

Breaking the Code: Colorado's Defeat of the Anti-Bilingual Education Initiative (Amendment 31)

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Abstract

On November 5, 2002, Colorado voters gave Ron Unz and his anti-bilingual, English-immersion amendment (Amendment 31) its first defeat. On the same night, Question 2, a sister initiative in Massachusetts, passed by a wide margin. What happened in Colorado that enabled advocates for bilingual education and parent choice to prevail when those in other states could not? This study analyzes events from 2000 to 2002, during which time several English-only initiatives were proposed and defeated. Not only did Colorado voters defeat Amendment 31 in November 2002, but advocates in Colorado have defeated anti-bilingual initiatives no fewer than four times over the past 2 years. This article chronicles events, activities, and organizational developments that have contributed to the defeat of these anti-bilingual, anti-family, and anti-education proposals. Methods used in this analysis include informal interviews, document analysis, and expert interpretation. The study offers 10 findings in the form of "lessons learned" over the past 2 years that collectively contributed to the defeat of Amendment 31. The defeat of Amendment 31 in Colorado provides hope and evidence that Ron Unz, and others of his ilk, can be defeated. At the same time, the study ends on a cautionary note, for although a battle has been won, the war to protect the rights of children and their families rages on.

Introduction

On November 5, 2002, Colorado voters went to the polls and soundly defeated Amendment 31, officially titled English Language Education for Children in Public Schools (2002). However, the initiative was more commonly referred to in the media and public by the names “English Immersion Initiative,” “English for the Children Initiative,” or “Unz Initiative.” Colorado voters defeated Amendment 31 by a margin of 56% to 44% (Mitchell, 2002). The defeat of Amendment 31 in Colorado was the first time that a Ron Unz-sponsored English-immersion bill had been defeated in any state. Why was Colorado successful in defeating this anti-bilingual initiative when voters have passed similar initiatives by wide margins in California in 1998 (Proposition 227), Arizona in 2000 (Proposition 203), and Massachusetts in 2002 (Question 2)?

The following pages represent a summary and analysis of the campaign to defeat Amendment 31 in Colorado. It is important to note that this report is a firsthand account of the events that led up to the defeat of this onerous proposal. Further, each of the authors of this paper was deeply involved in the campaign, and three served on the board of directors of English Plus, the political action committee formed to defeat Amendment 31. All four of the authors served on the board of directors of Colorado Common Sense, a nonprofit organization that remains in existence to provide an educational campaign to prevent any future attempts to float amendments such as Amendment 31.

The authors’ analyses include document reviews, informal interviews with persons involved in the campaign, and analyses of media reports and campaign materials on both sides of the campaign. Collectively, these analyses are discussed in terms of “lessons learned” from the campaign. In defeating Amendment 31, we preserved local control and choice in Colorado schools, thus, the victory was important for all Colorado families—both language majority and minority.

Amendment 31: A Brief Summary

Amendment 31, if approved by the voters, would have required “children who are learning English be placed in an English immersion program that is intended to last for one year or less and, if successful, will result in placement of such children in ordinary classrooms” (English Language Education for Children in Public Schools, 2002, p. 1). As was the case with similar measures in other states, Amendment 31 would have replaced bilingual and English as a Second Language (ESL) programs with a 1-year “Sheltered English Immersion Program,” which was only vaguely defined in the amendment. The amendment purported to allow for parent waivers so that parents could choose to have their children continue bilingual or ESL classes. Parent waivers were to be

granted for children meeting any one of three conditions: (a) children who were already proficient in English, (b) children who were 10 years of age or older, and (c) children with special individual needs. As was the case in other states, the English-immersion initiative included clauses to allow parents to sue schools and teachers who violated terms of the amendment, while concomitantly denying these educators the right to third-party indemnification. Parents' right to sue regarding violations or damages suffered by their children would have been granted for a period of 10 years. Finally, the amendment required that a standardized, nationally normed written test of academic subject matter be given each year to all children in Grades 2 or higher who were English language learners.

Without a doubt, much will be written about the contents of Colorado's Amendment 31. Moreover, researchers in our field will likely spend the next few years comparing the contents of Amendment 31 to similar propositions in other states. Such analysis and comparison is beyond the scope of this article. The above description is provided solely for the purpose of giving the reader an overview of the contents of the amendment and to demonstrate its similarity to amendments that have been approved in other states.

It should be noted that Colorado's Amendment 31 differed from measures in other states in several ways. First, legal opinions early on established that the waiver process was illusory and that, in fact, waivers would be difficult, if not impossible, to obtain. The Supreme Court of Colorado mandated that the following language be added to the summary of the initiative (*García, Shannon, & Ausphal v. Montero & Chávez*, 2002):

The amendment . . . would make such waivers very difficult to obtain because the schools can grant them only in very restrictive circumstances and can deny them for any reason or no reason thereby reducing the likelihood that bilingual education will be used. (p. 1)

The court further mandated that the summary of Amendment 31 include language to inform voters of the severe legal consequences to educators who grant waivers to parents. The summary stated:

The amendment . . . allows a parent or legal guardian to sue public employees granting a waiver if the parent or guardian later concludes that the waiver was granted in error and injured the child's education creating severe legal consequences identified in the amendment for such public employees who willfully and repeatedly refuse to implement the amendment. (p. 1)

Finally, the secretary of state's summary of Amendment 31 noted that there would be a fiscal impact on local school districts if the amendment passed. For example, school districts would have to create English-immersion classrooms and hire teachers for these classrooms even if there were only one or two students who were English language learners in the school. It was

projected that creating the new norm-referenced standardized test would have a significant cost. Also, no schools had materials or a curriculum for English immersion.

From the outset, official publications characterized Amendment 31 as having at least three major problems. These included: (a) a waiver process that was not legitimate, (b) legal consequences that were severe and more punitive than in any other state (including a 10-year statute of limitations), and (c) an undetermined cost to public schools that were already strapped for money.

