SEARCHLIGHT NEW MEXICO 2025


HERO
ESBYTERIAN MEDICAL

EDITORIAL | BY ALEX HEARD

A STRONG PAST. AN EXCITING FUTURE.

Searchlight is proud to be part of a nationwide wave of online journalism outfits that are pushing back against the decline of local news.

AS THE NEW EXECUTIVE EDITOR of Searchlight New Mexico, I'm keenly aware of the important legacy the organization has established, which is captured in this collection of the best reporting and storytelling we produced over the past year. Most of these stories were assigned and edited by the two women who preceded me: Sara Solovitch and Amy Linn. Since Searchlight's launch in 2018, both have played crucial roles in defining the scope and style of what a Searchlight story can and should be.

In the pieces republished here, you see the range that Searchlight's three full-time reporters — Joshua Bowling, Alicia Inez Guzmán and Ed Williams — have made the norm. In "The Finer Things in Life," the first in a series of stories Bowling has written about Western New Mexico University President Joseph Shepard and his wife, former CIA agent and author Valerie Plame, he exposed wasteful expenditures of taxpayer dollars on international travel, luxury furniture and pricey hotels. Bowling's work spurred the New Mexico Higher Education Department and the Office of the State Auditor to open investigations. The Higher Education Department's probe is ongoing; in November, the State Auditor announced that his office had found more than $360,000 of wasted taxpayer dollars and referred the matter to the State Ethics Commission for further investigation. Shepard has since resigned as university president, although the terms of his departure have invited more scrutiny. The New Mexico Department of Justice launched an investigation, which is also ongoing, into the WNMU Board of Regents for awarding Shepard a $1.9 million buyout and a faculty job. On New Year's Eve, Gov. Michelle Lujan Grisham demanded immediate resignations from all five university regents.

Late in 2023, Alicia Inez Guzmán produced a masterpiece of narrative storytelling supported by deep reporting: "Buried Secrets, Poisoned Bodies." The piece tells the incredible tale of Epifania S. Trujillo, a woman from Guzmán's home village of Truchas, who died in 1972 with a staggering amount of plutonium in her body, and who was illegally autopsied by physicians working for the U.S. government. In 2024, Guzmán broke three stories about legacy plutonium contamination in sites beyond Los Alamos National Laboratory, including a popular recreation area called Acid Canyon. Central to her reporting were the findings of chemist Michael Ketterer, which proved that Acid Canyon likely had the oldest plutonium contamination on Earth, older even than the Trinity Site in south-central New Mexico. In response, LANL declared the area safe, based on standards that Searchlight subsequently showed to be controversial.

In work published in 2024, Ed Williams documented a crisis unfolding in New Mexico's rural hospitals: Medical malpractice lawsuits had become so widespread, and payouts so high, that many insurers had fled the state. The few that remained were charging such exorbitant rates that many small hospitals, unable to afford the skyrocketing insurance costs, were being pushed to the brink of closure — a move that would leave huge swaths of New Mexico without access to local medical care. The high rates soon became a focal point in the 2025 legislative session.

Ed's work last year also included reports on the failures of the state's foster care system, water contamination that threatens New Mexicans' drinking water, dark money in state politics and barriers to health care for immigrant residents.

So-called "news deserts" have continued to expand, with the United States losing more than a third of its newspapers since 2005. Over the past year alone, 27 U.S. newspapers shut down, and more than half of the nation's 3,143 counties now have almost nothing in the way of local news. This is a stark problem in New Mexico, worse than in many other states.

Searchlight is also fortunate to have talented freelancers, including three who contributed to this issue: writer/photographer Michael Benanav, Molly Montgomery and Susanna Space. They and other independent writers will be a big part of what we do in 2025, as we continue to publish groundbreaking stories — and as politics and journalism enter another period of turbulence. There will be plenty to write about at every level of government and in each of our core coverage areas, including the nuclear weapons industry, health, criminal justice and the welfare of New Mexico's children.

Searchlight was created in part to help with a problem that hasn't gone away: the decline of local news. A recent study published by the Local News Initiative at Medill, Northwestern University's prestigious journalism school, reports that so-called "news deserts" have continued to expand, with the United States losing more than a third of its newspapers since 2005. Over the past year alone, 127 papers shut down, and more than half of the nation's 3,143 counties now have almost nothing in the way of local news. A map accompanying the report shows that this is a stark problem in New Mexico, worse here than in many other states.

