

*Gerda Bikales has been associated with The Social Contract since its inception. During her term as executive director of U.S. English she had occasion to review the language requirements of the treaty that ended the Mexican War and hopefully dispel misconceptions about its provisions in the face of those who wish for a change of fortunes in the American Southwest.*

# The Treaty of Guadalupe-Hidalgo:

## *Truth and consequences*

by Gerda Bikales

For the radical Chicano dedicated to keeping dreams of a mythical lost empire of Aztlan alive, the Treaty of Guadalupe-Hidalgo is an essential prop. Nearly 150 years after its signing, the treaty that ended the Mexican-American War in 1848 is routinely cited as legal justification for the growing demands that the Spanish language — the cultural foundation from which Aztlan is to rise — must be granted a measure of official recognition in the United States. The treaty, we are told repeatedly, guarantees the people of the annexed territories, and their descendants, the right to maintain the language of Mexico in perpetuity.

One encounters this assertion in indignant “Letters to the Editor” that denounce the imposition of American culture and of English, in defiance of terms of the treaty. One hears the claim repeated in the passionate oratory of Latino activists exhorting their constituents. One sees references to it in Congressional testimony presented by Hispanic leaders who, one suspects, actually do know better.

Politicians, journalists and writers on Mexican-Americans frequently allude to the existence of a provision in the Treaty of Guadalupe-Hidalgo to keep Spanish entrenched in the territories once controlled by Mexico. Earl Shorris, in a reference work entitled

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*Latinos: A Biography of a People* (1992), writes of “the Treaty of Guadalupe-Hidalgo, which promised citizenship, freedom to choose their religion and language ... to the Mexicans who lived in territories ceded to the U.S. after the Mexican War....” In the midst of the campaign for passage of Proposition 63, a 1986 citizen initiative to declare English the official language of California, the state’s top legal officer, Attorney General John K. Van de Kamp, asserted that the proposal would violate the Treaty of Guadalupe-Hidalgo. Challenged about the accuracy of his claim by this writer, Van de Kamp’s office quickly issued a retraction:

*It turns out that the Treaty of Guadalupe-Hidalgo contains no mention of Spanish or English.... While it is certainly possible that Proposition 63 may have constitutional flaws, it would appear that violating the Treaty of Guadalupe-Hidalgo is not one of them.*

The public response to the Attorney General’s blunder was quite unusual. Most advocates pressing for a bilingual Spanish/English America, and basing their case upon the Spanish-language rights allegedly granted in the treaty, are greeted by embarrassed silence rather than sharp questioning. Few of us are familiar with the details of this important document, and even fewer are willing to admit our ignorance. Most of us have vague memories from high school history classes about a war with Mexico which fulfilled a young America’s expansionist aspirations to reach its “manifest destiny” — to be a mighty nation stretching across the continent from sea to shining sea.

We now live in a period of orchestrated and unending collective self-flagellation about our

country’s many sins, both real and imagined, and we are programmed to be uncomfortable about any war we have won — all the more so about one in which we acquired vast stretches of rich territory. We are expected to be self-conscious and timid rather than disputatious and assertive. So it is that the claims about Spanish language rights being in the Treaty of Guadalupe-Hidalgo often go unchallenged — the truths remain unexposed — and the unscrupulous are free to take full advantage of our ignorance of the facts to promote their irredentist agenda.

Those who take the trouble to locate and read this treaty entitled “Peace, Friendship, Limits and Settlement” will be surprised to find that such an obscure document makes for lively and interesting reading. It’s spirit is not punitive or demeaning, but friendly and hopeful. It speaks of a sincere desire on the part of both countries “to put an end to the calamities of war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both....”

The treaty offered residents in the ceded territories the right to stay

*where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please; without being subjected, on this account, to any contribution, tax or charge whatever.*

Within a year of the treaty’s ratification, residents would have to choose affirmatively to keep their Mexican citizenship, or to become citizens of the United States. Those making no selection were to be considered United States citizens.

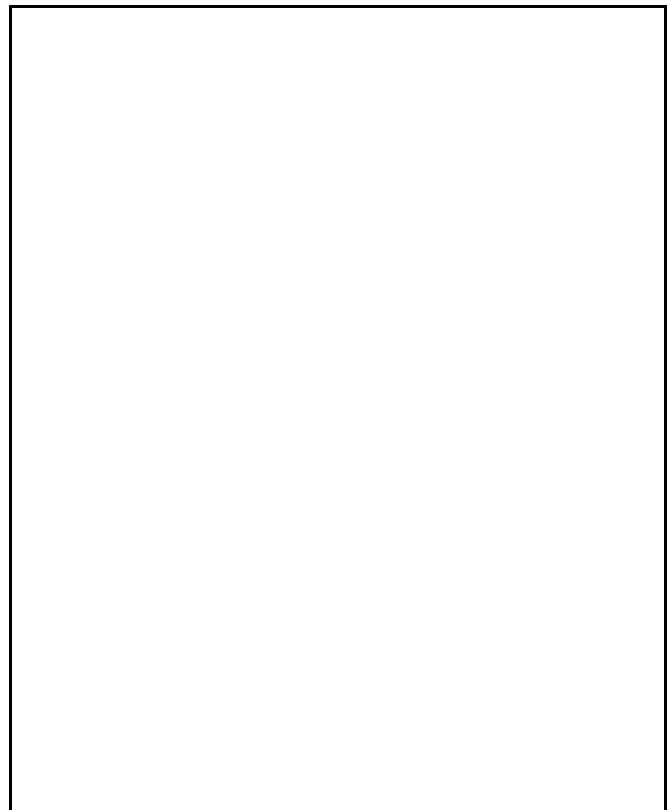
The treaty also addressed the property rights of absentee Mexican owners of ceded lands, which were to be

*inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guaranties equally ample as if the same belonged to citizens of the United States.*

The treaty gave assurances of the incorporation of the people living in the territories into the Union of the United States, at a time to be judged by the Congress, and of their admission “to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.” And while awaiting their entry into the Union, they “shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.”

The fact of the matter is that the choice offered was between United States citizenship (on an equal footing with all other U.S. citizens) and Mexican citizenship. It was religious freedom — the very hallmark of American democracy — that received special emphasis, no doubt to reassure a Catholic population joining a Protestant majority. Nowhere were languages given as an option, nor granted special protection.

The maintenance of the Spanish language in the American West and Southwest, or anywhere else in the country, is not a treaty obligation incumbent upon the American people. They are free to assert with



confidence that English is indeed our public language  
— by tradition, by the imperatives of national unity,  
and by right. ■