

Black Linguistics

LANGUAGE, SOCIETY, AND POLITICS IN AFRICA AND THE AMERICAS



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Linguistic profiling

John Baugh

Mr. Darden: “The second voice that you heard sounded like the voice of a Black man; is that correct?”

California v. Orenthal James Simpson

This chapter consolidates a long-standing tradition in dialectology and sociolinguistics: the study of linguistic discrimination based on speech or writing. The concept of “linguistic profiling” is introduced here as the auditory equivalent of visual “racial profiling.” We ultimately argue that linguistic profiling is more finely tuned to diversity among Americans than are dissatisfactory racial classifications that have been used in the courts and for controversial social and educational policies based on race. Matters of fairness, which Americans value, lie at the core of linguistic profiling. As with racial profiling, linguistic profiling can have devastating consequences for those US residents who are perceived to speak with an undesirable accent or dialect.

At the very outset I acknowledge that accents vary substantially in terms of prosody, phonetics, and phonology, while distinctive dialects exhibit unique grammatical properties that are shared by other speakers of the same dialect, but which may be unfamiliar to, unused by, or unknown to speakers of other dialects of the same language. As such, our language, be it speech or writing, tells others much about us as we perform linguistic tasks throughout our daily lives. Perceptions of intelligence, or the lack of it, are often deeply interwoven with perceptions about language, or specific dialects and accents within a particular language.

This discussion traces different trends, including discriminatory linguistic profiling, preferential linguistic profiling, which might include profiles in linguistic adoration, and the legal paradox resulting from linguistic profiling in America. Tentative policy implications with global ramifications are introduced in the conclusion of this chapter. More narrowly, within a US context, I hope this analysis may be of value for improving linguistic acceptance throughout the Republic, and, in so doing, that it may be particularly beneficial to educators, diplomats, legal scholars, jurists, and legislators who must ultimately determine the (il)legality of linguistic profiling.

Discriminatory linguistic profiling

Racial identification based on speech captured public attention during the O.J. Simpson trial. Simpson's African American attorney, Mr. Cochran, objected forcefully to the assertion that one can deduce racial identity from speech (*California v. Orenthal James Simpson*):

Mr. Darden When you heard that voice, you thought that that was the voice of a young white male, didn't you?

Mr. Cochran Object to the form of that question, your Honor.

Judge Ito Overruled.

Mr. Cochran Speculation, conclusion.

Judge Ito Overruled.

Mr. Cochran How can he tell if it was a white man, your Honor?

*Judge Ito*¹ Counsel, overruled.

In 1999, in the case of *Clifford v. Kentucky*, the Supreme Court of Kentucky enlisted linguistic profiling to convict an African American appellant who was overheard by a white police officer. Thus far this case affirms the legality of racial identification based on speech by a lay witness. The case, for obvious reasons, is obscure when compared to the global visibility of the Simpson trial, but the practice of linguistic profiling was no less acute.

Smith testified that he saw Birkenhauer enter the apartment. He then heard four different voices, the first of which he recognized as being that of Birkenhauer. He then heard the voice of another male, the voice of a female, and, then later, a fourth voice which "sounded as if it was of a male Black." Smith testified that he had been a police officer for thirteen years and had spoken to Black males on numerous occasions; that based on that experience, he believed that the last voice which he heard was that of a Black male. Appellant is a Black male; Vanover is a white male.

Smith then testified as follows:

Q Based on that [Smith's experience], as best you can recall, I just want you to tell me what you can recall of the conversation you heard between Detective Birkenhauer, just tell the jury what the male Black said, or the person you believed to be a male Black.

A That would have been the fourth and final voice on the tape. Detective Birkenhauer stated that he would take the "75" now and asked how long it would be, something along those lines, before he could get back with the additional drugs. What was believed to be a male Black responded, fifteen or twenty minutes or so, I didn't bring it with me, I left it at my house, you

know what I am saying, I didn't want to have it on me. Detective Birkenhauer said, I'll take the "75" now, and we will hook up later.

On cross-examination, the following colloquy occurred between Smith and defense counsel:

Q Okay. Well, how does a Black man sound?

A Uh, some male Blacks have a, a different sound of, of their voice. Just as if I have a different sound of my voice as Detective Birkenhauer does. I sound different than you.