We're proud to be part of a nationwide wave of online journalism outfits that are pushing back against this trend. The majority of these sites function as substitutes for daily newspapers. We will continue to produce ambitious pieces of journalism and make them available for free to any publication or website that wants to share our work with their readers. We hope you'll join us as the mission continues. ✹

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Cover: Olivia Chavez, a senior at Sandia Preparatory School, looks out across the U.S.-Mexico border at families waiting on the other side for a chance to meet during an event held in November 2024. Opening pages: Matthew Duran lived in an encampment by the Rio Grande in Española from February, when city officials moved about 30 people there, until August, when officials evicted them. Back cover: Olivia Hanosh, a student taking part in a puppet show at the U.S.-Mexico family reunification event. Photos by Nadav Soroker.

CONTRIBUTORS

ED WILLIAMS, a Searchlight investigative reporter, covers health and child welfare. Before joining Searchlight, he was a reporter in both the United States and Latin America, working for print, digital and radio outlets, including seven years in public radio. His journalism honors include a 2022 First Amendment award and 2019 local accountability reporting award from the Poynter Institute. He has a master's degree in journalism from the University of Texas at Austin.

Raised in the northern New Mexican village of Truchas, **ALICIA INEZ GUZMÁN** has written extensively about histories of place, identity and land use in New Mexico. In her current role at Searchlight, she focuses on nuclear issues — including the U.S. government's massive and expensive project to modernize and expand its arsenal of nuclear warheads — and the social, political and environmental impacts of the nuclear industry. Guzmán will spend 2025 reporting on nuclear issues for the New York Times, as part of their prestigious Local Investigations Fellowship program.

JOSHUA BOWLING, Searchlight's criminal justice reporter, has uncovered abuses of power in New Mexico's prisons, police departments and juvenile jails. Before joining Searchlight, he worked at the Arizona Republic, where he exposed unsustainable growth, water scarcity and environmental injustice in a historically Black community that was overrun by industrialization. Joshua grew up in the Southwest and graduated from Arizona State University's Walter Cronkite School of Journalism and Mass Communication.

TAMARA BATES is Searchlight's executive director. She has worked as a financial advisor for UBS and Raymond James. She also spent much of her career in nonprofit fundraising and philanthropy, as vice president of strategy and programs for Innovate+Educate and as a program officer at the Schott Foundation for Public Education. Tamara holds a bachelor's degree from the College of Santa Fe and a master's degree in urban and environmental policy and planning and child development from Tufts University.

Executive Editor **ALEX HEARD** is the former editor-in-chief of Outside magazine. He has also worked as an editor at Wired and the New York Times Magazine. During a long career as a freelance writer, Heard wrote for magazines and newspapers that include the New Republic, Vanity Fair, the Washington Post Magazine and Spy. He's the author of two books, most recently "The Eyes of Willie McGee: A Tragedy of Race, Sex, and Secrets in the Jim Crow South."

SARA SOLOVITCH served as editor of Searchlight from its launch in 2018 until the summer of 2024; from 2020 to 2024, she was also executive director. Prior to that, she published investigative and long-form stories in Esquire, Wired, Politico and the Washington Post. She has worked as a staff writer at the Philadelphia Inquirer and the San Jose Mercury News, and has reported on health care in underserved areas for the Robert Wood Johnson Foundation. Her book "Playing Scared: A History and Memoir of Stage Fright," was published by Bloomsbury in 2015.

AMY LINN, a Searchlight editor from 2020 to 2024, has written about social issues and child well-being throughout her career, starting at the Miami Herald and including work for the Philadelphia Inquirer, the San Francisco Examiner and Bloomberg News. She was the recipient of an Alicia Patterson Journalism Fellowship to write about teenagers on death row. Amy has been an editor at Outside magazine, Wired and the San Francisco Chronicle, where she was associate national editor.

NOAH RAESS, Searchlight's 2024 summer intern, is a journalism major at New Mexico State University. Since 2021, he has worked for KRWG Public Media in Las Cruces, covering topics such as public safety, ongoing water quality concerns and issues affecting refugees. His features have appeared online and on radio and television.

NADAV SOROKER has specialized in local and community news photography and videography since becoming a visual journalist in 2017. He has worked at newspapers across the country, including the Colorado Springs Gazette, the Carrollton Times-Georgian, the Wyoming Tribune Eagle and the Laramie Boomerang. Nadav earned a bachelor's degree in photojournalism from the University of Missouri.