In September 2002, the Denver Public Schools (DPS) requested a legal opinion on the implications of Amendment 31 from the law firm of Hale, Hackstaff, and Tymkovich (Westfall, 2002). This law firm concluded that many articles of the proposed amendment were too vague to be implemented and that a number of terms were unclear. Further, they offered the opinion that waivers would be difficult to obtain and that it would be inadvisable for educators to grant waivers because of the potentially severe legal consequences. Hearing this legal opinion prompted the superintendent of the DPS to say at a September 5, 2002, public board meeting, "The granting of a waiver for bilingual education under Amendment 31 would constitute professional suicide." Later the same evening, the board of education of the DPS voted unanimously to oppose Amendment 31.

This brief summary demonstrates that Colorado's Amendment 31 constituted the most rigid and restrictive anti-bilingual bill to date. Its passage would, most likely, have led to the demise of bilingual education and dual-language programs in the state, and to the denial of parents' rights to select their preferred educational program for their children. Further, it would have set a precedent for the establishment of equally restrictive or even more rigid initiatives in other states. For all these reasons, it is important to analyze events and strategies that resulted in the defeat of Amendment 31.

The Calm Before the Storm: Events Leading up to Amendment 31

In March 2000, an early version of Amendment 31 was brought to Colorado. The proposed initiative, then titled English for the Children, was officially sponsored by Joe Chávez and Charles King; however, it was publicly championed by Colorado Congressman Tom Tancredo and former Denverite Linda Chávez. Linda Chávez is the president of the Center for Equal Opportunity, a conservative Washington think tank. Proponents of this early version of Amendment 31 hoped to get their proposal on the 2000 ballot. The first victory for opponents of this anti-bilingual, English-immersion initiative in Colorado came on June 30, 2000, when the Supreme Court of Colorado unanimously ruled that the initiative could not go forward because it contained

language that was “deceptive” and “misleading.” On July 10, 2000, the court issued a unanimous ruling with two concurring opinions in the matter of *García & Pacheco v. Chávez, King, & Tancredo*. The court said:

García argues that titles and summary for #258(A) do not accurately state the proposal and will mislead the voters. *We agree* [italics added]. We hold that the titles are materially defective for failure to include a key feature of the initiative, which results in misleading and confusing the voters. (p. 1)

This court ruling was significant for several reasons. First, the wording of the court’s decision provided language that could be used in future political campaigns. Second, Colorado’s initiative process allows for voter-initiated referenda to be floated only in even years, thereby giving the campaign 2 additional years to further organize and solidify its strategies. Third, the extra time allowed for the implementation of critical legislative and educational initiatives that began building the knowledge base and coalition of supporters needed to ultimately defeat Amendment 31.

In her response to the Supreme Court ruling of 2000, Linda Chávez stated that “polls showed that an overwhelming majority of Colorado voters favored the initiative and that they would be back in 2002” (Brown, 2000, p. 1B).

Ron Unz’s response to this ruling included an explicit statement distancing himself from both Linda Chávez and Tom Tancredo. In an August 2000 posting on his Web site <http://www.onenation.com>, he stated (reproduced verbatim):

As some of you may have been aware, there was an ongoing attempt to place a Proposition 227 clone on the November [2000] ballot in Colorado. Our organization, English for the Children, was NOT involved in this effort, which was organized by Linda Chávez and her Washington DC based organization, One Nation Indivisible. The Colorado campaign had already been encountering serious difficulties since its most prominent local proponent was Rep. Tom Tancredo, an extremely conservative Republican and arguably the most anti-immigrant member of the House of Representatives. This allowed the opposition to portray the campaign as anti-immigrant and anti-Latino resulting in local media coverage that was very mixed at best, a situation hardly improved by the “English-only” background of a number of the other leaders of the campaign. Incidentally, the *Denver Post* article incorrectly states that One Nation Indivisible was behind Proposition 227 in California. It actually played no significant role in that campaign. An ideal person to head the Colorado campaign would have been Rita Montero, a leftwing Latina democrat and Colorado’s most prominent opponent of bilingual education. (Unz, 2000)

The successful legal challenges posed to English for the Children in 2000 provided the impetus and opportunity to build a broad-based coalition that ultimately worked hand in hand with the political consultants who agreed to manage the No-on-31 campaign in 2002.

It is equally important to note that the 2 years of additional time enabled English Plus and Colorado Common Sense to engage in important legislative and educational endeavors that also assisted in the defeat of Amendment 31. From August 2000 to November 2002, a number of major activities were undertaken with the sole purpose of ultimately defeating an English for the Children initiative in Colorado. Examples of these activities are discussed below.

First came the creation in 2000 of Colorado Common Sense, which served as the umbrella organization for building the coalition of community, civic, and education organizations needed to defeat Amendment 31. By August 2000, the coalition had 10 members, including the Colorado Education Association and the National Education Association. In July 2002, Colorado Common Sense subdivided into two groups. Colorado Common Sense continued as the education and nonprofit organization, and a new group called English Plus formed. English Plus became the political action committee formally organized to defeat Amendment 31.

A related activity entailed a concerted effort to work closely with the state legislature in order to create state initiatives that would enhance educational opportunities for second language learners, and to enlist bipartisan support to defeat any proposed English-immersion initiatives. Work with the legislature resulted in the passage of two bills in the Colorado state legislature to help strengthen accountability for English language learners and to ensure that multiple program options are available to teach students who are learning English as a second language (An Act Concerning School Improvement and Making An Appropriation Therefor, 2001; An Act Concerning the Assessment of Students Whose Dominant Language Is Not English, 2002). The passage of these two bills enabled English Plus and Colorado Common Sense to develop positive relationships with Colorado legislators in both the Democratic and Republican Parties, as well as other minority political parties, and to garner support for the eventual No-on-31 effort.

The third effort was a research and education campaign that targeted multiple audiences. These included the legislature, educators in the state in the field of bilingual education/ESL, and the public. Between 2000 and 2002, the Colorado Association for Bilingual Education and the Associated Directors of Bilingual Education commissioned and published five research monographs (Escamilla, Aragon, Grassi, Riley-Bernal, Rutledge, & Walker, 2000; Escamilla, Mahon, Riley-Bernal, & Rutledge, 2001; Escamilla, Chávez,

Mahon, & Riley-Bernal, 2002; Shannon-Gutiérrez, 2000; Shannon & Milian, 2000). A sixth report (Welner & Escamilla) was published by an independent policy center in 2002. These reports received scant attention from the popular press. However, they provided important information that the field and the campaign needed with regard to the following:

1. The Shannon and Milian study clearly established that parents of children in dual-language programs in Colorado overwhelmingly supported these programs. Respondents to the survey included many immigrant parents who Unz had claimed did not want bilingual education.
2. The Welner and Escamilla report documented that the majority of second language learners in Colorado schools are *not* in bilingual programs, but in programs where English is the only medium of instruction (over 62%).
3. The Shannon-Gutiérrez report provided important guidance to parents of second language learners, as well as parents of monolingual English children regarding their rights to choose educational programs that they feel are the most beneficial for their children.

