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Expert Opinion

Equal Employment Opportunity Commission, Plaintiff,  
vs. Southwest Incentives, Inc., Defendant

Report submitted by  
Rosina Lippi Green, PhD



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## PREFACE

This report contains advisory opinions, which are based on a review of currently available and/or provided documents, information, interviews, and multimedia materials as outlined below. The attorneys for the EEOC have advised me that not all discovery has been completed, including depositions of key personnel, critical document requests and witnesses which may bear on the opinions stated here. Accordingly, the opinions and analyses contained herein may be modified, supplemented, altered or changed by the receipt and analysis of additional documents, information and/or materials.

## PROFESSIONAL QUALIFICATIONS

The attached curriculum vitae provides details of my education, research, publication and employment history. I am a former university professor of linguistics, with specialization in the subfields sociolinguistics, language variation and change, language and discrimination, language ideology and critical discourse analysis. My areas of expertise all have to do with the role of language in social relations of power and ideology, and how opinions about language not based in fact serve as pretext for discriminatory intent.

English with an Accent: Language, Ideology and Discrimination in the United States is my most cited work. In the process of writing and researching that book, I interviewed employers and educators from across the country. I was most interested, when talking to employers, on their opinions and practices in hiring and retaining employees who speak regional and foreign-accented varieties of English. As a part of this process I interviewed executives and human resource personnel at SeatonCorp (a staffing industry company that specializes in telecommunication) in Chicago over a two day period.

## OPINIONS: SUMMARY

1. Everyone has an accent
2. Accent is immutable
3. Akaninyene Etuk is a fully competent native speaker of English; he speaks with a Nigerian English accent

## OPINIONS: DISCUSSION

### 1. Everyone has an accent

Because there is such a large gap between the linguist's use of the term 'accent' and the non-specialist's understanding of that term, it is necessary to establish some basics. The following statements are based on the current state of knowledge and research in linguistics and its subfields.

First, the science of linguistics has established beyond a doubt that all healthy human beings exposed to normal human interaction as infants and children will acquire a fully functioning spoken<sup>1</sup> language. Further, all spoken human language is inherently variable on many levels.

Spoken language varies for every speaker in terms of speech sounds, sound patterns, word and sentence structure, intonation, and meaning. This is not a frivolous or useless feature of language. Language variation serves a crucial function in the negotiation of every day life.

There is universality in the way we produce and perceive the sounds of language, because the human neurological and vocal apparatus used in speech is architecturally and structurally universal. As a child acquiring language, every person has potentially available to them the full range of possible sounds. The sounds which will eventually survive and become part of the child's language are arranged into language-specific systems, each sound standing in relation to the other sounds. In linguistic terms, the study of production and perception of speech sounds is the science of phonetics; analysis of how sounds are organized into language specific systems is called phonology. It is in the production and perception of speech sounds as systematic entities functioning in relationship to each other that there is perhaps the greatest potential for variation in language.

If variation in language were random, then it would follow logically that the social structures of the communities in which the language functions could not predict any of the variation. In fact hundreds of empirical studies conducted over the last forty years have established correlations between specific points of variation in specific languages and social structures having to do with community and social memberships<sup>2</sup>

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<sup>1</sup> Deaf children or children of Deaf parents will also acquire a fully functional language, but a symbolic rather than a spoken one.

<sup>2</sup> I refer the reader to the works of William Labov for an overview of research in sociolinguistics. Labov is Professor of Linguistics at the University of Pennsylvania and the author of Principles of Linguistic Change: Social Factors (Blackwell Publishers; 2001), Sociolinguistic Patterns (1972), Language in the Inner City (1972), and Principles of Linguistic Change, Volume 1: Internal Factors (Blackwell, 1994), as well as dozens of other studies.

Human beings choose among thousands of points of variation available to them not because the human mind is sloppy, or language is imprecise: just the opposite. We exploit linguistic variation available to us in order to send a complex series of messages about ourselves and the way we position ourselves in the world we live in. We perceive variation in the speech of others and we use it to structure our knowledge about that person. Almost all of this goes on beneath the level of consciousness.