MICHAEL BENANAV is a writer, photographer and digital storyteller based in northern New Mexico. In addition to Searchlight, his work appears in the New York Times, the Christian Science Monitor, Sierra Magazine and other publications. He's the author of three books, most recently the award-winning "Himalaya Bound: One Family's Quest to Save Their Animals — And an Ancient Way of Life."

MOLLY MONTGOMERY is a freelance writer from Santa Fe. She covered Rio Arriba County and agricultural issues at the Rio Grande Sun in Española, where she received a New Mexico Press Association award for best environmental and agricultural reporting. Molly is especially interested in New Mexico land politics and the state's legal system.

SUSANNA SPACE has written about education, health care and politics for Searchlight, exploring topics such as chronic student absenteeism and barriers to prescription drug access for people battling opioid addiction. In other venues, she's reported on military weaponization of marine mammals, Indigenous cuisine and culinary road trips. She also works as a communications and branding consultant; she has lived in New Mexico for more than 20 years.

DR. DOLLY MANSON grew up in a rural area of the Navajo Nation, living with her maternal grandmother and speaking only Navajo. She served as ambassador for her people from 1981 through 1982 as Miss Navajo Nation. She can be heard in the Navajo-dubbed version of "Finding Nemo" as the voice of the starfish Peach. In 2005, Manson earned a doctorate in curriculum and instruction from New Mexico State University. She's currently a part-time Navajo language instructor at the University of Arizona.

PATRICK IVERSON is an award-winning designer, web developer and technology consultant based in Santa Fe. With more than 20 years of experience, he has worked in creative and operational roles for state and federal governments, newspapers, magazines, design studios and public relations firms. He's a member of the Design Corps of Santa Fe and the Interaction Design Foundation.

FRANCO ZACHA's illustrations appear in a wide range of publications, including Searchlight, the New York Times, the New Yorker and the Atlantic. Originally from Buenos Aires, he now lives and works in Providence, Rhode Island.

Above: Tressa Lyman, sitting beside the grave of her son Lucas Winner, who died by suicide while in the care of his father. Photo by Michael Benanav.

THE FINER THINGS IN LIFE

BY JOSHUA BOWLING | PHOTO BY DANIEL CHACON | DECEMBER 6, 2023

ADMINISTRATORS AT Western New Mexico University, a small institution of some 3,500 students in Silver City, routinely spend tens of thousands of dollars on international trips and exorbitantly priced furniture from a retailer whose pieces can be found in the real estate pages of the New York Times and the pavilions of Walt Disney World.

A Searchlight review of the university's financial records shows that since 2018, WNMU President Joseph Shepard has made lengthy trips to Zambia, Spain and Greece in the name of courting international students and, by extension, their out-of-state tuition dollars. On several such trips, which cost nearly $100,000 in the last five years, Shepard has been accompanied by other university executives, as well as members of the WNMU Board of Regents and his wife, former CIA operations officer-turned-author and Congressional candidate Valerie Plame. All have traveled on the university's dime.

> "The president's house has to look presidential. People expect it."
>
> – **JOSEPH SHEPARD**, *President, Western New Mexico University*

Close to home, Shepard has spent at least $27,740 of university money at Seret and Sons, a Santa Fe treasure trove known for hand-carved doors, Indian dhurrie rugs and antique Tibetan chests, to furnish his on-campus house. It was a necessary expense, he told Searchlight, so that he could effectively entertain potential donors at his home.

Joseph Shepard in 2023, taking questions from lawmakers in Santa Fe. Photo courtesy of Daniel Chacon/Santa Fe New Mexican.

A SMALL STATE UNIVERSITY IS SPENDING TENS OF THOUSANDS ON INTERNATIONAL TRAVEL AND HIGH-END FURNITURE

"You're entertaining a class of people who are accustomed to, shall I say, the finer things in life," Shepard said in a phone interview. Having more affordable furniture wouldn't work, he explained. "Let's say we would have gone out and bought IKEA furniture. First of all, we'll be replacing that every year."