Q Okay, can you demonstrate that for the jury?

A I don't think that would be a fair and accurate description of the, you know, of the way the man sounds.

Q So not all male Blacks sound alike?

A That's correct, yes.

Q Okay. In fact, some of them sound like whites, don't they?

A Yes.

Q Do all whites sound alike?

A No sir.

Q Okay. Do some white people sound like Blacks when they're talking?

A Possibly, yes.

In his ruling opinion, Justice Cooper of the Supreme Court of Kentucky noted that "an opinion that an overheard voice was that of a particular nationality or race has never before been addressed in this jurisdiction." Citing the case of *People v. Sanchez* (1985), Justice Cooper noted that "a lay eyewitness to a fatal shooting was permitted to testify that immediately prior to the shooting, he overheard the victim and the killer arguing in Spanish, and that the killer was speaking with a Dominican, rather than a Puerto Rican, accent."

In support of the preceding ruling, the New York Superior Court noted that:

It is clear that lay witnesses can often detect the distinctive accent related to particular ethnic or geographic groups. Thus, a lay witness, depending upon his experience, could distinguish between a Yiddish accent and an Italian accent, or between a Russian and an English accent, or between a Spanish and a French accent. In addition, within broad categories, certain more specific accents, characteristic of [a] particular region, may be ascertained. For example, the lay witness may be able to reliably identify the "Brooklyn" accent, as distinguished from the "Boston" accent, or the "Southern" accent from the "Cockney" accent. Human experience has taught us to discern the variations in the mode of speech of different individuals.

Returning to the Kentucky case in question, Justice Cooper observed that: No

one suggests that it was improper for Officer Smith to identify one of the voices he heard as being that of a female. We perceive no reason why a witness could not likewise identify a voice as being that of a particular race or nationality, so long as the witness is personally familiar with the general characteristics, accents, or speech patterns of the race or nationality in question, i.e. so long as the opinion is "rationally" based on the perception of the witness.

Whereas "racial profiling" is based on visual cues that result in the confirmation or speculation of the racial background of an individual, or individuals, "linguistic profiling" is based upon auditory cues that may include racial identification, but which can also be used to identify other linguistic subgroups within a given speech community. The legal distinction and disagreement lie between Justice Cooper's assertions that lay people can indeed confirm the race or nationality of an individual based on his or her speech and those of Mr. Simpson's attorney who claimed—quite forcefully—that basing racial identification on speech is overtly racist and should not be permitted in a court of law. We shall return to this legal paradox briefly.

My earliest work on African American Vernacular English (AAVE) focused substantially on "style-shifting" among African Americans. During years of fieldwork I observed that a majority of African American adults would adjust their speech to fit their immediate social circumstances (Baugh 1983). Dillard (1972) and Labov (1972) made similar independent observations, noting that adult African Americans tended to use AAVE less frequently than did younger African Americans. By contrast, my research, which included observations of the same adults in a broad range of speaking circumstances, demonstrated considerable linguistic elasticity.

Similar forms of "linguistic accommodation" have been noted in other speech communities as well, suggesting that my observations in the African American community readily extend to other speakers who adjust their manner of speaking to fit the situation (Weinreich 1953; Blom and Gumperz 1972; Ervin-Tripp 1972; Goffman 1972; Hymes 1974; Giles and Powesland 1975; Trudgill 1986; Hazen 1998; Schilling-Estes and Wolfram 1999). This is not to suggest that AAVE speakers "sound white" when speaking in formal situations and "sound black" in colloquial circumstances. Rather, the preceding court rulings seem not to take "style-shifting" or "linguistic accommodation" into account, thereby calling the veracity of Justice Cooper's ruling into question.

I first became aware of "linguistic profiling" through deeply personal circumstances, as have some of my peers who are also African American professionals with advanced graduate degrees. Two anecdotes illustrate the point. In 1988 I was honored to accept a fellowship at the Stanford Center for Advanced Study in the Behavioral Sciences (CASBS), and I was trying to relocate my family to Palo Alto for a year. I moved to Palo Alto first in search of accommodations that would serve my entire family. Any reader who has ever tried to rent a home or apartment knows the experience of scouring the classified advertisements and then calling to make an appointment.