The parameters of linguistic variation are multidimensional. In large-scale terms, these are social, stylistic, geographic, or temporal, and in any one case of active variation, more than one of these factors is probably at play. In many years of studying the way structured variation in language reflects the social structures of the community, it has become clear that language can serve to mark a number of kinds of identity. The way individuals situate themselves in relationship to others, the way they group themselves, the powers they claim for themselves and the powers they stipulate to others are all embedded in language. National origin, socio-economic class, communication networks based on the workplace and occupation, degree of integration into kinship structures: all these things and many more can be marked by means of variation in very clear ways. To add to this complexity, topic and setting put their own demands on variation.

Further, it is important to distinguish between two kinds of accent: First Language (L1) and Second Language (L2).

L1 accent is a reference to the inherent structured variation in any human language discussed above. Every native speaker of English has some regional variety, with the particular phonology of that area, or a phonology which represents a melding of one or more areas.

Most usually we use geography as the first line of demarcation: a Maine accent, a New Orleans accent, an Appalachian accent, a Utah accent. I grew up in Chicago, and my intonation and vowel structure patterns accordingly. The same is true of any individual, regardless of where they are born and raised: everyone has a native language, and further, a set of distinctive features which is specific to a time, place, and set of social constructs.

There are also socially-bound clusters of features which are superimposed on the geographic: gender, race, ethnicity, income, religion — these and other social identities are clearly (if subtly and for the most part, subconsciously) marked by means of choice between linguistic variants such as vowel height or length, consonant cluster simplification, word stress.

L1 accent is, then, the native variety of English spoken: every native speaker of English has an L1 accent, no matter how unmarked the person's language may seem to be. This includes people like Connie Chung, Peter Jennings, Cokie Roberts, and Bill Moyers, prominent broadcast news and commentary personalities who are generally thought to be 'accentless'. The perception of being 'without accent' has to do with social rather than linguistic factors. One set of bundled features may be socially stigmatized where another is socially valued, dependent on the persons making those evaluations.

Beyond the United States and Great Britain, English is spoken as a first (native) language in many former colonies. Each of those nations has its own English, as distinctive from each other as American is from British English. A comparison of native English speakers in Ohio, Liverpool, Singapore, Abuja, Bimini, or Pretoria establishes that variation in language functions there as it does here, or anywhere else.

L2 accent is very different. When a native speaker of a language other than English acquires English, accent is used to refer to the breakthrough of native language phonology into the target language. Thus we might say that an individual has a Welsh accent, or a Tagalog accent, because the phonologies of those languages influence the learner's pronunciation of U.S. English, and this is accomplished with differing degrees of success.

Thus, a person born in Singapore to native English speaking parents and raised with English as a primary language would be classified as a native speaker of English with an L1 (Singapore) accent. In contrast, a person who is born in Singapore to Chinese speaking parents and acquires Chinese as a first and only native tongue may then learn English as an adult, in which case this second person will speak English with an L2 accent.

To summarize:

- all spoken human language is necessarily and functionally variable;
- one of the functions of variation is to convey social, stylistic and geographic meaning;
- the majority of the work of variation is carried out below the level of consciousness.

## 2. Accent is immutable

There is a common misconception that every facet of language is consciously controlled by the speaker. In fact, the degree of control an individual has over language is limited

primarily to matters of style and usage. We can choose to be polite or obtuse, to use forms of address which will flatter or insult, to use gender-neutral language or language that is inflammatory; we can consciously use vocabulary which is simple, or purposefully mislead with language. But the inner workings of language – phonology most particularly – is far less accessible.

If a person chooses to learn a second language as an adult, the native language will imprint on the new language in the form of an L2 accent. The degree of accent depends on a variety of factors: how long the second language has been studied and in what context, quality of teachers and materials, exposure to native speakers of the target language, cognitive abilities of the student, effort expended, and less tangible qualities or gifts. These same factors apply to a person who, speaking English as a native tongue, tries to learn a different variety of English as an adult. A native of Charleston who tries to learn to speak with a Brooklyn accent or a native of South London who wants to sound Australian will run into the same issues as an English speaker who is learning Swedish.

