

Issue Brief: Native American Language Rights

Keywords: Native American, language, Voting Rights Act of 1965, Amerindian, First Nation, Native American Languages Act of 1990/1992, Native American Language Preservation Act of 2006

Description: This brief will discuss the status of Native American languages within both social and legal contexts.

Key Points:

- Amerindian languages belong to 25-30 small language families which differ widely.
- There are roughly 150 Amerindian languages in the USA, with the majority of people falling within a handful of languages.
 - These include: Navajo – 178,015; Dakota – 20,480; Yupik – 16,910; Cherokee – 16,395; Apache – 13,265; Choctaw – 11,390 and Keres – 11,215 (all the ones above 10,000 speakers)
- The Voting Rights Act of 1965 allows for proper representation of Amerindian languages at the polls.
- The Esther Martinez Native American Language Preservation Act of 2006 provides funding for the tribal communities that have implemented language survival schools.

Issue Brief:

Native Americans face today the possibility of their traditional ways of life disappearing, and as such they are waging a constant battle in an effort to preserve their cultures and histories as the native peoples of this land. Language, of course, is an integral part of any culture, thus in efforts to keep a culture alive, the conservation of traditional language is one of the primary goals. The attempts at lingual preservation are visible in legislation intended to ensure the continued existence of indigenous languages and in social pressures from within to ensure that the languages stay a living and prolific part of their respective cultures.



There are two major pieces of legislation which address this issue – The Voting Rights Act of 1965, and The Native American Languages Act of 1990 and the NALA of 1992. The former was enacted in response to the discriminatory voting practices which left many minorities effectively disenfranchised. The way in which this bill battled the issue of de-facto disenfranchisement – as is relevant to this brief – is that it ensures that people who do not speak English at a level reasonably proficient enough to understand the ballot are able to receive ballots in the language of their choice. As there are around 300,000 speakers of Amerindian languages in the US, this clearly was a very important development in Native American language rights.

The Native American Languages Act of 1990 has important implications both politically and socially, for it outlines specific policy directives for the US in its treatment of Native American culture, and it highlights a change in the attitude of the US with respect to Native American culture. These policy directives include everything from broad-ranging statements like, “It is the policy of the United States to...preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages” SEC. 104. (1). to very specific statements like one which allows instructors of Native American languages to forgo federal teacher certification requirements in the event that acquiring said certification would hinder the ability of an otherwise qualified teacher to instruct in that field. The NALA of 1992 dealt largely with education and finance, promoting the cultivation of the languages in youth in several ways, such as funding programs which train adult speakers of a Native American language to train people in that language.

Named for linguist, storyteller, teacher, language rights activist, and cultural preservationist, Esther Martinez (a Tewa from New Mexico), the Esther Martinez Native American Language Preservation Act of 2006 provides funding and guidelines to language survival programs in Native American communities. This act focuses largely on ensuring that Native American languages stay alive through fostering fluency in youth through several measures, Native American language nests, Native American language survival schools, and Native American language restoration programs. Nests require instruction and child care for at least ten children below the age of seven for an average of five hundred hours a year, and instruction for their parents. Survival schools seek to make all their students fluent in a Native language, and require five hundred hours of

instruction for at least fifteen students in a Native language, math, science, and reading. Applicants for funding must have at least three years of experience running a nest, school, or restoration program. Restoration programs must operate at least one Native American language program available to the entire community they serve, must train teachers, and develop Native American language instructional materials.



<http://www.nativelegalupdate.com/2009/10/articles/obama-to-host-national-tribal-nations-conference-5-november-2009/>

Works Cited and Useful Web Resources:

- <http://www.native-languages.org>
- www.census.gov - (U.S. Census Bureau, Census 2000 Special Tabulation 224)
- http://avalon.law.yale.edu/20th_century/voting_rights_1965.asp
- <http://www.nabe.org/files/NALanguagesActs.pdf> - (National Association for Bilingual Education)
- <http://www.govtrack.us/congress/bill.xpd?tab=summary&bill=h109-4766> - (Esther Martinez, NALPA of 2006)
- <http://www.culturalsurvival.org/>