1 Equality, Liberty, and Fairness in America

"All men are created equal" is the first "self-evident truth" of the Declaration of Independence. However, clearly they are equal only in their fundamental humanity, not in their physical attributes or mental talents. These natural differences create distinctions both rational and irrational. The law is called upon to regulate these distinctions, to ensure rationality while preserving liberty through the institutions of a democratic state.[1] Is distinction based on language natural and rational, or arbitrary and irrational? In the following pages we will examine the determination of legal and illegal distinctions, in national and international frameworks.

Distinction based on race and gender has been the primary focus of rights in the United States. The Fourteenth and Fifteenth Amendments, so crucial to our notions of equality, were added to the Constitution in the first years after the Emancipation, shortly after the Civil War, to address the rights of African-American former slaves. But other targets of discrimination have always been part of our history. America is the land of Manifest Destiny and a land of

[1] Liberty is one of the three unalienable rights according to the same Declaration of Independence; the others being life and the pursuit of happiness. As these rights are described as exemplary but not an exhaustive list, others are imaginable. Life was considered unalienable because it is our moral duty to protect a gift of God. The right to property is a means to preserve life. Liberty is unalienable because it is our moral duty to make judgments. Without the free will to do so, we cannot be moral beings. Freedom of speech is the means to making moral judgments. Liberty then is defined as "freedom from all substantial arbitrary impositions and purposeless restraints" (*Poe* v. *Ullman* 1961, Harlan dissent at 543). Paul and Pauline Poe, a married couple that had suffered through the birth of three congenitally deformed children who died shortly after birth, asked the court to rule unconstitutional Connecticut's ban on contraceptives. Justice Harlan defined liberty in the context of this intrusion into the intimacy of marriage.

The pursuit of happiness is not individual license but rather the framework for constitutional government, the goal of the social contract. As James Wilson put it at the Pennsylvania Convention, the state of nature provides happiness only to a small minority of people, so constitutional government was necessary to promote the greatest happiness for the greatest number: "each gains more by the limitation of the freedom of every other member, than he loses by the limitation of his own. The result is, that civil government is necessary to the perfection and happiness of man" (cited in Charles 2011, 484). John Adams (1781) explained that "happiness did not embody an individual natural right, but a democratic principle of representation" (cited in Charles 2011, 496). For further discussion of these questions, see Haakonssen (1991).

immigrants. The history of discrimination against speakers of other languages, against speakers of other varieties of English, and of restrictions on certain types of English is as old as European settlement of the continent.

The percentage of Americans born on foreign soil is today at its highest level in over a century.[2] Today, 60 million Americans – more than 20 percent of the population – speak a language other than English at home, and more than 13 million speak English "less than well" (in self-reported census responses).[3]

The triumph of English has been taken for granted, even though English speakers were not dominant in the earliest period of colonization. Even when English became dominant in the thirteen colonies, the rest of the territory that would become the United States was populated mainly by Native Americans and by speakers of French and Spanish. The expansion of the United States was accompanied by anglicization or marginalization of non-English speakers. Territorial expansion favored policies encouraging immigration, while at the same time fanning the xenophobia of the already established English-speaking populations. Each new wave of immigration is subjected to the same prejudices that the older waves endured, often by those whose grandparents suffered the same indignities, and inter-ethnic tensions sometimes work against their general interest:[4] the first lessons learned by victims are how to victimize and how to exploit victimhood.[5] Victimhood conflicts with the American ideology of recreating oneself, of overcoming all odds to succeed, of making no excuses.

[2] The United States Census Bureau estimated (2011) a Limited English Proficient population of 25.3 million (9.2 percent of the population). Those who self-identify as "Hispanic or Latino" constitute 17.2 percent of the population. Of course, not all who self-identify as Hispanic or Latino speak Spanish. No accurate statistics of (or indeed definitions of) speakers of non-standard English are available.

[3] Almost 21 percent of the population, 60.5 million, spoke a language other than English at home. A broad array of language statistics can be found in "Language Use in the United States: 2011," a Bureau of the Census report by Camille Ryan (August 2013). This number reflects only those over five years of age. The full report can be consulted at www.census.gov/prod/2013pubs/acs-22.pdf. The history of immigration and language use will be discussed in much more detail in subsequent chapters.