Standard works in linguistics (see especially Pinker 1995) establish the following facts:

There is a finite set of potentially meaning-bearing sounds (vowels, consonants, tones) which can be produced by human vocal apparatus. The set in its entirety is universal, available to all healthy, unimpaired human beings.

Each language uses some, but not all, sounds available.

Sounds are organized into systems, in which each element stands in relationship to the other elements. The same inventory of sounds can be organized into a number of possible systems.

Children are born with the ability to produce the entire set of possible sounds, but eventually restrict themselves to the ones they hear used around them.

Children exposed to more than one language during the language acquisition process may acquire more than one language, if the social conditioning factors are favorable.

At some time in adolescence, the ability to acquire language with the same ease as young children atrophies.<sup>3</sup>

To make the process clear, I employ a comparison having to do with building a house.

First, think of all the sounds which can be produced and perceived by the human vocal apparatus as a set of building materials. The basic materials, vowels and consonants, are bricks. Other building materials (wood, mortar, plaster, stone) stand in for things like tone, vowel harmony, and length, which are part of the articulation of vowels and

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<sup>3</sup> While linguists agree that human capability to acquire language without explicit instruction is limited to infancy and childhood, there is less agreement on the details of language acquisition. That debate is not relevant here.

consonants, but provide another layer of meaning-bearing sound in many languages. Thus far, we are talking about phonetics: the production and perception of the full set of possible sounds.

Children are born with two things: a set of language blueprints wired into the brain, which gives them some intuitive understanding of very basic rules of language. They also have a set of tools which goes along with these blueprints.

Now think of the language acquisition process as a newborn child who begins to build what I'll call a Sound House. The Sound House is the "home" of the language, or what we have been calling — the phonology — of the child's native tongue. At birth the child is in the Sound House warehouse, where a full inventory of all possible materials is available to her. She looks at the Sound Houses built by her parents, her brothers and sisters, by other people around her, and she starts to pick out those materials, those bricks she sees they have used to build their Sound Houses. She may experiment with other bricks, with a bit of wood, but in the end she settles down to building on the basis of the models around her. She sets up her inventory of sounds in relationship to the other; she puts up walls, plans the space: she is constructing her phonology.

The blueprints tell her that she must have certain supporting structures; she does this. She wanders around in her parents' Sound Houses and sees how they do things. She makes mistakes; fixes them. In the process, she makes small innovations.

Maybe this child has parents who speak English and Gaelic, or who are natives of Cincinnati and speak two varieties of English. The parents each have two Sound Houses, or perhaps one Sound House with two wings. She has two houses to build at once. Sometimes she mixes materials up, but then sorts them out. Maybe she builds a bridge between the two structures. Maybe a connecting basement.

The child starts to socialize with other children. Her best friend has a slightly different layout, although he has built his Sound House with the exact same inventory of building materials. Another friend has a Sound House which is missing the back staircase. She wants to be like her friends, and so she makes renovations to her Sound House. It begins to look somewhat different than her parents' Sound Houses; it is more her own. Maybe the Gaelic half of her Sound House is neglected, has a hole in the roof, a collapsing floor. Maybe she is embarrassed by the AAVE Sound House and never goes there anymore, never has a chance to see what is happening to it. Maybe in a few years she will want to go there and find it structurally unable to bear her weight.

Now imagine this.

When the child turns twenty, she notices another kind of Sound House, built by Spanish speakers, which she admires. She would like to build an extension to her own Sound House just like it. She looks for her blueprints and her tools, but they have disappeared. Puzzled, she stands on the street and looks at these Sound Houses: they are different. What is different about them? Look at that balcony. How do you build that? Why do the staircases look like that?

With her bare hands, she sets out to build an extension to her original Sound House. She sees bricks she doesn't have in her own inventory, but how to get back to the warehouse? She'll have to improvise. She's a smart woman, she can make a brick, cut down a tree. She examines the Sound Houses built by Spanish speakers, asks questions. The obvious things she sees right off: wow, they have fireplaces. The less obvious things: width of the doors, for example, slip right by her at first. She starts in on the long process.

