

How Census 2000 Data Suggest Hostility Toward Mexican-Origin Arizonians

Kay Hunnicutt and Mario Castro
Arizona State University

Abstract

Using the Arizona 5% Public Use Microdata Sample (PUMS) from the 2000 U.S. Census, we compare language-related figures for the Mexican-origin population with those for the total population. Additionally, we compare place of birth and educational attainment data for Mexican-origin persons who speak Spanish at home with those who speak English-only to provide a fuller characterization of these groupings. The 5% PUMS files contain individual records of responses to census questionnaires representing a 5% sample of the occupied and vacant housing units in Arizona and the persons in the occupied units. Our purpose is to more fully characterize the Arizona population to assist in improving education, language, and legal policy in the state, and we conclude that current legal, language, and education initiatives, such as efforts to impose an official English language and to restrict native languages in schools, are at odds with population figures and may signal hostility toward Mexican-origin Arizonians.

Introduction

Arizona's population figures, as measured by the latest U.S. Census (U.S. Census Bureau, 2000), are at odds with the state's education, language, and legal policy priorities and may signal hostility toward the sizable Mexican-origin population, which makes up 21% of Arizona's population. Many of the state's current legal, language, and education initiatives, such as the examples cited in this article, seem questionable when considered against a backdrop of Arizona demographics. Our purpose in this study is to more fully characterize the Arizona population to assist in improving policy in the state. We begin by describing the Arizona population using the Arizona 5% Public Use Microdata

Sample (PUMS) (U.S. Census Bureau, 2003a) from the 2000 U.S. Census. The 5% PUMS files contain individual records of responses to census questionnaires representing a 5% sample of the occupied and vacant housing units in Arizona and the persons in the occupied units. We compare language-related figures for the Mexican-origin population with those for the total Arizona population; that is, we consider the state's Mexican-origin population distinctly and compare it to the total Arizona population, including its integral Mexican-origin population component. We also compare place of birth and educational attainment data for Mexican-origin persons who speak Spanish at home with those who speak English-only. With a fuller description of the Arizona population, we consider some of the state's current legal, language, and education initiatives and pose important questions that may lead to policy improvement in the state.

The Arizona Population

Before comparing language-related figures for the Mexican-origin population with those for the total population, we present Hispanic origin and ancestry data for Arizona and follow it with age data to size the Mexican-origin population in the state.

No ancestry group in Arizona numbers greater than the group indicating a Mexican ancestry.

The data on ancestry were derived from answers to [Census 2000] long-form questionnaire Item 10, which was asked of a sample of the population. The data represent self-classification by people according to the ancestry group or groups with which they most closely identify. (U.S. Census Bureau, 2003b, p. B-6)

The ancestry question "was intended to provide data for groups that were not included in the Hispanic origin and race questions. Official Hispanic origin data come from long-form questionnaire Item 5, and official race data come from long-form questionnaire Item 6" (U.S. Census Bureau, 2003b, p. B-5). In other words, as reported above, official census ancestry tabulations put Arizona's Mexican-origin population at 21%. Responses to the Hispanic-origin question in the Arizona PUMS sample put the number of persons of Mexican origin at 56,088 persons, or 22% of the total sample. Since ancestry figures were collected and reported in the PUMS by the U.S. Census Bureau for all groups, including Hispanic-origin groups, we explore the ancestry data in the PUMS for a direct comparison. The Arizona 5% PUMS from the 2000 U.S. Census shows that, of the 259,694 persons in the sample, 216,055 responded to the ancestry question. "First ancestry reported" includes the first response of persons who reported at least one codable entry (U.S. Census Bureau, 2003b, p. B-5). Of the Arizona PUMS respondents, 37,316 persons (17%) indicated a first ancestry of Mexican, with another 4,617 persons (2%) indicating

a first ancestry of Mexican American and 3,712 persons (2%) reporting Mexicano as the first ancestry. Also, 1,000 persons indicated Mexican State, Chicano, or Mexican American Indian as their first ancestry, and 6,126 persons reported a first ancestry of “Hispanic” without indicating country of origin. German ancestry was second to Mexican ancestry, with 27,188 persons (13% of respondents) indicating German as their first ancestry.¹

The Arizona PUMS sample shows a very young Mexican-origin population compared to the overall population, pointing to increasing Mexican-origin population proportions in the state. While the mean age for the state overall is 36 years of age ($SD = 23$), the Arizona Mexican-origin population’s mean age is 26 years of age ($SD = 19$). Also, 35% of the overall population is 23 years of age or younger, compared to half of the Mexican-origin population.