Finally, during this time the Colorado Association for Bilingual Education hired a consultant firm to conduct research via focus groups in order to develop a message that could be used to educate voters about the need for multiple instructional program options for second language learners. All told, the above efforts built partnerships, created new knowledge and awareness of issues in educating second language learners, and laid an important foundation for the eventual defeat of Amendment 31.

As promised, and notwithstanding the above activities and endeavors, the English for the Children campaign returned to Colorado in January 2002 with a ballot initiative submitted by Rita Montero and Janine Chávez, and financially and visibly supported by Ron Unz. This initiative eventually became Amendment 31. The language in the 2002 initiative was challenged from several legal standpoints, and therefore underwent several significant changes in wording prior to its placement on the ballot. For example, on April 8, 2002, the Colorado Supreme Court unanimously decided to reverse and remand the proposed initiatives (there were two proposed initiatives at this time). In the matter of *García, Shannon, & Ausphal v. Montero & Chávez* (2002), the court ruled:

We conclude that the titles are indeed misleading and confusing. We return the initiatives to the title board for the fixing of new titles and specifically direct the board to formulate titles that are truly clear, concise and understandable. The objectors allege that the titles of both initiatives are misleading and do not correctly and fairly express the initiatives' true intent and meaning. *We agree* [italics added]. (p. 1)

The court added:

The process for obtaining a waiver is a sham. The titles do in fact contain many features of the initiatives' parent waiver process, but nevertheless tend to overwhelm and obscure the inevitable outcome of the waiver process when taken into account. . . . The titles in this case create confusion and are misleading. . . . The measures are internally circuitous. (p. 1)

The above rulings were extremely important as the language of the Colorado Supreme Court became a part of the political message. In the end, one initiative eventually passed the legal challenges, and supporters were able to garner sufficient signatures to place it on the ballot for November 2002. By mid-July 2002, the large and looming question before us was, Could Colorado be the first state to defeat Ron Unz and the English for the Children campaign? In July 2002, the headlines of the *Rocky Mountain News* read, "A Battle is Brewing in Any Language" (Abbott & Mitchell, 2002). The campaign to defeat Amendment 31 had officially begun.

Amendment 31: The Political Campaign

As a backdrop to the eventual campaign against Amendment 31 in Colorado, the following timeline of events is important:

1. June 1998—Proposition 227 passed in California; Ron Unz announces a plan to introduce similar legislation in other states.
2. March 2000—Charles King, Joe Chávez, and Tom Tancredo announce plans to introduce an English-immersion bill in Colorado; Colorado Common Sense formed to fight English-immersion initiatives.
3. April 2000—Jorge García and Susan Marie Pacheco file a legal challenge to English-immersion bill.
4. July 2000—Colorado Supreme Court declares the proposed immersion bill unconstitutional; backers vow to return in 2 years.
5. July 2000—Colorado Common Sense creates spinoff group, English Plus, as a political action committee while retaining Colorado Common Sense as an education committee. This education committee is a coalition of education, civic and community organizations.
6. November 2000—Proposition 203 passed in Arizona.
7. January 2002—Ron Unz and Rita Montero file papers with the Colorado title board to propose the English Language Education for Children in Public Schools initiative; Unz announces plans to propose an English-immersion initiative in Massachusetts. (This initiative becomes Question 2.) Jorge García, Sheila Shannon, and Beverly Ausphal file a legal challenge to the English-immersion bill.

8. April 2002—The Colorado Supreme Court rules in favor of Jorge García et al. that the English-immersion bill cannot go forward without significant revision.
9. August 2002—The Colorado Supreme Court rules that the English Language Education for Children in Public Schools initiative can be placed on the ballot. The proposed initiative becomes Amendment 31.
10. November 2002—Amendment 31 is defeated in Colorado; Question 2 is adopted in Massachusetts.

In July 2000, the campaign against English-immersion initiatives was formalized through the creation of English Plus and Colorado Common Sense. English Plus was the political action committee, and Colorado Common Sense was the education committee and consisted of a coalition of education, civic, and community organizations that worked together to defeat Amendment 31. In July 2002, a statewide voter survey on the English-immersion initiative in Colorado (Feldman Group, 2002) reported the following:

1. Eighty percent of the voters supported the proposal.
2. Eighteen percent of the voters opposed the initiative.
3. Four percent did not know.

In addition to the numbers listed above, the report went on to say: (a) Defeating the Colorado English-immersion initiative would be difficult and (b) no message in the survey is powerful enough to move a majority of voters away from voting “yes.”

In spite of the hard work during the years 2000 through 2002, it seemed as if Unz’s English-immersion initiative would easily pass in Colorado, just as it had done in California and Arizona, and just as it was likely to do in Massachusetts. What caused voters in Colorado to change their minds and overwhelmingly vote “no” on the amendment? The remainder of this report describes our analysis of the lessons learned by English Plus, Common Sense Colorado, and educators that we believe collectively resulted in the defeat of Amendment 31.

Lesson 1: All Politics are Local

The quote “all politics are local” is attributed to Tip O’Neill, from his days as a congressman in Massachusetts. This quote served as a mantra for the No-on-31 campaign. From the outset, it was necessary to create a message that would appeal to all Colorado voters, to devise a strategy to get the message out across the state, and to conduct a well-organized grassroots campaign.

When English Plus was organized, the political consultant firm of Welchert and Britz committed to running the No-on-31 campaign. The board of English Plus consisted of educational leaders and parents in Colorado committed to

maintaining quality programs for young second language learners in the state. The co-chairs of English Plus were Gully Stanford, chair of the Colorado State Board of Education, and Beverly Ausfahl, a former president of the Colorado Education Association. Both co-chairs were well grounded in educational policies and politics in Colorado.

