

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

ROSA A. QUINTEROS,)
)
 Plaintiff,)
)
 vs.)
)
 METROPOLITAN GOVERNMENT)
 OF NASHVILLE AND DAVIDSON)
 COUNTY and DAVIDSON COUNTY)
 ELECTION COMMISSION)
)
 Defendants.)

Civil Action No. 08-2535-I

CLERK OF THE CHANCERY CT.
 DAVIDSON CO. CHANCERY CT.
 D.C. & H.

2008 DEC -2 PM 4:00

FILED

AFFIDAVIT OF WIN MYINT

STATE OF TENNESSEE §§

COUNTY OF DAVIDSON §§

Comes now Win Myint, having been duly sworn and deposes as follows:

1. My name is Win Myint. I reside in Davidson County, Tennessee. I am a naturalized U.S. citizen (1965). I came to this country from Burma (Myanmar) in 1954 as a student to study at Rensselaer Polytechnic Institute (RPI) in Troy, New York.
2. I pursued undergraduate as well as graduate studies at RPI and came to Nashville to assume the position of professor of mathematics at Tennessee State University in 1965. I was a Professor of mathematics at Tennessee State University for 42 years. I am presently retired. I am 77 years old.
3. Shortly after coming to Nashville, I became involved in the U.S. Civil Rights movement, particularly in the desegregation of higher education in Tennessee.
4. In 1981 I founded (with others) The Buddhist Temple to serve Southeast Asian refugees in our community. This was for refugees from Laos, Cambodia, and Vietnam. The Buddhist Temple remains open to this day.

5. Even though these groups had formed their own ethnic temples, The Buddhist Temple has remained open to educate and assist Southeast Asian refugees and immigrants.
6. In the past few years I have also been involved in assisting refugees and immigrants from my native country (Burma, now Myanmar) who have come to Nashville in increasing numbers. Many of these recent refugees from Myanmar have very limited skills in English. Prior to this, I have been invited on many occasions to speak at English as Second Language (ESL) courses taught by Metro schools to promote a better understanding between teachers and immigrant students. There are now nationally recognized college degrees in teaching English as a second language.
7. I have helped the Myanmar refugees obtain language assistance. I have also helped other refugees from Southeast Asia (Laos, Cambodia, and Vietnam) with language assistance in connection with local government services and programs (e.g. health care, utilities, food stamps).
8. Many refugees approach me to obtain language services or a translation of the Tennessee drivers license manual (used for testing).
9. The desire of all these refugees is to become proficient in English and to become U.S. citizens (a necessity since these nations will not accept their return). I have had frequent contact and interaction with these refugees, particularly in connection with their language and assimilation issues.
10. I have knowledge and familiarity of the "English-only" election scheduled for January 22, 2008. I have read newspapers and have followed media coverage on this issue. One article, for example, addresses whether Black voters in Davidson County might be more inclined to vote for this measure. "More Blacks May Favor English Only Plan," TENNESSEAN, Nov. 20, 2008.
11. I have direct contact with many non-English speaking refugees and immigrants, particularly in the Southeast Asian community here in Nashville. The existence and pendency of this election, to formally prohibit any speech or foreign language other than English in communication or actions with Metro government, has had a harmful effect (beyond fear) on immigrants in Nashville. This is not simply a

public image issue. The election campaign by Nashville First, Inc., the public statements by Eric Crafton and the reported link between these groups and hate groups (see "English-first backer tied to alleged hate groups", TENNESSEAN, August 19, 2008) have created a very tense and divisive social atmosphere for immigrants and non-English speaking persons in Nashville. This election campaign has definitely generated divisiveness between English-speaking residents in Nashville and immigrants and refugees with limited English proficiency. There is a distinct disharmony present, as a result of the cloud of this pending measure, to deprive non (or limited) English-speaking persons of their rights to speak to their government

12. I am submitting this affidavit because I believe it is important for the Court to know that people in Nashville who do not speak English, particularly refugees whom I interact with, are presently being harmed, marginalized and jeopardized by this election. It has stirred up real anti-immigrant sentiment. Mr. Crafton has publicly criticized immigrants and his website states that immigrants need "to improve their skills." His website further has a Youtube video that criticizes Oregon for a policy requiring supervisors of firefighters to speak Spanish to "Hispanics." The video, "Oregon fires non-Spanish speaking firefighters" has the clear message that English speaking people may lose their jobs if they can't speak Spanish:

<http://www.nashvilleenglishfirst.com/Media/tabid/110/Default.aspx>

<http://www.youtube.com/watch?v=sHdeAiulFCc&eurl=http://www.nashvilleenglishfirst.com/Media/tabid/110/Default.aspx>

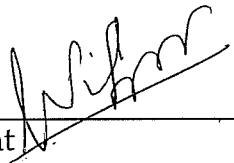
13. These divisive and harmful sentiments, sadly, are being disseminated as this election campaign progresses. In my personal knowledge, and in my opinion, immigrants and non-English speaking residents of Metro Nashville are presently being harmed by this election and face a real risk of loss of their free speech rights to talk and communicate with their local government. The anti-immigrant tone of this election is unmistakable.
14. Many local programs available to immigrants (e.g. Head Start, local health care and primary education) have language assistance available to persons

with limited English proficiency. There is a real tension and fear that this election will deprive persons who do not speak English well of these local programs where language assistance is federally mandated.

15. In summary, in working and interacting with the immigrant community, I can testify that the pendency of this election is harmful *at this time* and the mere fact that our local government has placed such a measure on the ballot is promoting present hostility and in some cases frank discrimination against persons who do not speak English.

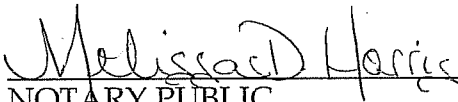
16. I support the effort by Ms. Quinteros to enjoin this election because it has harmed all non-English speaking refugees and immigrants, including the Southeast Asian community. This election poses a substantial threat to completely deprive all non-English speaking persons in Nashville of free speech rights with their local government no matter what is their country of origin.

FURTHER AFFIANT SAYETH NOT



Win Myint

Sworn to and subscribed before me this 2nd day of December, 2008.



NOTARY PUBLIC

My Commission Expires: 05/02/2011



**My Commission Expires
May 2, 2011**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served upon the following on this 2nd day of ~~November~~, 2008, via facsimile and first-class, postage prepaid U.S. Mail: *December*

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Attorneys for Eric Crafton


David Randolph Smith