</sup> Without meaningful access to civil proceedings,

<sup>82</sup>Clifford v. Commonwealth, 7 S.W.3d 371 (Ky. 1999); Dawn L. Smalls, "Linguistic profiling and the law," *Stanford Law & Policy Review* 15, no. 2 (2004): 588.

<sup>83</sup>Jason A. Cantone et al., "Sounding guilty: How accent bias affects juror judgments of culpability," *Journal of Ethnicity in Criminal Justice* 17, no. 3 (2019): 228-253, <https://doi.org/10.1080/15377938.2019.1623963>.

<sup>84</sup>Russ K. E. Espinoza et al., "The impact of ethnicity, immigration status, and socioeconomic status on juror decision making," *Journal of Ethnicity in Criminal Justice* 13, no. 3 (2015): 197-216; Cynthia Willis Esqueda, Russ K. E. Espinoza, and Scott E. Culhane, "The Effects of Ethnicity, SES, and Crime Status on Juror Decision Making: A Cross-Cultural Examination of European American and Mexican American Mock Jurors," *Hispanic Journal of Behavioral Sciences* 30, no. 2 (2008): 181-199, <https://doi.org/10.1177/0739986308315319>.

<sup>85</sup>Norma Mendoza-Denton, "Sociolinguistics and linguistic anthropology of Latinos," *Annual Review of Anthropology* 28 (1999): 375-395; Jens Manuel Krogstad and Luis Noe-Bustamante, "Key facts about U.S. Latinos for National Hispanic Heritage Month," *Pew Research Center*, September 9, 2021, <https://www.pewresearch.org/fact-tank/2021/09/09/key-facts-about-u-s-latinos-for-national-hispanic-heritage-month/>.

<sup>86</sup>See Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; Exec. Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency, 65 F.R. 50,121 (2000); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 F.R. 41,455 (2002).

limited English proficient litigants are at an inherent disadvantage in matters of critical importance, including family law matters, housing/eviction matters, and public benefits cases. An inability to access the courts based on language also precludes many from seeking critical legal remedies that would otherwise be available to them. As such, without translation and interpretation services those who are limited English proficient are unable to meaningfully access civil legal proceedings and in turn have the full and fair proceedings that required by law.

## Conclusions

The United States holds with a standard English ideology, which promotes the use of English and views English language as superior to other languages. This ideology is so pervasive it permeates nearly every social institution and works to the detriment of people of color and immigrants in the United States. Evidence for the early use of English only and recent cases of educational and legal discrimination based on accented speech highlight this discrimination.

Given our changing demographic, where people of color will be the majority,<sup>87</sup> the use of foreign languages and accented speech will become more common. Much like the colonial era, language diversity remains a part of the social fabric of the United States. For example, Spanish is spoken by 13% of the population, and the United States is the second largest country of Spanish speakers in the world.<sup>88</sup> At the same time, our reliance on standard English ideology and linguistic profiling creates inequities and injustice for those with foreign language or accented speech. Our goal should be a reconsideration of the place of language and the norms we rely on for inclusion.

<sup>87</sup>Jonathan Vespa, Lauren Medina, and David M. Armstrong, "Demographic turning points for the United States: Population projections for 2020 to 2060: population estimates and projections, current population reports," United States Census Bureau 25-1144 (2018): 1-15, <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p25-1144.pdf>.

<sup>88</sup>Sonia Thompson, "The U.S. has the second-largest population of Spanish speakers," *Forbes*, May 27, 2021, <https://www.forbes.com/sites/soniathompson/2021/05/27/the-us-has-the-second-largest-population-of-spanish-speakers-how-to-equip-your-brand-to-serve-them/?sh=4156825e793a>.