The political consultant firm of Welchert and Britz was also well known and well respected in Colorado politics. For example, the firm had successfully waged political campaigns to defeat voucher initiatives in Colorado and to elect the first Latino mayor of Denver, Federico Peña. Welchert and Britz had a track record for success. The campaign started with credible and visible local leaders and political strategists.

English Plus began by analyzing the campaigns waged in California and Arizona against English-immersion initiatives, but they were always mindful of the need to create a campaign strategy that would appeal to Colorado voters. In short, campaign leaders were Colorado “folks.” English Plus, along with Welchert and Britz, early on made Amendment 31 a statewide Colorado issue. Steve Welchert was quoted in the *Rocky Mountain News* as saying, “If this is about being Mexican, about Mexicans, it is gone. It’s got to be about Coloradoans” (Mitchell, 2002, p. 29A). It was also important to make it a statewide issue, rather than a Denver-based issue (“No-on-31 Message,” 2002).

Making the situation local necessitated the involvement of local school districts, including but not limited to the DPS. On September 5, 2002, the DPS unanimously adopted a resolution opposing Amendment 31, and each board member made a statement about why the amendment was bad for all children and families in Colorado at a DPS school board meeting. Superintendent Jerry Wartgow said, “This is not a Latino issue, it is not a Mexican issue, this is an issue for all the parents in the state of Colorado.” In subsequent weeks during the campaign, an additional 36 educational organizations, including school boards, took official positions against Amendment 31. Newspaper headlines included the following: “State Districts Call Measure too Denver Specific” (Hubler, 2002c); “One Size Doesn’t Fit All Kids” (Schoettler, 2002); and “State Schools see ‘31’ as a Poor Fit” (Hubler, 2002d).

At the time that the No-on-31 campaign was creating a strategy to appeal to all Coloradoans, proponents of the measure were focusing their attention on the DPS. In fact, most of the anecdotal criticisms of bilingual education in Colorado were raised by Rita Montero, co-chair of the Colorado English for the Children campaign and former DPS board member. Further, the majority of her often redundant and repetitive criticisms were leveled at the DPS. While the proponents focused narrowly on Denver, the opponents created a broader strategy to appeal to the entire state. Ironically, had Amendment 31 passed, every school district in Colorado would have been impacted except DPS because it operates under a federal court order that would have exempted it from implementing Amendment 31 (Welner & Escamilla, 2002).

The creation of a campaign message was a second critical aspect of appealing to all Coloradoans. The Feldman Group (2002) suggested that there were two strategies that could potentially defeat Amendment 31: (a) argue that the initiative would not do what it said and (b) focus voter attention on unintended consequences. Campaign messages were created from research conducted on Colorado focus group interviews and reflected these suggestions. Ultimately, the message focused on the unintended consequences of Amendment 31 and became known as PPC:

1. P—Parental involvement and choice would be eliminated with this dangerous amendment;
2. P—Punitive measures in the amendment (e.g., suing teachers) are too extreme for Colorado; and
3. C—Cost to the taxpayers will skyrocket if the amendment passes.

The above messages resonated well with voters across the state from a variety of ethnic, economic, age, and political groups. The impact of the message is further discussed below.

Understanding that all politics are local meant crafting a strategy that included, but went beyond, Denver and encompassed rural, suburban, and urban Coloradoans. Finally, the campaign organizers proved to be very skillful in bringing together diverse and sometimes incompatible groups for a common purpose: to defeat Amendment 31. The nature of the grassroots campaign will be discussed below.

Lesson 2: The Importance of Long-Term, Multifaceted Strategies

In Colorado, the strategies to defeat Amendment 31 were multifaceted and broadly defined. No-on-31 became the official name of the political campaign, but the strategies to defeat English-only educational initiatives in Colorado were much broader and went beyond the political. Strategies also included legal strategies and challenges, and educational strategies. The educational component included strategies and specific initiatives to educate the state legislature, the general public, the media, the voters, and educators in all fields. The political component included specific activities designed to raise money and to build a broad-based coalition, which we will hereafter refer to as *apoyo* [support].

During the past 2 years, some strategies have taken priority over others. As discussed above, from January 2000 to March 2002, the legal and educational components were the focus. Successful legal challenges in May 2000 prohibited an English-immersion initiative from being placed on the ballot. From March 2002 to November 2002, the political campaign was the focus. After the defeat of Amendment 31 in November 2002, the education and legislative campaigns once again became the focus.

English Plus, the political arm of the campaign, disbanded in December 2002 after the campaign ended. Colorado Common Sense voted to continue its activities, which include working with the state legislature on measures that could avoid future Unz-like initiatives in Colorado. Maintaining communication with the coalition of organizations that helped to defeat Amendment 31 is also part of the long-term strategy to ensure local control and multiple program options for students learning English as a second language, and to guard against future Unz-sponsored or other English-immersion initiatives as a way to improve state accountability for educational programs for second language learners. Professional education organizations in Colorado such as the Colorado Association for Bilingual Education and the Associated Directors of Bilingual Education continue their efforts to improve the state's instruction, assessment, and policy relating to second language learners. In short, the victory over Amendment 31 has created conviction and resolve, not complacency.

Lesson 3: Coalition Building

The defeat of Amendment 31 was due, in large part, to the building of a broad-based, bipartisan coalition. This broad-based and diverse *apoyo* included religious, civic, educational, business, and political organizations. As noted above, in August 2000, the Colorado Common Sense coalition had a total of 10 members. The majority of members were educators or parents directly involved with bilingual education or groups who primarily worked with the Latino community. While this budding coalition was a positive development, it would not be enough to defeat Amendment 31. Results from the Feldman Group survey (2002) noted that some support existed for a “No-on-31” vote from Latino and union households. The survey recommended that the campaign begin building a coalition to “start with Latinos and union households.” However, since only 2 in 10 voters was either Latino and/or in a union household, building a broader coalition was needed.