If she's lucky, she has a guide — an informed language teacher— who can point out the difference between the extension she is trying to build and her own Sound House. And thus she will begin to differentiate more carefully, for example, between two very similar vowels which are distinctive in the language she is learning.

She works very, very hard on this extension. But no matter how hard she works, the balcony will not shape up; it is always rickety. There's a gap in the floor boards; people notice it and grin.

In absolute amazement, she watches her little sister build the exact same Sound House with no effort at all, and it is perfect. She points this out to her guide. But your sister still has her blueprints and tools, says her guide. Then she sees a stranger, an older man, building the same extension and he is also taking less time, just galloping through. His Spanish Sound House looks like an original to her.

Oh no, her guide tells her. It's very good, no doubt, but look there — don't you see that the windows are too close together?

She digs in her heels and moves into the extension, although the roof still leaks. She abandons her original English Sound House for months, for years, she is so dedicated to getting this right. She rarely goes back to the first Sound House anymore, and the Gaelic Sound House is condemned. When she does go back to the English Sound House, and first goes through the door it seems strange to her. But the structural heart of her Sound House is here, and it's still standing, if a little dusty.

Her Spanish Sound House feels like home. When people come to visit, they are amazed to find out that it's not her first construction. They examine everything closely. Some of them may notice very very small details, but they don't say anything. You

sound like us, they tell her, and that's the best compliment they can offer, whether it's true or not.

Adult language learners all have the same handicap in learning a second language: the blueprints have faded to near illegibility, and the tools are rusted. Regardless of how much energy and dedication and general intelligence, no one is capable of getting the blueprints and tools back, and we must all build new Sound Houses with our bare hands.

It is crucial to point out that the structural integrity of the targeted second Sound House — which here stands in for accent — is secondary to the language learner's skill in actually using the target language. Accent has little to do with what is generally called communicative competence, or the ability to use and interpret language in a wide variety of contexts effectively. There is a long list of persons who speak English as a second language and who never lost their accents. They never managed to build an English Sound House which would fool anybody at all into thinking that they are native speakers, but their ability to use English is clear. This group includes people like Henry Kissinger, Cesar Chavez, Derek Wolcott, Butros Butros Ghali, Benazir Bhutto, Corazon Aquino, and Josef Conrad who represent the political and socio-cultural mainstream, but who do it in an accented English. Do people like these choose to speak English with an accent? Have they not worked hard enough, long enough? Are they not smart enough?<sup>4</sup>

Non-specialists are quick to point out evidence that accent is in fact mutable: a relative who came from the Ukraine and has no accent at all, or actors such as Meryl Streep who seem to simply put down one accent and pick up another.

But these examples are misleading.

In the first case, 'no accent' is a matter of perception, expectation and bias or prejudice. Studies have demonstrated that it is possible for individuals to hear a particular accent (for example, an Asian accent) simply because they are looking at the photo of an Asian American -- while they listen to a recording made by a native speaker of Ohio English.<sup>5</sup>

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<sup>4</sup> The same questions are relevant to native speakers of English with marked or stigmatized regional or social accents.

<sup>5</sup> Rubin, D. L. (1992) "Nonlanguage factors affecting undergraduates' judgements of nonnative English-speaking teaching assistants." Research in Higher Education 33(4): 511-531.

— — —, and K.A. Smith. (1990) "Effects of accent, ethnicity, and lecture topic on undergraduates' perceptions of non-native English speaking teaching assistants." International Journal of Intercultural Relations 14:337-353.

Studies have shown that language barriers are often not so much the result of accent mismatch, but of bias. Accent rejection is a social gate keeping mechanism of the first order.<sup>6</sup>

The second common source of purported evidence that accent is mutable has to do with actors. And it is true that Meryl Streep may be able to imitate an accent that isn't her own for short periods of time and in a limited context. In the filming of a movie, any actor does her accents while the camera is running, with stops every few minutes. If she gets it wrong, she can try again. Most probably there is a dialect coach standing near by to repeat what she is supposed to say and correct her phonology. Under these favorable circumstances, many people could imitate another variety of English quite admirably — but for others, not even this is possible.