[4] See, for example, Zimmerman (2002), who documents how other ethnic groups sometimes cooperated to stop German-language teaching, even to the detriment of the teaching of their own native languages. Similarly, Germans in Buffalo blocked efforts by Poles to have Polish taught in the public schools, though the German community had successfully lobbied for the teaching of German a couple generations earlier (Seller 1979, 52).

[5] James R. Barrett (2012) has demonstrated how the Irish, as one of the first mass immigrant groups, showed subsequent immigrant groups how to navigate the American system. One way is to victimize the newer arrivals: Zimmerman (2002, 1389) cites the Irish tactics to block instruction in German, starting in the 1870s, by demanding equal opportunity for Gaelic, despite the widely different sociolinguistic status of the two languages. Another of those means is to encourage a sense of group solidarity through an ideology of victimhood, a status that certainly has real roots in history and in contemporary America. It can also serve tactical purposes. See, for example, Jensen (2002) on the history of "No Irish Need Apply." For a more general study of how prior experience does not translate into empathy, see Ruttan, McDonnell, and Nordgren (2015), who conclude that "previously enduring an emotionally distressing event led to more

This ideology of mutability is an essential part of the American dream, the ability to make a fresh start in the New World. No aspect of our being is less mutable than our appearance, commonly interpreted as race. No aspect of our being is more mutable than our language. Therefore, it is not surprising that language per se has been the least protected aspect of discrimination law in the United States.

Race is the most common ground for protection because it combines immutability[6] with the harsh history of enslavement and Jim Crow. The initial measures taken against discrimination aimed specifically to protect African-Americans and to remediate the continuing effects of slavery in the former states of the Confederacy. However, these legal instruments have had repercussions far beyond that geographic and historic focus. The official protections enumerated in constitutional amendments and in Civil Rights Acts from Reconstruction to the present have grown to include race, color, sex, religion, and national origin. At the state level, in other parts of the world, and in universal declarations of rights, a number of other classifications, including language, are given equal consideration. But at the federal level in the United States pluralism fatigue has set in (see Yoshino 2011), the list of protected groups remains unchanged, and white English-speaking males are claiming victim status.

Language has proven to be a significant barrier to ideals of equality, fairness, and justice. The plaintiffs in the cases we will study were not always successful, but their efforts bear witness to the range of issues where language intersects with these fundamental notions. These principles require rational distinctions rather than irrational discrimination.

Discrimination

Discrimination is irrational because it does not depend on the qualities of the individual but rather on prejudice against the individual as a member of a group. Individuals have to be associated with a group to qualify for protection, but their rights are individual. Illegal discrimination supposes an adverse effect against an individual motivated by an irrational criterion related to that individual's membership in a protected group. An adverse effect must be proven, along with the existence of the protected group, and then discriminatory intent or discriminatory impact that demonstrates the relationship of that irrational basis to a protected group. Not all adverse effects constitute illegal discrimination. Some rights can and do conflict with others. Legitimate state

negative evaluations of those who failed to endure a similar emotionally distressing event" (2015, 619).

[6] We set aside for the moment the extensive scholarly literature on physical and social definitions of race.

interests and *bona fide* business needs might justify actions that appear discriminatory. Subsequently, the definition of rational and irrational groupings has taken center stage.

The foundations of antidiscrimination law in the United States are the Fifth, Fourteenth, and Fifteenth Amendments to the Constitution, the Civil Rights Acts of the Reconstruction Era and again after World War II, and the Voting Rights Act of 1965. Since the 1970s, prevailing majoritarian social attitudes, reflected in court decisions, have turned antidiscrimination law on its head: now it frequently serves to protect the privileges of white English-speaking males. Proving discrimination has grown more and more difficult, while the legal grounds for rejecting positive antidiscriminatory programs such as affirmative action have grown easier and easier.

Language can be a discrimination issue: one irrational basis among many for exclusion or adverse action. Language can only exist as a group dynamic (you need to speak your language with someone who understands it), so language rights are inherently group rights. However, language groupings are not coextensive with those traditionally recognized as eligible for protection in the United States: religion, race, color, sex, or national origin. Therein lies the complexity of protecting against discrimination based on language.