Having established the scale of the Mexican-origin population in the state, we turn to language-related figures. We compare language-related figures for the portion of the 56,088 persons in the Arizona PUMS sample who were age 5 and older and who were identified as having a Mexican origin, via the Hispanic-origin question, with language-related figures for the portion of the 259,694-person total sample that is age 5 and older, including the Mexican-origin population. The sample sizes are 49,436 Mexican-origin persons age 5 and older and 240,062 persons age 5 and older in the total Arizona population.

The Arizona PUMS shows vast incongruence in language spoken at home between Mexican-origin Arizonians and the overall population. While 77% of Mexican-origin Arizonians 5 years of age and older speak a language other than English at home (Spanish is the language in 99.6% of the cases), 74% of the overall Arizona population age 5 and older speak only English at home. This great language divide in the state is tempered by the English-language ability of the Mexican-origin population: 76% of Mexican-origin Arizonians age 5 and older speak English-only at home, or speak a language other than English *and* English very well or well; 69% of those who speak a language other than English at home also speak English very well or well (see Figures 1 and 2). Census PUMS data thus show Mexican-origin population that is age 5 and older to be mostly bilingual and the overall Arizona population that is age 5 and older to be mostly monolingual.

PUMS data additionally show that the state’s language divide is not simply a function of citizenship status. First, 70% of Mexican-origin Arizonians are citizens of the United States. Second, Spanish is spoken at home by a large majority of the Mexican-origin non-U.S. citizens as well as the Mexican-origin U.S. citizens in the state: 95% Arizona’s Mexican-origin non-U.S. citizens age 5 and older speak a language other than English at home (Spanish in 99.7% of the cases); 68% of Arizona’s Mexican-origin U.S. citizens age 5 and older speak a language other than English at home (Spanish in 99.5% of the cases). Thus, Spanish is the language spoken at home by the greater part of Mexican-origin persons in Arizona, regardless of citizenship status.

		Speak English. . . .			
Language spoken at home	Share	very well	well	not well	not at all
Language other than English	77%	38%	15%	14%	10%
English-only	23%	-	-	-	-
Total	100%				

Figure 1. Arizona Mexican-origin population age 5 and older by proportional share of language spoken at home and ability to speak English.

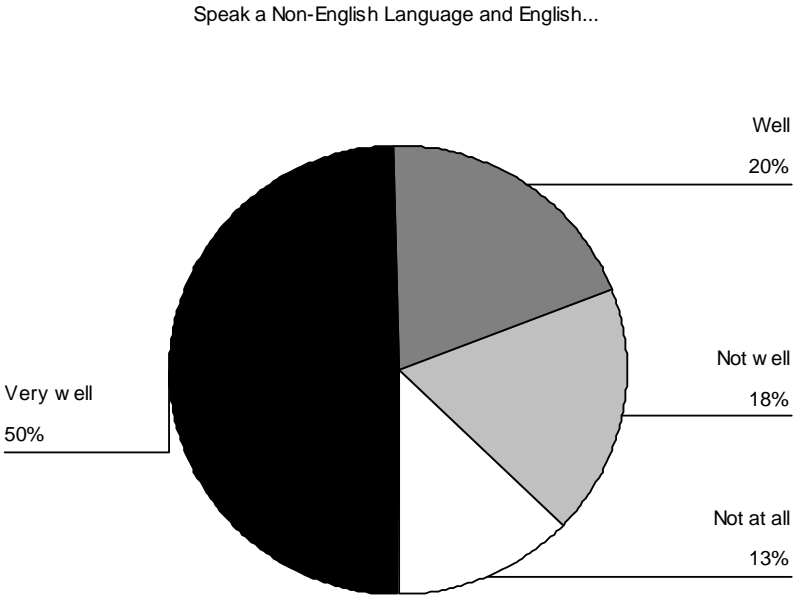


Figure 2. Proportional share of ability to speak English for Mexican-origin Arizonians age 5 and older who speak a language other than English at home.

