

### **Spanish- what the New Mexico Constitution says**

There appears to be some misconceptions as to what the **New Mexico Constitution** says. Here are articles that refer specifically to the Spanish language. The Constitution was adopted January 21, 1911.

Article VII – Elective Franchise, Section 3 (Religious and racial equality protected: restrictions on amendments): “The right of any citizen of the state to vote, hold office or sit upon juries, shall never be restricted, abridged or impaired on account of religion, race, language or color, or inability to speak read or write the English or Spanish languages except as may be otherwise provided in this constitution.”

Article XII – Education, Section 8 (Teachers to learn English and Spanish): “The legislature shall provide for the training of teachers in the normal schools (*schools that prepare teachers*) or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the state, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students.”

Section 10 (Educational rights of children of Spanish descent): “Children of Spanish descent in the state of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the state, and they shall never be classed in separate schools and educational institutions of the state, and the legislature shall provide penalties for the violations of this section.”

Article XX – Miscellaneous, Section 12 (Publication of laws in English and Spanish): “For the first twenty years after this constitution goes into effect all laws passed by the legislature shall be published in both the English and Spanish languages and thereafter such publication shall be made as the legislature may provide.” (*According to Dr. Erlinda Gonzales-Berry in her article Which Language Will Our Children Speak?: This article was to be in effect for twenty years and to be voted upon as needed thereafter. This time limit suggests that Nuevomexicano legislators expected that the subsequent generation would be totally bilingual and that there might not be a need for printing laws in Spanish after 1931. In fact, the article was renewed in 1931 for ten years and again in 1943. However, sufficient funds to complete the project were never appropriated, and the article was eventually eliminated for the constitution. Ironically, this is the article that, even today, is frequently cited as proof of New Mexico’s status as an officially designated bilingual state.*)

Article XXII – Schedule, Section 14 (Ballots for ratifying the constitution): “The ballots cast at said election in favor of the ratification of this constitution shall have printed in both English and Spanish the words ‘For the Constitution’; and those against the ratification of the constitution shall have written or printed thereon in both English and Spanish the words ‘Against the Constitution’; and shall be counted and returned accordingly.”

There is a contradiction to Article XII, Section 8 in the Constitution as specified in Article XXI – Compact with the United States, Section 4 (Public Schools): “Provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of the state and free from sectarian control, and said schools **shall always be conducted in English**” (emphasis added).

Dr. Gonzales-Berry states about this apparent contradiction: “The language (*of Article XII, Section 8*) is indeed vague. But was it, in fact, meant to create a space, albeit an ambiguous one, for the inclusion of Spanish in the classroom? Nuevomexicanos were well aware that there was opposition to inclusion of native-language rights in the constitution. ... If they spoke too forcefully for native-language rights, they would be accused of holding a retrograde position, thereby threatening admission to the Union or, subsequently, of compromising New Mexico’s position as the youngest member in a polyglot family bent on declaring English its only legitimate language.

**Caught between these two positions, subterfuge (*in inserting Article XII, Section 8*) may have been the only strategy available to Hispanos in 1910.**” (emphasis added)

I hope this posting sheds light on a topic that is fraught with misunderstandings.