There are many examples of actors criticized roundly for not pulling off an accent, in spite of expensive tutoring, and the possibility of many takes of each utterance. In either case, whether we have an English Daniel Day-Lewis who truly sounds — up on the screen — as if were an American frontiersman, or an American Kevin Costner who tries but fails to convince us that he is English enough to be Robin Hood, we are not talking about a permanent Sound House; it is a fake store front that won't stand up to a strong and persistent breeze. And it takes an exceptional talent to achieve even this limited amount.

In the end, there is a simple fact: It is not possible for an adult to substitute his or her phonology (one accent) for another, consistently and in a permanent way.<sup>7</sup>

### 3. Akaninyene Etuk is a fully competent native speaker of English

Akaninyene Etuk (hereinafter "AE") was born in the United States, and lived here until age seven, when he moved to Akwa Ibom, Nigeria with his parents and sister. He was resident there until about seven years ago.

As a child AE acquired three languages: English, Ibibio, and Nigerian Creole.<sup>8</sup> He is a true tri-lingual, having acquired all three of these languages with native proficiency. It is

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<sup>6</sup> Giles, H. (1984) The dynamics of speech accommodation. Berlin: Mouton de Gruyter.

— — — (1971) "Ethnocentrism and the evaluation of accented speech." British Journal of Social and Clinical Psychology 10: 187-188.

<sup>7</sup> It certainly is possible for someone who is learning a second language to improve their accent in that target language, with practice and patience and dedication.

<sup>8</sup> Ibibio is a Niger-Congo language and the main trade language of Akwa Ibom province in Nigeria. It has a written counterpart. Nigerian Creole (sometimes mistakenly called Nigerian Pidgin) is an English-based Atlantic creole with a full grammar and native speakers.

not uncommon for persons growing up in multilingual communities to gain multiple native proficiencies. Part of the communicative competence of such speakers is learning the complex rules for switching back and forth among languages depending on the interaction of subject matter, setting, and interlocutors.

AE speaks primarily English or Nigerian Creole with his family and close friends. English was the language of instruction while he was in school in Nigeria; Creole was the language of interaction among students. Ibibio is the native language of the Akwa Ibom province in Nigeria, and is a secondary language of instruction.

Nigerian English (sometimes referred to more generally as West African English, or WAE) is one of the major regional varieties of World English. Like American or British English, Nigerian English has its own specific phonology and syntactic patterns.

The primary difference between WAE and American English is one of prosody, or sentence stress timing. WAE is a syllable-timed variant of English, which means that each syllable receives about equal time. This is characteristic of most of the languages of West Africa. American English is stress-timed. That is, stressed syllables are at roughly equal intervals while unstressed syllables occurring between stressed syllables are shortened to accommodate.

Other salient characteristics of WAE include: WAE is non-rhotic (final r-sounds are not pronounced in words like *water* and *father*, as is the case in most of England and parts of the American south); final consonant clusters are sometimes reduced, and word final consonants may be devoiced. These are all features that occur in various regional varieties of American English.

On the basis of my telephone interview with AE, and having watched video and listened to audio recording provided by the EEOC, I found AE's English to be fully proficient. His intonation is identifiably West African in origin, but was not an impediment to our conversation. I found it no more difficult to adjust to his accent than adjusting when I speak to native speakers of Scots English or Welsh English. It is my opinion that AE's accent would not be an impediment to communication with any reasonable person who chooses to speak to him face to face or on the telephone.

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### **MATERIALS REVIEWED**

1. Twenty minute phone interview/conversation with A. Etuk, November 2003
2. Audiotape dated 4/18/02 (EEOC SI-0106)
3. Videotape of a broadcast news report, date unknown, including interview with A. Etuk.
4. Complaint and Case Management Plan in EEOC v. Southwest Incentives, Inc. United States District Court for the District of Arizona. Civ-02 2638PHX EHC
5. In the same case: Defendant's Answer, Plaintiff's Disclosure Statement, Interview and employment materials supplied by Plaintiff.

Rosina Lippi Green

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