Note. The total percentage exceeds 100%, and the percentage speaking very well or well exceeds the number reported in the text, due to rounding.

As we demonstrated using the Arizona 5% PUMS, the Mexican-origin population represents the largest ancestry group in Arizona and, based on age data, promises to constitute a larger share in Arizona's future. Also demonstrated with PUMS data, Spanish is spoken at home by most of the Mexican-origin population in the state, and most of this population speaks English well, tempering the language divide between the mostly bilingual Mexican-origin population and the mostly monolingual total Arizona population that includes the Mexican-origin population. Lastly, PUMS data show 7 of 10 Mexican-origin persons in Arizona are U.S. citizens, and Spanish is spoken at home by 7 of 10 Mexican-origin U.S. citizens in the state. Before considering the legal and educational policy implications of these findings, we compare data on place of birth for Mexican-origin Arizonians who speak Spanish at home with birthplace data for Mexican-origin persons who speak only English at home. We also consider rates for speaking Spanish at home versus English-only at home by educational attainment and look closer at citizenship status.

The Arizona PUMS sample includes 37,790 Mexican-origin persons 5 years of age and older who speak Spanish at home and 11,499 Mexican-origin persons 5 and older who speak English-only at home. Of the 37,790 persons who speak Spanish at home, 36,418 persons (96% of those who speak Spanish at home) were born in either Mexico (19,601 persons), Arizona (13,207 persons), California (2,449 persons), or Texas (1,161 persons). Of those who speak English-only at home, 10,392 persons (90% of those who speak English-only at home) were born in either Arizona (7,634 persons), California (1,288 persons), Mexico (1,127 persons), or Texas (343 persons). While the data show most (66%) Mexican-origin persons in the state who speak only English at home were born in Arizona (i.e., Mexican-origin persons who speak only English at home were most likely born in Arizona), it cannot be said that Arizona-born Mexican-origin persons are likely to speak English-only at home since most (63%) Mexican-origin persons born in Arizona speak Spanish at home (i.e., Mexican-origin persons who were born in Arizona were most likely to speak Spanish at home). PUMS data show language spoken at home is not solely a function of place of birth for the state's Mexican-origin population.

Another factor that appears to interact with language spoken at home is educational attainment. The U.S. Census Bureau derives data on educational attainment "from answers to long-form questionnaire Item 9, which was asked of a sample of the population" and tabulates data on attainment for the population 25 years of age and older (U.S. Census Bureau, 2003b, p. B-8). On the surface, the predominance of Spanish over English-only as the language spoken at home seems to decrease as educational attainment levels increase for Arizona's Mexican-origin population that is age 25 and older ($N = 26,640$ respondents). This decrease in the predominance of Spanish along with increasing educational attainment levels is also seen with Arizona's U.S.-born

Mexican-origin population that is age 25 and older ($N = 12,553$). While 80% of the U.S.-born Mexican-origin population with an educational attainment of less than a high school diploma speak Spanish at home, 65% of the U.S.-born Mexican-origin population with an educational attainment of high school diploma or greater speak Spanish at home (see Figures 3 and 4). Because it can be assumed that school instruction was typically received in the English language for U.S.-born Mexican-origin persons, the lower rates of Spanish for those with higher educational attainment levels gives testament to a link between schooling and language spoken at home, although PUMS data do

Educational attainment	Language spoken at home	
	Spanish	English-only
No schooling completed to 12th grade, no diploma	90%	10%
High school diploma to doctoral degree	76%	24%
Total	83%	17%

Figure 3. Arizona's Mexican-origin population age 25 and older by language spoken at home and educational attainment.

