



Acequias defend use of Spanish language

Thursday, February 22, 2018 at 8:02 pm

Las Vegas Optic reports

SANTA FE — The New Mexico Acequia Association has joined a local acequia in a case currently before the New Mexico Court of Appeals.

In January, the Court of Appeals approved the filing of an amicus brief (friend of the court) filed by the NMAA and other parties in the case Parkview Community Ditch v. Peper.

Parkview Community Ditch is in Tierra Amarilla, a village in rural Northern New Mexico, known for its enduring fight to protect its natural resources for the community, including those within the historic Tierra Amarilla Land Grant.

“In our brief, we are urging the court to allow acequias and land grants to continue the historic and cultural practice of conducting meetings in Spanish,” said Paula Garcia, Executive Director of the NMAA.

A district court ruling affirmed the cultural practice of conducting meetings in Spanish, but that decision was appealed. Now, the NMAA has joined Parkview in its fight at the Court of Appeals to defend their right to hold meetings in Spanish. The brief recounts New Mexico’s complex history of protections in the New Mexico Constitution for Spanish-speaking inhabitants.

In a statement, Joseph Piña, Commissioner of the Parkview Community Ditch said, “Our acequia appreciates NMAA’s help and support on finally resolving this issue. All this lawsuit has done is cause unnecessary stress and placed an additional financial burden on our members. In the end, it’s a lose-lose, even if we win. We spent all this money and time when we could’ve been spending it on the acequia and irrigating. We’re just looking forward to putting this behind us. We just want to focus on what we’re good at and what we’ve learned to do since we were young - we’re farmers.”

The NMAA’s legal team that prepared the amicus brief includes longstanding partner New Mexico Legal Aid, represented by David Benavides, Esq. “After centuries of acequia meetings being conducted in the language of the local community, we were alarmed that someone would sue an acequia on these grounds,” said Benavides. “If any entity should reflect the community, the culture, and its people, it should be the local acequia.”

Law students from the University of New Mexico’s Natural Resources and Environmental Law Clinic at the UNM Law School were part of the legal team that represented the amici.

“As clinical law students, we were grateful for the opportunity to represent New Mexico acequias and land grants in an important brief that seeks to preserve the Spanish language and culture of New Mexico,” said Bryan Gonzalez, the lead clinical law student.

Gonzalez and eight other clinical students worked on the brief over two semesters. The clinic provides a broad range of legal services on natural resource and environmental issues to low-income and underrepresented communities throughout New Mexico.

Larry J. Montañó and Charlie S. Baser, of Holland & Hart LLP’s Santa Fe office, joined New Mexico Legal Aid and the UNM clinical law students in representing the amici pro bono.

“We feel privileged to have been able to help on this important matter” said Mr. Montañó and Ms. Baser. “New Mexico is a unique and special place, due in large part to its living, deep-rooted cultural traditions. This appeal seeks to protect, perpetuate, and celebrate one of its richest traditions.” Parkview Community Ditch is represented by Sanchez Law Group (Daniel J. Sanchez, Esq.).

Joining the New Mexico Acequia Association in the brief include the New Mexico Land Grant Council, Acequia Larga de Las Cruces, Merced del Pueblo de Chilili, Merced del Pueblo de San Joaquin del Rio Chama, and Acequia Madre del Llano.