The campaign built a strong and diverse coalition that began with groups such as Padres Unidos, La Gente Unida, the Statewide Parent Coalition, Colorado Association for Bilingual Education, and Associated Directors of Bilingual Education. By November 2002, opponents to Amendment 31 included 17 news organizations, 53 politicians and political candidates, 36 educational organizations and groups, 44 other organizations, and over 579 individuals (English Plus, 2002a).

Political sentiment against Amendment 31 was bipartisan and included Tom Strickland and Wayne Allard, who—though bitter political rivals after running against each other in the race for the U.S. Senate—both opposed the amendment. Similarly, other bitter political rivals such as Marilyn Musgraves and Stan Matsunaka, who ran against each other in a race for the U.S. Congress, also opposed Amendment 31. Opposition to Amendment 31 came

from Colorado Attorney General Ken Salazar, a Democrat, and Governor Bill Owens, a Republican. When Governor Owens officially came out in opposition to Amendment 31, he stated, “If there ever was a case of the devil being in the details, it’s Amendment 31” (Sanko, 2002, p. 4A).

Grassroots support also came in other forms. It included immigrant parents who could not vote, but who repeatedly asked, “¿*Qué puedo hacer?* [What can I do?]” Support also included a teacher who dedicated himself to painting “No on 31” on cars and a parent who created a Web site for the campaign. Furthermore, superintendents, school board members, and paraprofessionals donated \$5 and passed out literature, and teachers devoted their weekends to defeating the amendment. One supporter celebrated her 50th birthday by throwing a party to raise funds for No-on-31; the party raised \$2,000. Some teachers who had received scholarships to go to school contributed \$25, \$30, and \$50 to start to “pay back” the support they had received. In the end, the ethnic community was at the core of the campaign but could not be perceived as the *only* community group in opposition to Amendment 31. Parent groups, including the Consorcio de Padres, the statewide parent coalition for language-minority families, and Padres Unidos donated weekends throughout the fall to handing out fliers in their neighborhoods, talking with people, registering voters, and distributing information at churches. High school and college students organized debates and brought guest speakers to their schools and community forums to discuss the issue. Opposition to Amendment 31 came from school, community, and religious groups from all corners of the state and from all walks of life. In contrast, there was not a single school district, educational organization, civic or religious organization, or news agency that took a position in support of Amendment 31.

Lesson 4: Importance of Message

A November 2002 cartoon from the *Rocky Mountain News* (see Figure 1) is an excellent illustration of what the campaign was up against. Proponents of Amendment 31 had a distinct advantage in that their English for the Children campaign had an initial appeal to a public that is critical of public schools, worried about immigration, and concerned that schools are not teaching English to immigrant students fast enough, and in some cases there was concern that some schools were not teaching English to immigrants at all. The challenge was daunting, yet the message developed was both simple and powerful.

Our campaign learned two important lessons concerning the message. The first is creating a message that will appeal to a broad constituency. The second is devising a strategy to get the message out. In the case of Amendment 31, our message was one that the general public found easy to understand. As

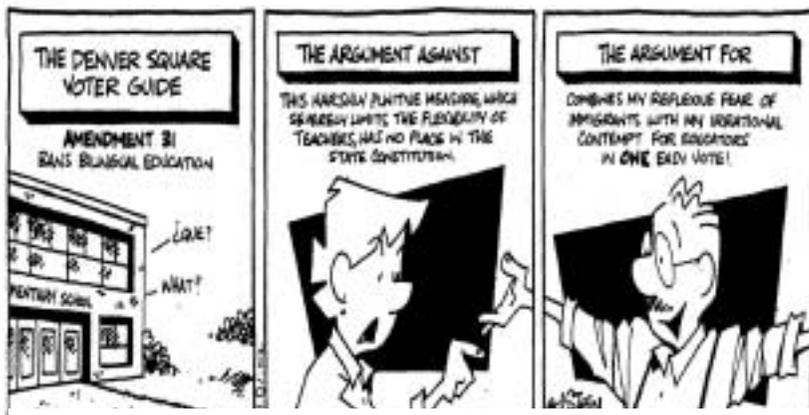


Figure 1. “Denver Square”, by Ed Stein, November 1, 2002, *Rocky Mountain News*, p. 22B.

stated above, the message became known as PPC. The message was brief, simple, and substantive. Spin-off messages that were created from the basic message included the following:

1. Amendment 31 would force all school districts into a “one-size-fits-all” instructional program for 1 year. Neither parents nor teachers would have a range of educational options currently available in Colorado.
2. The amendment would impact all students in Colorado schools, not just second language learners.
3. The amendment would create segregated classrooms.
4. Teachers could be fired and banned from teaching for 5 years under the amendment.
5. Parent choice would be eliminated; the Colorado Supreme Court itself described the waiver option as a “sham.”
6. The amendment would add another layer of testing onto schools that already have too much testing to do.
7. The amendment would create yet another unfunded mandate. (English Plus, 2000a)

The effectiveness of these messages reinforced for the public the hidden consequences of the amendment. Evidence of the effectiveness of our main message and its subtexts can be seen in the fact that the popular print and broadcast media used these ideas while writing and reporting stories about the amendment. Further evidence could be seen in the loss of support for the amendment from its initial 80% support in July 2002 to 60% in September and 44% in November.

One example of the media use of the message occurred on October 10, 2002, when Cindy Velásquez, vice president and general manager of Channel 7, a local Denver television station affiliated with ABC, gave the following editorial comment on the local TV news segment: “Here’s where we stand. We believe in the right of parents to decide how to educate their children. Denver 7 votes ‘no’ on Amendment 31 and urges all Colorado voters to do the same.”

Newspaper headlines also frequently included the PPC message. Examples include:

1. “DPS: Bilingual Ban Tramples Parent Rights” (Hubler, 2002e).
2. “Got English? Will Amendment 31 Hogtie Educators and Parents or Will It Better Integrate, Elevate Students?” (*Rocky Mountain News*, September 14, 2002).
3. “Amendment Leaves Teachers at Risk” (*Denver Post*, September 16, 2002).
4. “Law is Muy Mal: Amendment 31 Flouts Local Control, Parent Choice” (*Boulder Daily Camera*, September 22, 2002).
5. “Battle over Bilingual Education: Amendment 31’s Supporters Say Students Who Speak Limited English Aren’t Learning the Language, Opponents Say the Law Would Tie Educators’ Hands” (*Rocky Mountain News*, October 7, 2002).
6. “Battle over Bilingual Education: Schools Fear Law’s Legal Ramifications” (*Rocky Mountain News*, October 7, 2002).
7. “Board Warns of Bilingual Amendment Costs” (*Denver Post*, November 1, 2002).