Educational attainment	Language spoken at home	
	Spanish	English-only
No schooling completed to 12th grade, no diploma	80%	10%
High school diploma to doctoral degree	65%	35%
Total	70%	30%

Figure 4. Arizona's U.S.-born Mexican-origin population age 25 and older by language spoken at home and educational attainment.

not here reveal whether a higher educational attainment level results in a decreased likelihood of speaking Spanish at home or whether a higher likelihood of speaking Spanish at home results in decreased likelihood of obtaining a high school diploma or more. Also, because Mexican-origin persons 25 years of age and older in the PUMS sample who are U.S. born are all citizens of the United States, U.S. citizenship appears on the surface to translate to lower rates of Spanish versus English-only as language spoken at home.

Contrary to surface appearances, however, PUMS data show that higher educational attainment levels do not automatically mean decreased likelihoods of speaking Spanish at home. PUMS data furthermore demonstrate as false the notion that U.S. citizenship categorically translates to decreased rates of speaking Spanish at home. For those not U.S. born, including naturalized U.S. citizens ($N = 3,780$) and non-U.S. citizens ($N = 10,095$), the predominance of Spanish as the language spoken at home *increases* along with increasing educational attainment levels. Also, the rates for speaking Spanish at home for Mexican-origin naturalized U.S. citizens *match or exceed* the rates for non-U.S. citizens in the state (see Figures 5 and 6). In summary, PUMS data show the incompleteness of the assumptions of lower rates of Spanish for U.S. citizens compared to non-U.S. citizens and decreasing Spanish predominance as educational attainment levels increase; the data point to other important factors, such as whether schooling was received in the United States or in Mexico and age at U.S. entry for those not U.S. born.

An intuitive assumption backed by PUMS data is that how education interacts with language spoken at home can partly depend on where the schooling was received. While it can be assumed that school instruction was typically received in the English language for those born in the United States, the language of instruction cannot be assumed for those not U.S. born. However, since the PUMS includes an age variable as well as a variable on year of U.S. entry for those not born in the United States, an age at U.S. entry can be approximated for those not born in the United States, and estimates on where the schooling was likely received can be made.

For naturalized citizens 25 years of age and older in the sample who entered the United States prior to the age of 20 years ($N = 1,867$), 97% of those with an educational attainment level less than high school graduation speak Spanish at home; this percentage drops to 95% for those with a high school diploma to doctoral degree, reflecting the likelihood of an increase in the proportion of persons who entered the United States prior to age 20 and who subsequently obtained degrees in the United States under English-language instruction. On the other hand, for naturalized citizens who entered the United States at age 20 or older ($N = 1,908$), 93% of those with an educational attainment level less than high school graduation speak Spanish at home; this percentage increases to 96% for those with a high school diploma to doctoral

Educational attainment	Language spoken at home	
	Spanish	English-only
No schooling completed to 12th grade, no diploma	95%	5%
High school diploma to doctoral degree	96%	4%
Total	95%	5%

Figure 5. Arizona's Mexican-origin population of naturalized U.S. citizens age 25 and older by language spoken at home and educational attainment.

Note. Because the number of Mexican-origin Arizonians in the sample who are naturalized U.S. citizens and who speak English-only at home is so small ($N = 187$), the increase in Spanish over English-only along with increasing educational attainment levels for this group is not definitive.

Educational attainment	Language spoken at home	
	Spanish	English-only
No schooling completed to 12th grade, no diploma	93%	7%
High school diploma to doctoral degree	96%	4%
Total	94%	6%

Figure 6. Arizona's Mexican-origin population of non-U.S. citizens age 25 and older by language spoken at home and educational attainment.

degree, reflecting the likelihood that higher proportions from this group obtained schooling in Mexico whether or not additional schooling was also obtained in the United States. Although these findings are limited due to the small number of persons in the sample who only speak English at home, PUMS data show that how education interacts with language spoken at home can partly depend on where the schooling was received and further show the complexity involved when relating educational attainment levels with language spoken at home.

The complexity increases when considering Mexican-origin non-U.S. citizens in Arizona. For Mexican-origin non-U.S. citizens age 25 and older in the sample who entered the United States prior to age 20 ($N = 3,068$), 94% of those with an educational attainment level less than high school graduation speak Spanish at home; unlike the case with naturalized U.S. citizens, the percentage who speak Spanish at home increases (to 96%) for non-U.S. citizens who entered the United States prior to age 20 and who have an educational attainment level of high school diploma to doctoral degree, despite the likelihood of an increase in the proportion of persons who subsequently obtained degrees in the United States under English-language instruction. This finding limits the extent of country where schooling was received as an indicator of language spoken at home and points to other underlying factors.