During all calls to prospective landlords, I explained my circumstances, as a visiting professor at CASBS, always employing my “professional voice,” which I am told “sounds white.” No prospective landlord ever asked me about my “race,” but in four instances I was abruptly denied access to housing upon arrival for my scheduled appointment. Although I suspected that these refusals were directly the result of my race, which was confirmed through visual racial profiling, my standard English fluency was (and is) such that I escaped “linguistic profiling” because I sounded white.

Anita Henderson describes nearly identical circumstances in her search for an apartment in Philadelphia:

I went to a large apartment complex in Philadelphia to inquire about apartments. I was steered to the most expensive apartment in the building and told that this was the only apartment available for the following month and that no other apartments would be coming available. However, the next day, using my very best Standard American English on the phone and inquiring about apartments at the same complex, I discovered that, miraculously, several less expensive apartments were immediately available, and I was more than welcome to come and see them.

(Henderson 2001: 2–3)

In my particular case I was unable to prove that I had escaped auditory “linguistic profiling,” only to eventually be snared by visual “racial profiling,” but Henderson’s experience incontrovertibly confirms “racial profiling.” Her ensuing telephone call to the same apartment complex escaped linguistic profiling. She further observes, “Having guessed the nature of our face-to-face interaction, I knew I should ‘sound white’ in order to obtain the truth about the actual availability of apartments.” She was ultimately able to rent “the apartment I wanted with no subsequent attempts on the part of the apartment building management to explain the mysterious availability of apartments” (Henderson 2001: 6).

As African American linguists with considerable professional training and extensive speech dexterity, our experiences are still relatively rare; that is, in the sense that we possess the ability to “sound white” if we choose to do so. Many of our fellow African Americans either cannot or will not attempt to adopt standard English under similar circumstances, thereby making them vulnerable to the kind of linguistic profiling described by Kentucky’s Justice Cooper. I am not suggesting that speakers of AAVE must embrace Standard English if it is not their personal desire to do so. Rather, because of our professional circumstances, Henderson and I have been able to confirm the practice of linguistic profiling against Blacks.

Linguistic stereotypes have long been studied by linguists. Preston (1993), Lippi-Green (1997), and Cukor-Avila (2000) each provide independent evidence of “accent discrimination” or “dialect discrimination” against speakers of various

regional, racial, and ethnic accents (or dialects) throughout the United States. Cukor-Avila (2000) confirms this practice in the workplace, noting that prospective employers are concerned with the linguistic impressions conveyed by their employees.

Because of the manner in which this first came to my attention, however, I have devoted most of my research on this topic to forms of housing discrimination, which has been documented extensively by the National Fair Housing Alliance (NFHA) in different regions of the country. Without the benefit of detailed linguistic analyses, "testers" who work for NFHA routinely seek to determine the existence of linguistic profiling associated with various forms of housing discrimination. Horwitz (1999) describes the situation as follows:

Testers for the nonprofit group (i.e. the Fair Housing Council of Greater Washington) called more than 60 insurance offices and sought information about renters' insurance. In 150 cases, responses to Black and Latino callers were compared with responses to white callers, and 45 percent revealed discrimination.

My own research on this topic, produced in collaboration with phoneticians,² confirms Justice Cooper's observation. Through modified versions of matched guise studies that were adapted to compare standard English, AAVE, and Chicano English, over 80 percent of listeners were able to correctly identify the dialect spoken based on hearing the single word, "Hello." (See Purnell *et al.*: 1999.) Since many Americans routinely answer the telephone by saying "Hello," these results further confirm the potential for linguistic profiling, even when such racial or ethnic identification (or speculation) is not overtly used for discriminatory purposes.

Shanna Smith, executive director of the National Fair House Alliance, notes, "It is such an effective way of not doing business with people of color. It is subtle, not in your face, not slamming down the phone. But not following up by calling back or mailing material is just as malicious as saying, 'I won't give you insurance because you're Black or Mexican'" (Horwitz 1999: B 01). It is this "subtle" quality, combined with the fact that linguistic profiling can take place over the telephone, or through written correspondence, that has made it difficult to prosecute in the courts.

