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Race and Ethnicity in American Politics
3/1/15

Issue Brief: Latinos and the First Amendment

Title: Freedom of Language: Hispanic's Fight for Cultural Equality

Keywords: Freedom Speech, Latino, Spanish v English language barrier, discrimination, illegal immigrants, de facto language, melting pot

Description: My goal is to see if freedom of speech is stable for all ethnic barriers. In certain situations freedom of speech is not stable and this cannot be enforced by federal courts, and my other goal is to explain why.

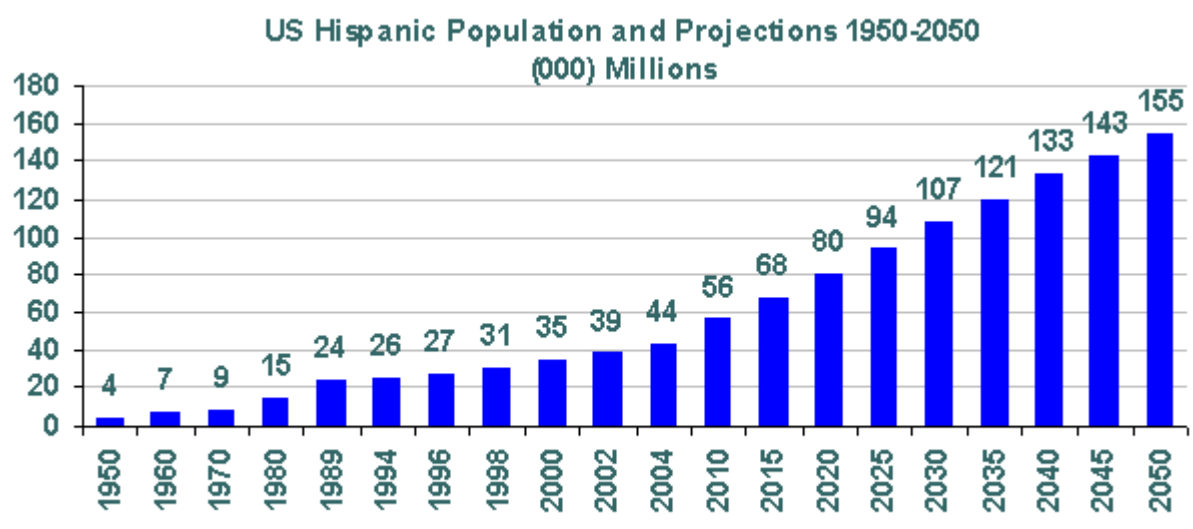
Key Points:

1. Turner School District 2005-2006 School year teachers and administrators allegedly prohibiting Hispanic students from speaking Spanish on school premises
2. Rubio was told by teachers not to speak Spanish at lunchtime
3. When Rubio spoke Spanish later again in the hallways a teacher sent Rubio to an administrator who suspended him
4. The principal allegedly told the Hispanic student "If you want to speak Spanish, go back to Mexico"
5. Perez v Fay – Mother who lost kid in custody situation was not allowed to speak to the kid in Spanish as ordered by one judge
6. Supervised visits only and the court ordered these visits to be solely in English

Images:



-Hispanicization of America



Source: Synovate, U.S. Census Bureau

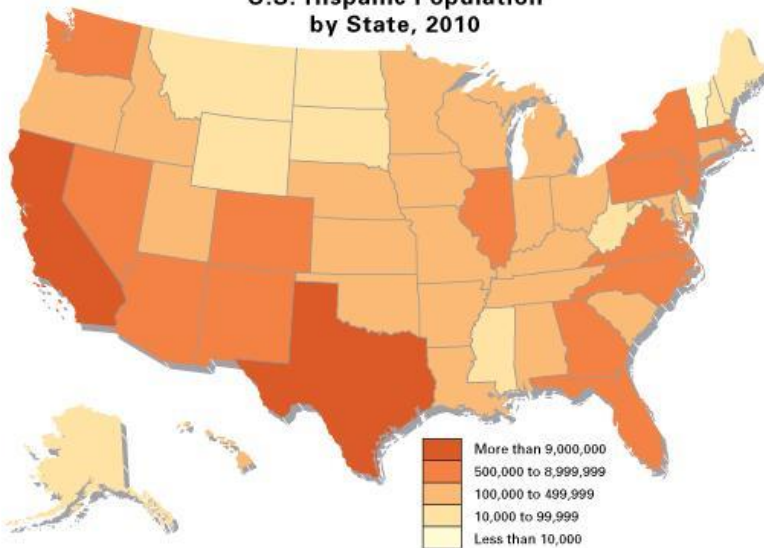


- "Melting Pot"



Hispanic Americans

U.S. Hispanic Population by State, 2010



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Source: U.S. Census Bureau, Census 2010

Brief:

The recent migration of Hispanic immigrants over the past four decades has caused the United States to see some slander over the individual rights of language. The language barrier between English and Spanish has smeared the “melting pot” idea that America was founded on. In fact, there are some cases that have come about that demonstrate how this language barrier not only destroys cultures from melting together but it also becomes a form of discrimination towards the Hispanic population in America.

In the 2005-2006 school year, the first amendment was not upheld by the Turner Unified School District which decided to enforce an unconstitutional policy amongst one of its students. That student's name was Z. Rubio, a Mexican-American student, who was allegedly speaking Spanish on school grounds. But is speaking Spanish on public school grounds a crime? According to the principal of the school “If you want to speak Spanish, go back to Mexico” and to him this was a crime. Because of the “crime” Mr. Rubio committed he was punished for his wrongdoing with a suspension. This suspension led to the *Rubio v. Turner Unified School District* in which Rubio's father took the school district to court. The courts eventually took in favor of Rubio and came to the conclusion that the school had no authority to suspend a student for speaking Spanish because that would be against the first amendment.

Another case that demonstrates how recent these issues have come is in December 2012 when Paola Perez was under court custody ruling only allowed to have supervised visits with her kid; but, she also was prohibited from speaking Spanish to her child during these visits. This could law could be issued without problems because in the court system when a parent is granted custody the other parent must abide to some rules that both the court and the other

parent/attorney come to. Later the courts overruled this order by pronouncing they did not have the power to control the language spoken between parent and child, and also announcing that if the parent was not to be allowed to speak Spanish to the child it would have needed to be discussed by all parties prior.

The issues seen here are acts against the constitutional bill of rights first amendment allowing all citizens freedom of speech. It is a strange incident in a public school system where an administrator discriminates one of their students just for speaking Spanish on school property. As well, a mother being forbidden by the court system to speak Spanish to her child is also opposing rights proposed in the bill of rights. Both cases seem to be driven from discriminatory ideals where people in power overuse their abilities and try to enforce rules that go firmly against the foundation of all citizen rights. The de facto language of America has been English since its construction, but if America is supposed to be a “melting pot” of cultures then why is this true? America has decided to elect English as a national language and discriminate against all opposing languages and cultures. This has caused numerous issues to all nationalities but because of the mass immigration of Hispanics, and the idea of illegal immigrants coming from Mexico, this has impacted Hispanics the most. The issues caused from these discriminating ideas are disturbing. Knowing that Americans’ are supposed to be known as the land of freedom where everyone is in a melting pot of races and ethnicities. However, when it comes to the freedom that supposedly comes with the territory is an illusion. The freedom of individuals has been challenged over time through oppression, discrimination, and power hungry individuals taking away others rights.

The cases of Rubio v. Turner School District as well as Perez v. Fay are both issues of discrimination implemented by people of higher power, and issues in which the first amendment is in opposition with the produced consequences of these high powered actors. The immigration of Hispanics into America has caused tension around the border but also within our everyday lives. The discrimination that has been apparent due to the language barrier is partially because America has decided to elect English as its de facto language, and because there is a negative connotation against those who speak Spanish, because of the mass immigration, legal and illegal, that has been occurring over the past forty years.

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