As for non-U.S. citizens who entered the United States at age 20 or older ($N = 7,025$), the rates for language spoken at home match those for naturalized U.S. citizens: 93% of those with an educational attainment level less than high school graduation speak Spanish at home; like the trend with naturalized citizens, the percentage who speak Spanish at home increases to 96% for those with a high school diploma to doctoral degree (see Figures 7 and 8). PUMS data thus show that for those who entered the United States at the age of 20 years or older, the rates for speaking Spanish versus English-only at home are the same for non-U.S. citizens and naturalized U.S. citizens.

Besides showing that higher educational attainment levels do not automatically signify increased likelihoods of speaking only English at home and that U.S. citizenship does not categorically translate to increased likelihoods of speaking only English at home, this PUMS data show that for naturalized U.S. citizens and non-U.S. citizens alike with an educational attainment level of less than high school graduate, the percentage of those who speak Spanish at home is surprisingly greater for those who entered the United States prior to age 20 than it is for those who entered at 20 years or older: 97% versus 93% for naturalized U.S. citizens and 94% versus 93% for non-U.S. citizens.

Lastly, the PUMS data show that for those with a high school diploma or greater, the percentage who speak Spanish at home is about the same whether they are naturalized U.S. citizens or non-U.S. citizens and whether they entered the United States prior to age 20 or at age 20 or older: 95% for naturalized U.S. citizens who entered the United States prior to age 20, 96% for naturalized U.S. citizens who entered the United States at age 20 or older, and 96% for non-U.S. citizens whether entering the United States prior to age 20 years or at age 20 or older.

Approximate age at U.S. entry ^a	Educational attainment	Language spoken at home	
		Spanish	English-only
-1 to 19 years of age	No schooling completed to 12th grade, no diploma	97%	3%
	High school diploma to doctoral degree	95%	5%
	Total	96%	4%
20 years of age and older	No schooling completed to 12th grade, no diploma	93%	7%
	High school diploma to doctoral degree	96%	4%
	Total	94%	6%

Figure 7. Arizona's Mexican-origin population of naturalized U.S. citizens age 25 and older by approximate age at U.S. entry, educational attainment and language spoken at home.

Note. Because the number of Mexican-origin Arizonians in the sample who are naturalized U.S. citizens and who speak English-only at home is so small ($N = 187$), the increase in Spanish over English-only along with increasing educational attainment levels for this group is not definitive.

^a We subtracted the estimated year of birth from the year of entry into the United States to determine an approximate age at U.S. entry. Because the Public Use Microdata Sample includes respondent's age and not year of birth, the exact year of birth can only be approximated; therefore, when subtracting the estimated year of birth from the year of U.S. entry, values of -1 and greater were considered valid. For example, a respondent with a reported age of 20 years in 2000 could have been born in 1979, if the age was reported prior to the person's 21st birthday in 2000, or the respondent could have been born in 1980, if the age was reported after the person's birthday for that year. In our analysis, we subtracted age from 2000 to approximate a year of birth. In this example, the estimated year of birth would be 1980; however, a 1979 year of entry to the United States would be a valid entry year for this person, and he or she would be included in our table since his or her approximate age at U.S. entry would be calculated as -1 (1979, or year of entry, less 1980, or estimated year of birth).

Approximate age at U.S. entry ^a	Educational attainment	Language spoken at home	
		Spanish	English-only
-1 to 19 years of age	No schooling completed to 12th grade, no diploma	94%	6%
	High school diploma to doctoral degree	96%	4%
	Total	94%	6%
20 years of age and older	No schooling completed to 12th grade, no diploma	93%	7%
	High school diploma to doctoral degree	96%	4%
	Total	94%	6%

Figure 8. Arizona's Mexican-origin population of non-U.S. citizens age 25 and older by approximate age at U.S. entry, educational attainment, and language spoken at home.