Further evidence of the message’s effectiveness is found in this quote from a press release by Manolo González-Estay, No-on-31 campaign manager: “We saw a 31% change over a four-month period during which we ran almost no media. Parents, teachers and volunteers all over the state have been instrumental in turning the tide against this damaging scheme” (2002, p. 1).

The success of the fund-raising activities further enabled the campaign to get the message of PPC out to the voters of Colorado. During the period of July 2002 to October 2002, it is interesting to note that very few activities were directed toward influencing people to vote “yes” on 31. On Unz’s Web site (<http://www.onenation.org>), he had boasted that support for his initiatives was so solid that he could garner a “yes” vote without spending any time and resources to do so. In the case of Colorado, he was clearly overconfident.

Lesson 5: Importance of Discipline

The creation and dissemination of the message were critical components of the No-on-31 campaign. However, perhaps equally important was the discipline required by all members of the political campaign to stay on message,

to be graceful under fire, and to successfully deal with a divergence of opinions. The political consultant firm of Welchert and Britz cautioned people involved in the campaign to be disciplined in their behavior. Discipline included staying on the message (see Lesson 4), not engaging and responding to Ron Unz, and ignoring overtly racist comments that were frequently leveled at opponents of Amendment 31. We also refrained from framing the arguments as being about racism. It is noteworthy that all members of the broad-based coalition maintained their discipline during the campaign. This discipline was, at times, difficult to sustain, especially by those groups and individuals who would have been most negatively impacted if Amendment 31 had passed.

Evidence of discipline in the campaign was seen from the Latino community, who agreed early on to not focus the campaign on Mexican, Latino, or immigration issues. After the election, Ramon del Castillo (2002) wrote:

One of the major differences between Latino activists and the consultants was how the struggle was perceived. Latino activists perceived the struggle as one of historical and linguistic survival, the battle in a larger cultural war. The consultants viewed it as a political battle. . . . The idea of local control is absurd in the Latino community since part of the struggle is to gain control over the institutions that have controlled our lives. However, once we gave our word to the campaign, it was never broken. (p. 2)

Discipline was needed when proponents of Amendment 31 personally attacked members of the campaign. For example, Rita Montero, co-chair for English for the Children, described Pat Stryker, the mother of a child in a Colorado dual-language program and donor of \$3.3 million to the No-on-31 campaign, as:

A human vampire, who together with her rich friends, sucks dry the lives and the futures of countless Latino children just to ensure that their own English-speaking children will have unpaid but personal Spanish-language tutors sitting beside them in class. (“Bilingual Backers Get \$3 Million Gift,” 2002, p. B1)

Furthermore, a local radio talk show host, Dominic Bressin (2002), introduced an Amendment 31 discussion on his radio program by saying:

Amendment 31 is about eliminating bilingual education in Colorado. Bilingual education is a form of child abuse and teachers should be sued if they refuse to teach children English. . . . We could also solve the English problem by taking care of Mexico. After we bomb Iraq and North Korea, we should bomb Mexico.

In a debate about the amendment on *Colorado Matters*, a local radio program, Rita Montero called Denise Walters, who is a board member of English Plus and parent of a child in a Colorado dual-language program, a “racist” and made other personal remarks that were later edited from the program before it aired publicly (Colorado Public Radio, 2002).

As difficult as it was to not respond to these offensive and personalized attacks, the campaign spokespersons and representatives stuck to the basic message that Amendment 31 was punitive, would eliminate parent choice, and would be costly. Our discipline also enabled the campaign to establish a record of being civil in behavior and thoughtful in discussing the issues. The English for the Children leaders, particularly Rita Montero and Ron Unz, began to be perceived as angry and irrational. The discipline exercised by the No-on-31 team was so effective that after September 6, 2002, Ron Unz made no public appearances in Colorado, and Rita Montero frequently would not show up for debates and public speaking engagements.

Challenges to our resolve to be disciplined came not only from the supporters of Amendment 31, but also from people in the field of bilingual education and ESL. We were criticized at various points in the campaign for not publicly defending bilingual education and for the nature and content of our television ads. In a posting on the AZBLE bilingual electronic mailing list on November 6, 2002, Jim Crawford said:

Rather than waiting until a few weeks before the vote, then trying to divert attention from bilingual education, to issues like “Don’t Sue Teachers” or “Chaos in the Classroom,” we need to mount a sustained effort to make the case for bilingual education in terms the public can understand and support.

Though the campaign was disciplined, this is not to say that the campaign did not defend bilingual education. The educational and legislative components of the campaign were and are entirely focused on defending and strengthening bilingual education programs. While the focus of the political campaign was not on bilingual education, campaign workers used public debates, letters to the editor, and various research reports and monographs to continue to support bilingual education and educate the public about the benefits of bilingual education.

Lesson 6: Fund Raising

It is axiomatic that successful political campaigns require funding. The No-on-31 campaign was very successful in raising money needed to fight the amendment. Further evidence that the campaign attracted a broad-based coalition was that contributions to the No-on-31 campaign came from between 800 and 1,000 different individuals and organizations. As previously noted,

one donor, Pat Stryker, contributed an unprecedented \$3.3 million to the campaign. When the contribution was made, Denver pollster Fred Ciruli was quoted in the *Denver Post* as saying:

The contribution is likely the largest contribution from an individual to an issue campaign in Colorado history. Amendment 31 is in deep trouble. . . . Amendment 31 was starting to lose support even before Stryker's gift, but this could bury it. ("Bilingual Backers Get \$3 Million Gift," 2002, p. B1)

It is important to note that the week before the announcement of the large donation, polls had shown that support for Amendment 31 was down from 80% to 60%. The money for the No-on-31 campaign enabled its message to get out to a statewide audience of mainstream voters; however, it was only one of the many factors contributing to the defeat of the amendment.