A Short History of Rights

The development of antidiscrimination rights was essentially a recognition of an inability to agree and a product of modern conceptions of the relationship between the individual and society. The first human right so conceived was freedom to practice one's religion, a mutable characteristic to be sure, but one which had to be protected from forcible change in order to maintain the peace. Freedom of religion came into being because Christendom, in the second half of the sixteenth century, was in the throes of an irreconcilable divorce. It is not irrelevant that the modernist insistence on the ability of the individual to interpret the Bible was a key point of dispute. After more than thirty years of reciprocated massacres in France, the Edict of Nantes was proclaimed in 1598. Through this limited decree Protestants were to be tolerated, in a paternalistic sense, but did not have equal rights with Catholics, and other religions had no protection at all.

When seventeenth-century philosophers, such as Spinoza and Locke, took up the question, true reciprocity was envisioned, and from reciprocity emerged the universality of certain freedoms. This reciprocity, and the universality of its application, was the result of a new way of conceiving the state. Political structures were no longer seen as a matter of divine authority and providence, but rather as dependent on human reason and free will under a social contract between the individual and the state.

Starting from this conception the state is both the guarantor of individual freedom of action and the biggest threat to that freedom. The state is the servant of the individual; in return, the individual recognizes certain responsibilities toward the state. The French Declaration of the Rights of Man and of the Citizen holds that the goal of political structures is the "conservation of the natural and imprescriptible rights of man."[7]

Under this formulation, the state is minimalist, so as not to interfere with the freedom of individuals, except where there is a conflict between these freedoms. By limiting the essential freedoms to liberty, property, and safety, or, in the American formulation, "the pursuit of happiness," the state does not have to involve itself in other domains.

Another formulation is possible, in which the state is given more obligations – education, feeding the hungry, providing shelter, clothing the poor, and protecting minorities from forced assimilation to the majority. If the basic material and spiritual needs of human existence are a concern of the state, the state has authoritarian, or even totalitarian, potential.[8] The proliferation of those needs ends only with death, as Hobbes recognized some 350 years ago.[9] We are a greedy species.[10]

If the state is the guarantor of rights, then citizens of the state have the first claim on such protections. Citizens have more rights than foreign residents, indigenous peoples more rights than immigrants. Not everyone benefits in the same way, creating a hierarchy of rights. Theoretically, at least, the equal protection of the law does not vary according to such status, but other types of equality do.

This division of rights is crucial for understanding the issues peculiar to language and the law. Indigenous-language speakers, subsumed into a state more or less against their will, have certain claims for using their languages that immigrants do not, having voluntarily chosen to move to their new home. Some rights supersede such classifications – the right to understand criminal

[7] "Le but de toute association politique est la conservation des droits naturels et imprescriptibles de l'homme. Ces droits sont la liberté, la propriété, la sureté et la résistance à l'oppression."

[8] See Mourgeon (2003, 27–30).

[9] Hobbes, *Leviathan* (1651, 47), Ch. 11:

> BY MANNERS, I mean . . . those qualities of man-kind, that concern their living together in Peace and Unity. To which end we are to consider, that the Felicity of this life consisteth not in the repose of a mind satisfied. For there is no such *Finis ultimus* (utmost ayme) nor *Summum Bonum* (greatest Good) as is spoken of in the Books of the old Morall Philosophers. Nor can a man any more live, whose Desires are at an end, than he, whose Senses and Imaginations are at a stand. Felicity is a continuall progresse of the desire from one object to another, the attaining of the former being still but the way to the latter . . . I put for a general inclination of all man-kind, a perpetuall and restlesse desire for Power after power, that ceaseth onely in Death.

[10] Friedman (2011) describes the expansion of these rights. His fundamental position is that talk of rights is the product of modern individualism, itself a product of economic liberalism (in the European sense), and that human rights promises have not been matched by performance.

proceedings, for example. Voting and education in immigrant languages are not necessarily protected: enforcement depends on, among other things, a certain established population density of speakers of the immigrant language.