Ironically, in most of the cases of housing discrimination that have come to my attention, either as a consultant or as an expert witness, defendants have routinely denied the identical accent or linguistic detection skills that Justice Cooper confirmed through his ruling and subsequent conviction. That is to say, when confronted with evidence that suggests that linguistic profiling was used to deny housing, or insurance, or mortgages, to members of minority groups, defendants often retreat to Mr. Cochran's assertion that one cannot draw any racial or ethnic inference based on speech that is heard over the telephone, or, in Mr. Cochran's case, through an intercom system.

The NFHA recognized that many prospective home buyers or renters were simply unaware of the illegality of linguistic profiling, and they produced a series of advertisements to alert African American and Latino/a populations to be wary of these subdued forms of discrimination, as illustrated in Figures 8.1 and 8.2.

APARTMENT
Phone Message :
Tina and Frank
Teacher/Sales Mgr.
2 incomes
2 kids
555-2943
Sounds Black

Sounds like discrimination.

What matters is how you look on paper – not how you sound over the phone. Judging you by your race or national origin instead of your qualifications is discrimination. It's unfair, it's painful... and it's against the law. The best way to stop housing discrimination is to report it.

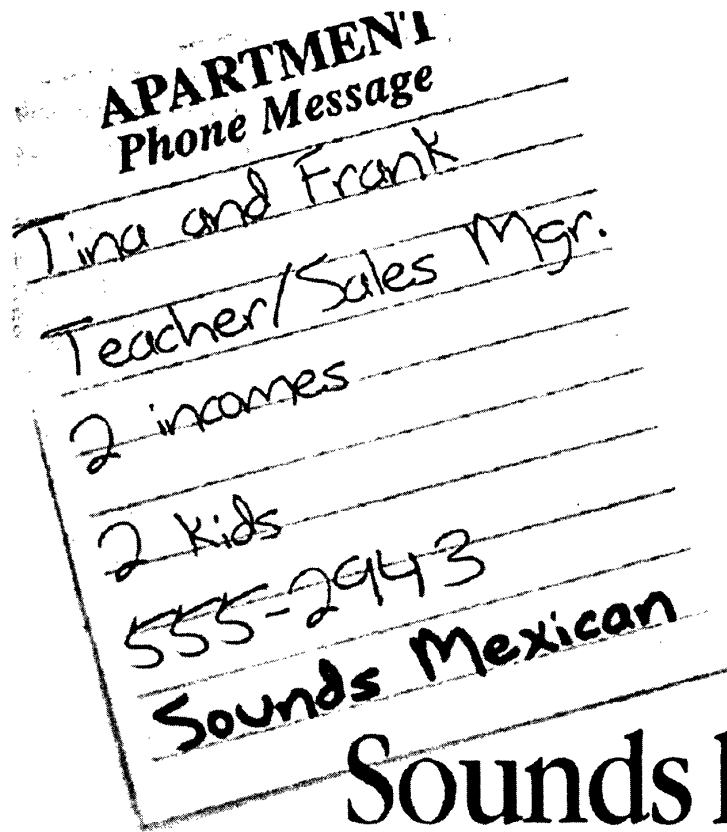


FAIR HOUSING IS THE LAW!

If you suspect unfair housing practices, contact HUD or your local Fair Housing Center.

U.S. Department of Housing and Urban Development • 1-800-669-9777 • TDD 1-800-927-9275

Figure 8.1 Sounds Black



Sounds like discrimination.

What matters is how you look on paper – not how you sound over the phone. Judging you by your national origin or race instead of your qualifications is discrimination. It's unfair, it's painful... and it's against the law. The best way to stop housing discrimination is to report it.



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Figure 8.2 Sounds Mexican

Although my remarks thus far have been focused on People of Color, linguistic profiling trawls through much deeper demographic waters than visual profiling which is constrained to navigation by race alone. Perhaps the most insidious cases are those where accent is employed as a surrogate for race in attempts

to maintain overt discrimination, say, through illegal redlining or employment discrimination. Whites who speak with “undesirable” accents may fall victim to linguistic profiling just as readily as members of minority groups. Cukor-Avila’s (2000) research confirms the existence of linguistic prejudice against various white dialects, along with regional preferences that defy simplistic racial attribution.