^a We subtracted the estimated year of birth from the year of entry into the United States to determine an approximate age at U.S. entry. Because the Public Use Microdata Sample includes respondent's age and not year of birth, the exact year of birth can only be approximated; therefore, when subtracting the estimated year of birth from the year of U.S. entry, values of -1 and greater were considered valid. For example, a respondent with a reported age of 20 years in 2000 could have been born in 1979, if the age was reported prior to the person's 21st birthday in 2000, or the respondent could have been born in 1980, if the age was reported after the person's birthday for that year. In our analysis, we subtracted age from 2000 to approximate a year of birth. In this example, the estimated year of birth would be 1980; however, a 1979 year of entry to the United States would be a valid entry year for this person, and he or she would be included in our table since his or her approximate age at U.S. entry would be calculated as -1 (1979, or year of entry, less 1980, or estimated year of birth).

Discussion: Does Arizona Legal, Language, and Education Policy Offer Equal Protection, Based on Census Data?

Having presented an in-depth description of pertinent Arizona demographics and language-related figures using the Arizona 5% PUMS from the 2000 U.S. Census, we consider some of the state's current legal, language, and education initiatives before posing some important questions that may help lead to policy improvement in Arizona.

Many of Arizona's current legal, language, and education initiatives seem questionable when considered against a backdrop of the state's demographics and the language-related figures presented here. The inconsistencies between population figures and the state's legal, language, and education policy priorities may signal hostility towards the Mexican origin population in the state.

Our aim in this study was to more fully characterize the Arizona population to assist in improving policy in the state. Arizona's lawmakers and courts have insufficient understanding of the relationship between language, race, ethnicity, and culture, which has led to underprotection of the civil rights of the Mexican-origin population and, specifically, of native speakers of Spanish. Arizona PUMS data show the preeminence of Spanish as the language spoken at home among the state's Mexican-origin population and show this population to be the largest ancestry group in the state; therefore, PUMS data suggest that large portions of both the Mexican-origin population in the state and the Arizona population as a whole are vulnerable to having underprotected civil rights.

Arizona PUMS data furthermore show that large portions of the Mexican-origin population in the state are citizens of the United States with rights fully guaranteed by the U.S. Constitution. The myth that portrays Mexican-origin persons as immigrants also serves to create and privilege a mythical (non-Hispanic) White American way of life, which is somehow more American than the experience of Americans of Mexican origin, and in which the influence of Mexican culture is invisible or plays a supporting role. Mexican-origin persons are framed as non-native to this country, and the culture of Americans of Mexican origin, which includes use of the Spanish language, is framed as being foreign and somehow different from American culture, despite a shared lived experience. And, generally speaking, "the law" in the United States and in Arizona, specifically, has not provided equal protection or allowed equal participation in this manufactured White American way of life, particularly in regard to language and education.

The degree to which American law has created and maintained White privilege can be demonstrated in many ways and is beyond the scope of this paper; however, for example, the Naturalization Act of 1790 extended naturalized United States citizenship only to "free white persons" (1st Cong. Ch. 3, 1 Stat.

103). The racial qualifications for naturalized citizenship were not repealed until 1952. Also, the Civil Rights Act of 1866, the predecessor of the 14th Amendment (U.S. Constitution, 1868), guarantees to all persons the same legal rights as those “enjoyed by white citizens” (39th Cong. Ch. 31, 14 Stat. 27); in other words, whiteness is the norm for equality. The notion of equal protection based on whiteness does not protect Spanish speakers from language discrimination since persons labeled White and not Hispanic rarely encounter language discrimination in the United States. Similarly, laws and constitutional provisions in Arizona require all state officers and legislators to read, write, speak, and understand the English language sufficiently well to conduct office without an interpreter; for instance, the following is from the Arizona Constitution: “The ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter, shall be a necessary qualification for all State officers and members of the State Legislature” (Art. 20, § 8, 2004). All county officials must be “able to read and write the English language” (County Officers, General Provisions: Qualifications, A.R.S. § 11–402, 1956, 2004), and electors and voters must be able to read the U.S. Constitution in English unless prevented by physical disability (Qualification and Registration of Electors, Qualifications for Registration: Qualifications of Registrant; Definition, A.R.S. § 16–101, 1956). In legal proceedings, jurors must understand English (Jurors, Qualification and Exemptions: Qualifications, A.R.S. § 21–201, 1956) and legal notices must appear in English-language newspapers: “When publication of a notice in a newspaper is directed or authorized by law, it shall be in a newspaper of general circulation printed in English” (Printing and Publication, Contract for Printing: Publication of Notice; Time; Place, A.R.S. § 39–204, 1956, 2004). In education, the Arizona Constitution dictates that all public schools be conducted in English: “Provisions shall be made by law for the establishment and maintenance of a system of public schools which shall be open to all the children of the State and be free from sectarian control, and said schools shall always be conducted in English” (Art. 20, § 8, 2004). Special programs of bilingual instruction, provided in the first three grades, were permitted as an exception under a law that was adopted in 1969 and subsequently repealed (A.R.S. § 15–202, Supp. May 1969).