The protection of a group can be approached in two ways: through the provision of a list of protected classes or as a general prohibition against irrational discrimination. The United Nations Charter (1945) followed the first route: it limited the classifications to race, sex, language, and religion. The United Nations' Universal Declaration of Human Rights (1948) then took the second route, treating the list as exemplary, not exhaustive. The initial wording of Article 2 of the Universal Declaration of Human Rights (1947) read

> Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

It was revised by the drafting subcommittee to "without *distinction* of any kind, such as race."[11]

The effect, in the final document (1948), was to de-emphasize the importance of the individual classifications, in favor of a general prohibition of irrational discrimination.

Discrimination itself has been defined by the UN Human Rights Committee in the following manner:

> Discrimination as used in the Covenant [*The International Covenant on Civil and Political Rights,* 1966] should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.[12]

The different types of adverse treatment (distinction, exclusion, restriction, or preference) are viewed both in their intent and in their impact, a distinction that will be crucial in the American context.

Universality. As a fundamental right, protection from discrimination is to be enforced (to the extent that any UN resolution is enforced) in all countries. Previous international treaties concerning rights had not applied universally. The League of Nations' "minority treaties," which focused heavily on language rights, were imposed on the new states created from the Russian, Austro-Hungarian, and Ottoman empires of Eastern Europe, but quite hypocritically they did not apply to the allied victors in World War I.[13]

[11] Skogly (1992, 62). The drafting subcommittee included Eleanor Roosevelt.
[12] This is included in General Comment no. 18 from UN document HRI/GEN/1/Rev. 3, p. 26, attached to the Covenant and cited in Alfredsson and Ferrer (1998, 8).
[13] For example, Eugène Muller, an Alsatian deputy in the National Assembly, cited the minority treaties in the hope of restoring German-language education in his region (speech

In his "four freedoms" speech of 1941, Franklin D. Roosevelt promoted the universality of rights by reiterating the phrase "everywhere in the world," seeking universal guarantees – the freedom of speech, the freedom of religion, the freedom from want, and the freedom from fear.[14] The proliferation of categories in the Universal Declaration of Human Rights was accompanied by the change in wording cited above that made the classifications indicative but not exhaustive.

Language as a Right in the International Tradition

To participate in the social contract, the parties must agree on the definition of essential terms. This is why Hobbes included a chapter on language early in the *Leviathan* (chapter 4)[15] and returned to the subject on many occasions. He acknowledged that the meaning of key terms such as "good" and "evil" can be twisted for self-centered purposes, looked to the sovereign to regulate meaning, and decried the adversarial common law approach to justice as a temptation to stretch or deform meanings.[16]

Agreeing on the definition of essential terms is hard enough if all speak the same language.[17] It becomes even more difficult if those supposedly participating in the social contract do not speak the same language. Some terms simply

delivered December 2, 1924). Similar complaints were coming from Breton, Flemish, Basque, and Occitan regions of France.

[14] Speech to Congress, January 6, 1941:

> In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression – everywhere in the world. The second is freedom of every person to worship God in his own way – everywhere in the world. The third is freedom from want – which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants – everywhere in the world. The fourth is freedom from fear – which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor – anywhere in the world . . . Freedom means the supremacy of human rights everywhere.

From the FDR library site: www.fdrlibrary.marist.edu/pdfs/fftext.pdf. The evolution of this part of Roosevelt's text can be followed at www.fdrlibrary.marist.edu/pdfs/ffdrafts.pdf.

[15] "In the right definition of names lies the first use of speech; which is the acquisition of science" (*Leviathan* 8, 22). This right definition is subject to human power relations, which also calls into question the traditional assertion of linguists that terms are "conventional." This is not to say that power is necessarily abused in imposing names, but it certainly can be. The naming of bills in the US Congress is a typical example, for example "The Defense of Marriage Act," which would deny the possibility of marriage to same-sex couples. Convention and the social contract are convenient fictions for those who already possess power.

[16] "A Pleader commonly thinks he ought to say all he can for the Benefit of his Client, and therefore has need of a faculty to wrest the sense of words from their true meaning" (Hobbes 1681, 6). For a discussion of Hobbes' view of the abuse of language, see Whelan (1981).