Preferential linguistic profiling

Thus far some of the negative consequences of linguistic profiling have been pronounced, but there is a positive side to the coin of this realm. Language, dialects, and accents also serve to bind Americans, reminding us of the ancestors who left distant lands to seek their freedom and fortune here.

Before turning completely to the sunny side of linguistic profiling, I would be remiss if I did not acknowledge the death of hundreds of indigenous American languages that resulted from colonization and the ensuing attacks on Native Americans. The legacy of Native American linguistic mortality is etched deeply in our collective past because the spread of English came at the expense of America’s primordial languages. Ever the optimist in search of a silver linguistic lining, I am heartened by indigenous people’s efforts to revive their heritage languages throughout the continental US, Alaska, and Hawaii. In my opinion these are positive cultural developments resulting from a positive interpretation of linguistic profiling, to which I now turn.

Just as linguistic diversity has been used to accentuate differences among us, it also unites us into the bundles of linguistic enclaves that reinforce our heritage and pride in our ancestry. That heritage is multiethnic by definition. When we are able to converse with people who share linguistic backgrounds similar to our own, most of us feel most comfortable and at ease. These same linguistic sensitivities alert us to differences among us that come into play when we see others of “our own linguistic kind,” be they speakers of English or languages other than English. The unique American linguistic hybrids that blend English with other languages from throughout the world may also fall under the microscope of linguistic profiling. Such linguistic hybrids serve to evoke solidarity among their speakers at the very same time that they may be the objects of linguistic bigotry beyond their vernacular sanctuary.

Whereas racial differences and controversies over affirmative action have tended to divide us, the recognition that most of our ancestors came from lands where English was foreign gives us a common historical bond that has the potential to help reunite Americans. Those readers who are US citizens whose ancestors had the luxury of immigrating to America of their own volition typically take considerable pride in the accomplishments of their ancestors, as do those of us whose ancestors were enslaved. Yet most of our ancestors, in freedom or in bondage, were once mocked for their speech, and linguistic profiling spread to greet each wave of immigrants who struggled to master “good” English.

A strong honorific sense of ancestral pride is certainly not unique to America, but the American multiethnic tapestry includes a tremendous linguistic repository of global languages that are derived from every continent on earth. While some other nations may likewise boast of considerable linguistic diversity, the dominance of the US culture and economy has evoked the full continuum from scorn to envy among those who are not citizens of our extraordinary Republic. Inclusive linguistic profiling is exercised daily as Americans choose those with whom they like to associate most. For some these personal choices are highly diverse, for others they remain narrow. Although “inclusiveness” tends to evoke positive connotations, I use it here as a neutral heuristic concept that concedes that one person’s linguistic pride can easily serve as another person’s source of linguistic displeasure.

Profiles in linguistic adoration

There are many noteworthy examples of linguistic adoration, if not linguistic envy, that produce another form of linguistic profiling. It results from forms of linguistic admiration of “beautiful speech” or other positive linguistic attributes that we might feel are somehow lacking in ourselves. Two examples readily come to mind, including French and British accents. Many Americans find both accents appealing, if not somewhat intimidating. At this point I resort to a greater degree of speculation in an effort to provide a comprehensive picture of linguistic profiling in America because I have only conducted preliminary pilot research to date. However, the data suggest that a wide range of socially stratified British dialects hold considerable prestige in America. Whether it is the speech of Queen Elizabeth or that of Mick Jagger, many Americans hold a British accent in higher regard than they do most American accents.

A French accent is viewed somewhat differently, or at least it seems so. Whereas American English cannot deny its British ancestry, positive interpretations of French culture, and a shared historical ethos of equality, liberty, and fraternity, tend to yield favorable linguistic stereotypes. I seek not to imply that there is universal love by Americans for either British or French accents; linguistic resentment often lies beneath the surface of linguistic envy and adoration. Nevertheless, hostile reactions to a British accent pale when compared to the hostile reception that greeted Ebonics’s global debut (Baugh 1999, 2000; Smitherman 2000).

Another brief anecdote illustrates the point at hand. By remarkable coincidence, several of my linguistic colleagues at Stanford are originally from England, and faculty meetings are striking in a US context because of the extensive use of British English. I once made an informal observation to a group of students that I believed speakers of British English were loath to adopt American English for any number of reasons, not the least of which being that so many Americans admire British speech and strongly associate upper-class British English with high levels of intelligence. If one must suffer from a linguistic

stereotype, I would argue that being perceived as highly intelligent is not a social detriment in American society.