Both Unz and Montero publicly criticized Pat Stryker for her donation to the No-on-31 campaign, and Unz went so far as to accuse the governor of selling out his support for Amendment 31. In a posting on his Web site, Unz (2002c) stated, "The governor of Colorado now has 3 million reasons to oppose Amendment 31." It should also be noted that it was Ron Unz's money that brought the initiative to Colorado. As of September 30, 2002, Unz was the sole donor to the Yes-on-31 campaign; he contributed \$350,000 to the campaign in loans (Mitchell & Yettick, 2002). In the end, Amendment 31 supporters garnered financial support from only 12 individuals and groups.

Ron Unz's money brought Amendment 31 to Colorado, and paid lawyers to write the amendment and defend it in the Colorado Supreme Court. Unz's money also provided support to pay staff to gather the needed signatures to get the initiative on the ballot and paid for the Colorado staff of English for the Children. However, money alone was not enough to win voter approval. Amendment 31 supporters had money, but no grassroots support or support in the larger Colorado community.

The No-on-31 campaign had money and more: a well-run campaign, an effective message, and grassroots support that extended across the state. Money helped, but it would not have been sufficient to win the election. After the election, Max Castro (2002), a columnist for the *Miami Herald*, wrote:

Gall is a staple of politics, but even in this fertile field Ron Unz's chutzpah is special. Unz rose on the politics of money and demagoguery. Now, he has been tripped up by the same forces and he's crying foul. . . . On Nov. 5 the Unz crusade suffered its first defeat in the unlikely state of Colorado, where it ran smack into Pat Stryker, a woman with a billion dollars and a child in bilingual education and some hard-ball consultants. A frustrated Unz is crying foul and calling

Stryker “Ms. Moneybags.” Ron Unz has lived by the sword; now the sword has wounded him. It’s probably too much to hope that he has learned a lesson. (p. 7B)

Lesson 7: Timing is Key

Between 2000 and 2002, Unz made regular trips to Colorado. When he came to Colorado, his picture, in color, frequently found its way to the front page of the major Denver newspapers. Before September 2002, the story of Amendment 31 was the Ron Unz story. Unz bragged that he had never visited a school with a bilingual program and that he did not need to. At the urging of the *Denver Post*, he visited one school with a bilingual program in the DPS, where he posed for photo ops. Teachers and administrators complained that Unz spent more time on his cell phone than listening to children, but at the end of his visit, Unz concluded, as a result of his short visit to this school, that everything he saw confirmed his conclusions that bilingual programs were failures (Hubler, 2002b). Unz, not the children or the programs, was the story.

In July 2002, U.S. Secretary of Education Rod Paige visited Denver and said he opposed amendments like Amendment 31 because they limit parent choice and local control over schools. Immediately after this visit, Unz posted a message on his Web site criticizing Secretary Paige. Unz (2002a) said, “He [Paige] is a black football coach and the dimmest member of the Bush Cabinet with an apparent lack of ability to master or comprehend his job.” Although Unz was criticized heavily for his remarks by both major Denver newspapers, he was still the focus of attention, and his persona trumped issues related to the substance of Amendment 31.

Unz’s commandeering of the spotlight during the campaign changed in September 2002, when in the span of 3 short weeks, the DPS unanimously opposed Amendment 31, the governor came out in opposition to Amendment 31, and the campaign announced the \$3.3 million donation. Campaign donations, the details of the evils of the amendment, and the mounting list of organizations and individuals opposing the amendment became the headlines. Unz made no public appearances in Colorado after September 2002. It is telling that he spent election night in Massachusetts.

However, Unz continued to post inflammatory messages on his Web site. Messages such as the following were not widely reported in the Colorado popular media, but were meant to bait and engage the opponents of Amendment 31 and to detract attention from the issues of the campaign. In one posting, Unz summarized a meeting he attended in Denver where he “unexpectedly” encountered supporters of bilingual education. Unz (2002b) wrote:

Naturally, the fierce defenders of bilingual education were affluent and well educated white Anglos with not a single brown face to be seen anywhere. Bilingual educators appear to me to be more like adherents of a lunatic curricular religion than radical ethnic nationalists per se. Not only are these people often inter-married with Anglos, but also they are just as fanatically committed to defending “whole language” dogma against the evils of “phonics,” an educational issue with obvious ethnic overtones. Their fanaticism in defense of bilingual education is usually shared or exceeded by those of their Anglo professional colleagues.

The above presents only one example of Unz’s attempt to bait the No-on-31 campaign into veering off message and engaging in dialogue unrelated to the issues of Amendment 31. Members of our campaign successfully ignored these attempts to divert attention from the amendment.

Lesson 8: Buying Time

For Colorado, the legal challenges posed in the year 2000 prevented an anti-bilingual initiative from being placed on the ballot that year. This victory bought time needed to organize the political campaign, provide education, build coalitions, and coordinate grassroots efforts. The campaign had an additional 2 years to organize an effective No-on-31 strategy.

Colorado initiative laws restrict voter-initiated referenda to even-numbered years. Therefore, the defeat of Amendment 31 now provides a 1-year opportunity to do more work to educate the public. Neither the Unz measure, nor any similar initiative, can return until 2004. The defeat of Amendment 31 in November 2002 has given us time to work on important educational and legislative initiatives, continue good programs, work with the legislature, and remain vigilant.

In the course of the next year, Colorado Common Sense and bilingual/ESL educators will have additional data on the impact that Unz initiatives are having in California, Arizona, and Massachusetts. Initial studies have raised serious questions about the efficacy of English-immersion programs in California (see, e.g., Hakuta, 2002). These initial studies on English immersion in California have documented that children in English-immersion programs are not becoming proficient in English in 1 year, and that the academic achievement gap between English language learners and other students in California has grown increasingly wider across the past 4 years. Research over the next 2 years will no doubt provide additional information on the merits or failures of anti-bilingual, English-immersion voter initiatives.

Furthermore, there is currently serious discussion in Colorado about the need to reform voter-initiated referenda. On December 1, 2002, the *Denver Post* devoted its lead article in the editorial section to a discussion of the question, “Do Initiatives Work?” The writer, Al Knight, who supports

initiatives, conceded that while he supports them, they “need repair” (p. E1). Concerns related to Colorado initiatives included that in the year 2002, four initiatives were placed before Colorado voters, three of which were created by millionaires and special-interest groups not based in Colorado. Ron Unz and his English for the Children initiative was one of these. Amendment 31 was a prime example of an initiative brought to Colorado by an out-of-state millionaire. By defeating Amendment 31, English Plus and Colorado Common Sense can become part of a larger coalition to reform the initiative process in Colorado.

