

**AB 781 (JEFFRIES)**  
Discrimination: Bilingual Hiring Requirements

May 12, 2009  
**Assembly Judiciary Committee**  
Room 4202 / 9:00 a.m.

Alice A. Huffman, President  
California State Conference of the NAACP

Good Morning Mr. Chairman & Committee Members.

I am Alice Huffman, President of the California State Conference of the National Association for the Advancement of Colored People (NAACP), and National Board Member.

I'm here today on behalf of California's 62 branches and 30 youth and college division units of the NAACP.

The NAACP was established 100 years ago this year to ensure the political, educational, social, and economic equality of rights of all persons, and, to eliminate racial hatred and racial discrimination.

So, to be clear, we did not sponsor AB 781 to be anti-immigrant or anti-any racial group of people. We did not come here to promote what some have spinned as an "English only" bill. We're here to stand on the fundamental principle that state-sanctioned discrimination is wrong.

Although we had several discussions with the opposition, and were not successful in getting suggested amendments that would protect our interests, we continue to be fully committed to working with the opposition for we truly see them as our friends.

We received quite a number of requests to avoid having this discussion publicly, but we feel that delaying such an important policy discussion would mean walking away from our responsibility to the NAACP members who brought compelling and legitimate grievances to our State Convention, and deserve to be heard.

Federal and state policy both express a commitment to improving the accessibility of government services to eligible LEP persons, however, we believe that California must strike a healthy balance in promoting equal access to government services, and preventing discrimination against job applicants who only speak English.

If AB 781 were to pass it would end discrimination against all monolingual job applicants in the public sector. In particular, it will ensure that African Americans, who have the highest unemployment, and who shed blood, sweat and tears in the fight to end discrimination against everyone, are not discriminated against.

In the committee analysis, our friends on the opposition side were quoted as saying that AB 781 seeks to address a problem that does not exist. But we strongly beg to differ; and we differ as a matter of principle. Like it or not, government sets the tone here.

A wide body of research provides all the evidence needed for anyone to know that the entire nation, especially California, has seen an increased demand for bilingual workers in the public and private sector.

This increased demand for bilingual workers has meant the increased prevalence of “bilingual preferred” and “bilingual strongly encouraged” to apply on job announcements, which automatically makes African Americans, Latinos, Asians and whites who only speak English – 2<sup>nd</sup> and 3<sup>rd</sup> tier candidates for jobs

Given the an increased demand for bilingual workers, state law fails to ensure that local and state government hiring practices do not have a disparate impact on equal employment opportunities, or, subject job applicants to discrimination based on race, color, religion, sex or national origin.

The vast majority of job seekers who only speak English, will readily admit to conceding to de facto discrimination when they see “bilingual preferred” on a job announcement.

The voluntary and involuntary relegation to 2<sup>nd</sup> and 3<sup>rd</sup> tier job candidate or non-candidate due to a lack of bilingual ability is particularly defeating for African Americans. That’s because African Americans are much less likely to be bilingual because of the impact of slavery, and many other economic, educational and social disadvantages. So, it is important to understand that a critical common denominator for African Americans to compete for job opportunities in California, and throughout this country is the English language.

When Dymally-Alatorre was passed in 1973, affirmative action laws were in place to help correct the impact of racial inequality and discrimination in America. And just in case it hasn’t been made clear, the NAACP supports Dymally-Alatorre.

Nevertheless, as this committee considers AB 781, it must take the following into account: Prop 209 removed the preferences and inclusionary goals that protected opportunities for all people of color in California, but Dymally-Alatorre remained to protect preferences only for the limited English speaking people of color.

Now, we don't want preferences removed, but we have to contend that removing preferences for one race, but keeping them in place for another is inherently wrong.

This committee has the duty to protect justice and equality for all Californians, so we urge you to do so by voting yes for AB 781.