British intelligence notwithstanding, one young woman in the group disagreed with my offhand observation. Her experience demonstrates that despite the general American adoration of British English, there is at least one social context where this variety of English is not welcome. She pointed out that she was from England and had arrived in the US speaking a highly educated variety of British English, which she had learned at an exclusive school for young women in London. When she arrived in New York, encountering a wide range of Americans from diverse backgrounds, she found that many of her new-found peers mocked her speech, and so she not only embraced American English, she even chose to adopt AAVE over Standard American English. She was the first Black graduate student that I ever taught who was a native of England, and, to date, she has been the only speaker of British English to inform me that she had abandoned her native dialect to escape linguistic chastisement. While her case represents an exception to the general American adoration for British accents, it fits squarely within the context of Black American adolescents criticizing their peers for “talking” or “sounding white.”

The legal paradox of linguistic profiling

Returning to discriminatory linguistic profiling, Judge Cooper would have us believe that lay citizens who are “rational” witnesses can confirm legal identification which connects linguistic behavior with racial background. As a dialectologist and linguist I find this position to be inherently problematic. The testimony cited in Judge Cooper’s court asserts that some Blacks sound white, and vice versa. Be that as it may, Judge Cooper sent the appellant to jail on the basis of linguistic profiling that was used to obtain a conviction.

The other side of the paradox lies in the area of linguistic profiling when it is employed in racially motivated criminal discrimination. As previously observed, such acts are alleged to have exclusionary intent at their core, and defendants in such cases typically claim to lack the capacity for linguistic or racial identification that Judge Cooper affirmed by his ruling. Stated another way, Judge Cooper accepted the fact that many lay people can draw racial inference from speech, whereas many defendants in housing discrimination cases or insurance redlining deny that they can make any such racial determination, say, during a telephone conversation.

Linguistic profiling is either legal, or it is not. Under current legal statutes the US Supreme Court has yet to rule on linguistic profiling, *per se*, and it will be interesting to see how the Supreme Court rules on this matter should the issue ever come before that body. Supreme Court Justice Clarence Thomas observed during his confirmation hearings before the US Senate that he pursued an undergraduate major in English because many of his elementary school teachers told him that he spoke a language other than English. This was a lighthearted

moment in the proceedings, and his comments evoked laughter, if not empathy, from Senators and an American public who readily acknowledged that AAVE and his skills as a jurist were in open conflict in a profession that demands considerable Standard English proficiency. No one suggested, as I do now, that young Clarence Thomas was the object of uninformed linguistic profiling within an educational system that made African American students of his generation feel a sense of linguistic inferiority and, by extension, a sense of linguistic shame. (See Baugh 2000; Lanehart 2002.)

Conclusion

I have intentionally focused on the US in this discussion, resisting the temptation to discuss new research from South Africa that shows evidence of linguistic profiling there. Nor have I made biblical reference to shibboleths, or trotted out well-worn examples from Shaw's *Pygmalion*, or similar Greek plays that preceded it. Each example confirms global linguistic profiling in human antiquity. On the basis of our keen auditory skills as a species, I believe that linguistic profiling will exist as long as human language exists. The challenge to Americans and our fellow citizens elsewhere is to have wisdom, patience, and sufficient tolerance of others whose linguistic backgrounds differ substantially from our own. To do so would accentuate the benefits of preferential linguistic profiling, while discarding the tradition of discriminatory linguistic profiling that fans the embers of racial discord.

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Notes

- 1 Judge Lance Ito became the object of linguistic profiling when former Senator Alfonse D'Amato openly mocked his speech during a radio talk show. The Senator adopted a stereotypical Asian accent that was attributed to Judge Ito. The linguistic portrayal was a cartoon with inescapable racist overtones, for which the Senator publicly apologized.
- 2 Linguists are strongly encouraged to consult Purnell *et al.* (1999) for detailed discus-

sion of a series of experiments which were conducted pertaining to phonetic properties of dialect perception of three American English dialects: African American Vernacular English, Chicano English, and Standard American English.

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