[17] See, for example, how Marine Le Pen, the leader of the Front National in France, has appropriated the terminology of the secular post-revolutionary state to her own xenophobic vision, documented in Alduy and Wahnich (2015). Thus, *laïcité* "secularism" is transformed from

do not translate,[18] and others are situated within different cultural contexts.[19] The historical references of different groups within the same nation oppose positive and negative interpretations of shared history and shared terms. One side's defining victory is the starting point for another's victimization, as demonstrated in Anglo and Hispanic perceptions of the Mexican–American War.

The social contract requires at least a pretense of mutual respect. The first sign of mutual respect is meeting linguistic difference halfway. The fatal failures of such respect inspired the "minority treaties" following World War I. Even though the minority treaties ultimately failed,[20] the recognition of the destabilizing effect of linguistic minorities led, after World War II, to a series of international treaties supporting the rights of linguistic minorities. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (both passed in 1966 and put into effect in 1976) protected the right of criminal defendants to an interpreter, gave parents the right to choose the language of instruction for their children, and prohibited laws or practices that would prevent linguistic minorities from using their language. In Europe, the Council of Europe, the European Union, and the Organization for Security and Cooperation in Europe (OSCE) have approved international instruments promoting the rights of linguistic minorities, culminating in the Charter for Regional or Minority Languages (Council of Europe 1992).

The Charter requires signatory countries to identify languages they will protect and to specify at least 35 areas and levels of protection from a menu of over 100 options. In 1994, the United Nations issued a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and another draft declaration on the Rights of Indigenous Peoples.

a neutral term against all religion in government to a weapon against one religion, Islam, and *racisme* "racism" is invoked only to evoke anti-white racism.

[18] The *Dictionary of Untranslatables* (Cassin 2014) provides many examples of incommensurable terms. Consider, for example, the notion of "free will," so essential to the political philosophy of democracy. The original Greek term (*eleutheria*) meant the ability to grow according to one's true nature, and importantly, surrounded by one's own people (i.e., within a homogenous group). The Latin translation, *liberum arbitrium*, emphasized freedom of choice. In the American context, it has been confused with lack of constraint, liberty in the sense of license to act, even to act irrationally.

[19] For cultural context contrast the difference between terms used in common law (the Anglo-American tradition) and those in civil law drawing on Justinian's code, but frequently combined with local customary law, as in Grotius' *Inleydinge tot de Hollandsche recht-geleertheyt* (1631) and the *Code Civil* in France (1804).

[20] The vast majority of the complaints submitted to the League of Nations were by German-speaking minorities in the newly formed states of Eastern Europe. The former oppressors became the oppressed. The inability of the League to enforce its rulings within the new nations was one of the factors used by Hitler to justify the annexation of the Sudetenland in 1938 and the invasion of Poland in 1939.

These efforts are frequently symbolic,[21] as no enforcement method exists, but have had some effect even in countries that have refused to ratify these treaties.[22] Some countries have created semi-autonomous zones for linguistic minorities, where government services can be provided in languages not recognized as official in the state as a whole (e.g., Basque and Catalan in Spain).

Even if the concrete results fall short of the rhetoric, the proliferation of such treaties, covenants, and conventions recognizes that inequality in the linguistic definition of fundamental terms – essential to the social contract – subverts equal participation in civil society. Is equality best served by a single standard language based on the majority culture, or by equal consideration for other languages and language varieties? The former conception offers a unifying goal but perpetuates historical inequalities, while the latter offers immediate participation but perpetuates division.

The American Tradition

In the United States, the Lockean conception of natural rights, divinely given to each individual, rights that transcended the power of the state, inspired the overthrow of British control of the colonies. After the Revolution, faced with creating a government, the successful rebels formulated a much more limited conception of rights.[23] The enumeration of rights in the Bill of Rights took responsibility for the granting of rights and their protection from God and gave it to the state.

Subsequently, in the American tradition, the promise of equality has been pursued through protected classification status granted to religion, race,[24]

[21] Often the expectation is that unspecified "measures" will be taken to "promote" the language rights of minorities. Typical is the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (1989, entering into force in 1991), which provides the escape of "wherever practical" to signatory countries.