Finally, while bilingual and ESL educators in Colorado patiently work to create better educational programs, more just policies, and reform in the political system, we have won a significant victory. In Colorado, legislators, politicians, and policymakers are reluctant to overturn the will of the voters. In our case, the will of the voters was “no” to Amendment 31, “no” to Ron Unz, and “no” to English immersion as a one-size-fits-all educational program.

Lesson 9: Winning is Good for Morale

The impact of winning a No-on-31 vote was enormously important for the morale of our teachers, parents, and children in Colorado. When the vote was finally counted, Coloradoans voted down Amendment 31 by a 56% to 44% margin. Only 10 of Colorado’s 64 counties voted “yes” on Amendment 31. In these 10 counties, the largest margin of support was in Elbert County, with 58% voting “yes” and 42% voting “no.” Most counties voting “yes” had a very slim victory, 51% to 49%. Amendment 31 was soundly defeated in areas of Colorado where Latinos’ historical roots go back 500 years. For example, in Alamosa County, 71% of the voters voted “no”; in Costilla County, 73% of the voters voted “no”; and in Conejos County, 73% of the voters voted “no.” Amendment 31 was also defeated in counties that are historically conservative. In El Paso County, 55% of the voters voted “no”; in Weld County, 51% of the voters voted “no”; and in Larimer County, 65% of the voters voted “no.” Areas of Colorado that are heavily populated by Latinos also voted “no.” This includes Denver County, where 60% of the voters voted “no”; Eagle County, where 62% of the voters voted “no”; and Otero County, where 65% of the voters voted “no” (English Plus, 2002b). Contrary to Unz’s and Montero’s claims, Latino families in Colorado were not clamoring for an end to bilingual education and the establishment of English-immersion programs. Latinos in Colorado voted down Amendment 31 by a margin of 66% to 44%.

Newspaper headlines on November 6 read, “Colorado Hands English Immersion Backer His First Loss” (Mitchell, 2002), “Victory for Bilingual Education” (Mitchell & Yettick, 2002), and “Voters Say ‘Adios’ to English Immersion” (2002). In keeping with the campaign message, Colorado English Plus co-chair Beverly Ausfahl said, “We had a lot of people all across the state who worked hard to get the word out. Right now this proves all of the people in this room believe in Colorado kids—we were fighting for them” (Crossland, 2002, p. 1).

Lesson 10: Vigilance

We still have work to do. We won a significant battle in the war to protect the educational rights of language-minority children and their parents, but we know there is a war still raging. While our teachers and parents were celebrating the victory achieved by the political campaign, the proponents of eliminating bilingual education and parent choice were planning their next campaigns. For example, on November 9, 2002, Republican Representative Bob Decker announced plans to introduce an English-immersion bill into the state legislature in January 2003.

In response, the *Rocky Mountain News* immediately denounced the plan, saying that the “voters had spoken” and the legislature should listen (“English Immersion Bill Floated,” 2002). In January 2003, the Decker bill failed to make it out of the education committee by a vote of 6 to 4. It later was eliminated from the list of potential bills to be considered by the legislature in 2003 by a vote of 8 to 2. Continued work by Colorado Common Sense created to defeat Amendment 31 stopped this Unz-like bill in its tracks.

The *Pueblo Chieftain* reported that Governor Owens would likely sign an immersion bill if the legislature passed it (McAvoy, 2002,). The governor said, “I am in principle in support of phasing out bilingual education. I’m in favor of immersion as quickly as possible. Ron Unz made a tactical mistake in putting some of the punitive language in Colorado’s issue, otherwise I would have supported it” (McAvoy, 2002, p. 1). No doubt, more work needs to be done to educate the governor and others, but as for this year, there will be no new bill to sign.

On December 20, 2002 (the day all teachers began their winter break), the DPS announced a plan to implement a program they call “supported immersion” in at least four schools next fall. The DPS chief academic officer called her supported immersion initiative a “kinder version” of English immersion that would not totally ban Spanish from the classroom. Parents would have the option of the current English Language Acquisition program or the new supported immersion (Hubler, 2002a). On January 3, 2003, while the schools in the DPS were still on winter break, the editorial board at the *Denver Post* endorsed the plan, saying that supported immersion offers parents another choice. However, the *Post* editorial went on to say, “The system needs fixing, but we would hope lawmakers will be careful not to repeat the mistakes of Amendment 31” (p. B5). The DPS plan was just a proposal. Furthermore, it was limited in range and scope and would only be offered to parents who chose this option, and only in Denver schools. This is actually quite different from Amendment 31, which would have amended the Colorado Constitution to eliminate parent choice and imposed a “one-size-fits-all” English-immersion program on all Colorado schools and teachers. In contrast to Amendment 31, the DPS plan would not have been imposed on parents, teachers, or schools.

The plan would have added educational options, not eliminate them. Similarly, schools and parents would have been able to choose immersion alternatives if they desired, but this program would not have been forced onto parents and teachers. The proposal has not been implemented in any DPS schools and appears to have lost support by the board.

We need to remain vigilant to the continued attempts to limit the rights of parents and teachers to provide a wide range of educational programs for all Colorado's children. We hope that the bipartisan coalitions and partnerships that we developed during the campaign will help to defeat new attacks on bilingual education and the rights of immigrant children and their families. None of the newly proposed initiatives is as punitive, costly, or prohibitive as Amendment 31 would have been. Furthermore, none would amend the Colorado Constitution.

Conclusion

The political campaign of Amendment 31 has now ended. However, the legislative and educational campaign continues as does the struggle to protect the rights of language-minority people. As we continue to fight the battles in Colorado, all of us involved in the defeat of Amendment 31 stand ready to help our sister states as they engage in their own struggles with anti-bilingual, anti-parent, and anti-education initiatives such as Amendment 31.

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[Editor's note: Some of these Web sites are no longer available.]

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