In November 2000, Arizona voters approved Proposition 203, an initiative that requires public schools to use specific methods for English-language instruction. A.R.S. § 15–751 through 15–755 require that “all children in Arizona public schools shall be taught English by being taught in English and all children shall be placed in English-language classrooms” (English Language Education for Children in Public Schools, A.R.S. § 15–752, 2004). In addition, students who are English language learners must, with limited exceptions, be

educated in “sheltered English immersion during a temporary transition period not normally intended to exceed one year” (A.R.S. § 15–752, 2004).

After Arizona voters approved Proposition 203, the legislature enacted a measure that addresses the responsibilities of the Arizona State Board of Education and the State Department of Education (English Language Education for Children in Public Schools, A.R.S. § 15–756, 2004). This legislation was enacted to comply with *Flores v. Arizona* (2000), which establishes the state’s responsibilities under the federal Equal Educational Opportunities Act (2004).

There have been many vague and ambiguous issues surrounding the statutes that implement Proposition 203, including whether the establishment of guidelines is within the state school superintendent’s authority, what constitutes “good English language skills” for waivers (English Language Education for Children in Public Schools, A.R.S. § 15–753, 2004), what constitutes structured English-language immersion, what tests are used to determine eligibility for waivers, and who has the authority to select tests. (These issues have brought about more statutes and several attorney general’s opinions to date.) At this point, the guidelines for implementing Proposition 203 are within the superintendent’s statutory authority.

Much confusion and hostility exist in Arizona schools related to language issues and implementation of Proposition 203. For example:

1. Teachers are afraid they will be disciplined or terminated if they speak to a child in Spanish at any time. In fact, teachers at a school in the Isaac Elementary School District were asked by the principal to keep Spanish out of the cafeteria, hallways, and playground at recess. The principal and the district superintendent believed that the spirit of Proposition 203 decreed that no Spanish could be spoken at school under any circumstance (Galehouse, 2002), when in fact, teachers and students are allowed to use Spanish for non-instructional purposes.
2. In April 2004, the Roosevelt School District was admonished by a State Department of Education employee that to conduct a Spanish spelling bee was against the law: “For kids that are just learning English, they should be just learning English” (Wingett, 2004).
3. In April 2003, a teacher allegedly slapped students for speaking Spanish at school: “[A] school district investigation said she hit and slapped students for speaking Spanish in class. . . . [The teacher] told district investigators that she was enforcing the district’s English immersion program” (Ryman, 2004).
4. A study conducted in Tucson, where many English language learners were forced into all-English instruction, showed signs of trauma (e.g., depression, fear of school, crying, and acting out at school and at home) among these students (Jiménez, 2004).

Researchers, academics, and lawmakers have a compelling responsibility to understand and contribute to the solutions to these issues and understand implementation policies and procedures. We pose some important questions that may lead to policy improvement in the state:

1. Why in Arizona do we continue to not educate many Mexican-origin students effectively when we know how?
2. What is behind efforts that question the legitimacy of Mexican-origin persons as Americans?
3. Since Spanish is so prevalent among Mexican-origin persons, with the vast majority not enrolled in school, are efforts to stamp Spanish out of schools masked efforts to deny education services to Mexican-origin persons and garner resources for English monolinguals?
4. Why are Mexican-origin students held back in schools more often than their peers?
5. Why are Mexican-origin students overrepresented in low-ability groups and classes and underrepresented in gifted and college preparation classes?
6. Should language discrimination be considered part of racial or ethnic discrimination for civil rights and equal protection purposes?
7. Have *Brown v. Board of Education* (1954) and *Lau v. Nichols* (1974) been effective in providing equal educational opportunities for Spanish-speaking children?