[22] The passage of the European Charter inspired France to amend its constitution to include the statement "The language of the Republic is French" (1992). France has not signed the Charter, but it has created the Délégation Générale à la Langue Française et aux Langues de France (DGLFLF) which, while insisting on the primacy of French, seeks to support indigenous minority languages (Basque, Breton, etc.) as part of the cultural heritage of the French nation.

[23] See Breen (2001) for an interesting discussion of this transition. The Declaration of Independence states that all men "are endowed by their Creator with certain unalienable Rights." The white male colonists quickly realized the dangers, for their own privilege, of God-given rights. John Adams feared that "new claims will arise, women will demand a vote; lads from twelve to twenty-one will think their claims not closely attended to; and every man who has not a farthing will demand an equal vote with any other, in all the acts of the state" (cited in Breen 2001, 20–21, from a letter to James Sullivan, May 26, 1776).

[24] The definition of race has been an ongoing controversy, sometimes extended to national (e.g., Mexican-Americans in *Manzanares* v. *Safeway Stores* 1979) or religious groups (e.g., Jews in *Shaare Tefila* v. *Cobb* 1986), sometimes not (*Anooya* v. *Hilton Hotels* 1984). For further discussion, see Evren (1986).

color,[25] national origin,[26] and gender. The attempt to protect ever more classes is one of the contributing factors to what Kenji Yoshino (2011) has described as "pluralism anxiety." This anxiety pervades every country in the developed world – and many in the developing world – as they take in immigrants of diverse backgrounds and confront more openly than ever in the past the issues of diverse sexual identities. Language groups have never been a protected class in the American tradition.

The United States is, in this respect, in stark contrast to the evolution of rights, human and civil, in the Western tradition. Instead, in the United States, legislation and constitutional amendments have promoted equality through English-language uniformity,[27] the type of convergence Lawrence Friedman celebrates in his consideration of "human rights culture" (2011, especially pp. 120–130). However, what some consider the triumph of English-language uniformity perpetuates and reproduces inequalities in

[25] Color is often considered equivalent to race, but there is a distinction: lighter skin within a racial classification has often been preferred, but one of the few cases based on color alone considers the opposite situation. In *Walker* v. *IRS* (1990), the plaintiff alleged discrimination by a darker African-American against a lighter African-American. The court recognized that color was different from race and that intra-racial color discrimination claims could be pursued under Title VII of the Civil Rights Act of 1964. Nonetheless, color on its own has rarely been considered within legal history, and even more rarely has such an approach succeeded. In *Walker*, the court concluded that this case was simply a matter of personality conflict, not one of color discrimination.

[26] "Nationality" is protected in *Yick Wo* v. *Hopkins* (1886, at 369): "The Fourteenth Amendment to the Constitution is not confined to the protection of citizens . . . These provisions are universal in their application, to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality." Nationality refers to citizenship, however, not the national origin of citizens. "National origin" was a legal form of discrimination in immigration quotas established in 1924, applying to non-citizens who wished to enter the country. National origin of US citizens was not an issue in readmission to the country (*U.S.* v. *Wong Kim Ark* 1898). The expression "national origin" was first inserted into federal protections in the run-up to World War II, slightly earlier than in Perea's account (1994, 811–812), primarily in reaction to the exclusion of Italian-Americans from jobs in the defense industry. Steele (1991) outlines this development at the federal level, and Higbee (1966) at the state level (for New York).

[27] Even before independence Benjamin Franklin insisted on the pre-eminence of English: "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?" (*Observations Concerning the Increase of Mankind, Peopling of Countries, &c.*, first circulated in 1751, first published in 1755); in later editions of this essay, Franklin deleted the final two paragraphs, which contained his most virulently ethnocentric and racist comments. The full text of the essay is available at https://ia801405.us.archive.org/29/items/increasemankind00franrich/increasemankind00franrich.pdf.

DeWitt Clinton (1815, 8), himself of mixed Dutch-English descent, noted approvingly that four languages (English, Dutch, German, and French) had been widely used in New York, but at the time of his writing "[t]he triumph and general adoption of the english language have been the principal means of melting us down into one people, and of extinguishing those stubborn prejudices and violent animosities which formed a wall of partition between the inhabitants of the same land."