Conclusion

In summary, how can we say that *Brown v. Board of Education* (1954) and the Equal Protection Clause of the 14th Amendment (U.S. Constitution, 1868) have provided equality of opportunity when, today, Mexican-origin persons are more segregated by race or ethnicity, poverty, and language than any other ethnic group? Many U.S. laws in general and state laws in particular are hostile to the ever-increasing Mexican-origin population in spite of the census figures presented here. It is important for courts to recognize the crucial relationship between language and race or ethnicity. The courts and legislatures should also recognize that any state action that regulates the languages of education, such as the prohibition or curtailment of bilingual education, denies equal protection to students who learn best in native languages other than English, and any regulation that denies equal, effective education should be found to violate the Equal Protection Clause. Arizona's Proposition 203 and similar initiatives do not have a legitimate legal basis and do not accomplish legitimate goals.

References

- Arizona Constitution, Art. 20, § 8 (2004).
- A.R.S. § 15–202 (Supp. May 1969).
- Brown v. Board of Education, 349 U.S. 294 (1954).
- Civil Rights Act of 1866, 39th Cong., Sess. 1, Chap. 31, § 1 (1866).
- County Officers, General Provisions: Qualifications, A.R.S. § 11–402 (1956,2004).
- English Language Education for Children in Public Schools, A.R.S. § 15–751–§ 15–756 (2004).
- Equal Educational Opportunities Act, 20 U.S.C. § 1703 (2004).
- Flores v. Arizona, 172 F. Supp. 2d 1225, 1238 (D Ariz. 2000).
- Galehouse, M. (2002, August 19). School tells teachers to speak English only. *The Arizona Republic*. Retrieved February 7, 2005, from <http://www.asu.edu/educ/eps/LPRU/newsarchive/Art845.txt>
- Jiménez, A. (2004, April). *Conditions for students with post-Prop. 203 classrooms in a Tucson elementary school: Are schools prepared? Is this right for the children?* Paper presented at the Language Minority Education Research Roundtable of Arizona, Tempe.
- Jurors, Qualification and Exemptions: Qualifications, A.R.S. § 21–201 (1956).
- Lau v. Nichols, 414 U.S. 563 (1974).
- Naturalization Act of 1790, 1st Cong., Sess. 2, Chap. 3, § 1 (1790).
- Printing and Publication, Contract for Printing: Publication of Notice; Time; Place, A.R.S. § 39–204 (1956,2004).
- Qualification and Registration of Electors, Qualifications for Registration: Qualifications of Registrant; Definition, A.R.S. § 16–101 (1956)
- Ryman, A. (2004, January 30). Hispanic group files complaint about teacher. *The Arizona Republic*. Retrieved February 8, 2005, from <http://www.asu.edu/educ/eps/LPRU/newsarchive/Art3351.txt>
- U.S. Census Bureau. (2000). *Census 2000*. Retrieved February 7, 2005, from <http://www.census.gov>
- U.S. Census Bureau. (2003a). *Census 2000, public use microdata sample, United States*. Washington, DC: Author.
- U.S. Census Bureau. (2003b). *Census 2000, public use microdata sample, United States, technical documentation*. Washington, DC: Author.
- U.S. Constitution, 14th Amendment (1868).

Wingett, Y. (2004, April 16). Spanish spelling bee may violate state law. *The Arizona Republic*. Retrieved from <http://www.asu.edu/educ/eps1/LPRU/newsarchive/Art3887.txt>

Endnote

¹ German was indicated as second ancestry by 21% of the 57,744 persons in the sample reporting a second ancestry. (A single ancestry was reported by 155,806 persons in the sample.) Combined, 39,072 persons in the sample reported German as their first or second ancestry. In comparison, those reporting a first or second ancestry for Mexican, Mexican American, Mexicano, Mexican State, Chicano, or Mexican American Indian numbered 47,721.