> "As a director of financial aid who can go to jail for the shit the school is doing…this is not worth the risk to me. Our taxpayers are funding playtime for adults."
>
> – **CHERYL HAIN**, *Former Director of Financial Aid, Western New Mexico University*

Despite the steep price tags on travel, lodging and furnishing for these officials, the university has never once conducted a cost-benefit analysis to review such spending, Shepard conceded. And for all the tens of thousands of dollars spent on recruiting international students, just 64 of the university's current 3,500 students have come from other countries, Shepard said, accounting for less than 2 percent of the total student body. In fact, more than one-third of those international students come from Mexico.

When asked about the expenses, Shepard told Searchlight to think of them as investments. The overseas trips factor into a "long game" to boost the school's international population. As for the furniture, he said, it plays a critical unspoken role when he hosts fundraising events.

"The president's house has to look presidential," he said. "People expect it."

"PLAYTIME FOR ADULTS"

But to two former university leaders, the perceived level of opulence does not square with the area's blue-collar history and current economic reality: Nearly 30 percent of the town lives beneath the poverty line, according to the U.S. Census Bureau. For the school's former financial aid director, the issue was grounds to resign.

"As a director of financial aid who can go to jail for the shit the school is doing…this is not worth the risk to me," said Cheryl Hain, who resigned in 2019. "Our taxpayers are funding playtime for adults."

In addition to senior officials spending university money on international travel, the financial records show several reservations at high-end hotels in the United States. There are routine stays at La Fonda on the Plaza in Santa Fe during legislative sessions, a $12,000 expenditure to lease a 5,400-square-foot home in Santa Fe for two months, and a one-night stay at a Scottsdale, Arizona, resort accompanied by a $119 breakfast that totaled more than $1,000.

The university, founded in 1893, is nestled between the Gila National Forest and a number of historic mines where Spanish, Mexican and American workers for more than a century extracted silver, copper and turquoise. The university's self-proclaimed mission is to represent "every segment of southwest New Mexico's diverse population" as a "Hispanic-Serving Institution."

Shepard took over as president in 2011 after working for more than 15 years at Florida Gulf Coast University in a number of roles, including chief financial officer, chief business officer and student affairs officer. He has an undergraduate degree from Northern Arizona University, a master's degree from the University of North Texas and a Ph.D. from Florida International University. Shepard grew up in Buckeye, Arizona, a once-sleepy farm town on the outskirts of Phoenix that has for years made headlines for its newfound status as the fastest-growing city in the nation.

As president of WNMU, Shepard steers a nearly $75 million budget and collects a $365,000 salary — an

Shephard's lifestyle far outpaces that of students and residents of Silver City. His nearly $28,000 shopping spree is more than many residents earn in an entire year.

increase of some $87,000 since 2020. He has prioritized, he said, increasing WNMU's international relationships. In particular, he touts his administration's success with Mexico, but admits that other ventures have been "a bust."

"Has it been successful? We've got some good students out of it," he said, demurring when asked if his international travel strategy is worth the cost. "What's the equivalent revenue from those students versus the amount of money expended? It's a long game. It's a long-term proposition. If we continue to get students over the next 10 years, it would be nice if it pays for itself. It probably already has."

Beyond dollars and cents, there are benefits to the overseas trips that one "can't calculate," he continued. "A kid comes from Zambia, ends up here, forms friendships. A kid from Silver City would never even understand where Zambia was located. Your university becomes more globally accessible, your kid who grew up in Silver City all their life realizes the world's a lot bigger."

Shepard's lifestyle far outpaces those kids from Silver City. For instance, one shopping spree — the nearly $28,000 outing at Seret and Sons — is more than what many Silver City residents earn in an entire year.

Silver City's median income for individuals is about $21,000, according to U.S. Census data. The amount spent on furniture was also more than two years' worth of in-state undergraduate tuition at WNMU.

Recently, Shepard said, he hosted a dinner party of about 30 people, including a handful of potential donors. By the end of the night, he said guests had pledged to donate a quarter of a million dollars.

"I can't tangibly say that having the couch from Seret caused this donor to ultimately generate $250,000 for us," Shepard said. "But I can say that the president's house is of that entertainment value. That $250,000 then goes to the students, who are now educated and hopefully break out of a $21,000 median income home."

Many of those students, however, will not earn a degree. The university has a 31 percent graduation rate, according to the National Center for Education Statistics, placing it behind Eastern New Mexico University, New Mexico State University and the University of New Mexico.

Valerie Plame, Shepard's wife — who bears the title of "First Lady" of WNMU — also has profited handsomely. She has an expense account and regularly files for reimbursements, according to financial records, including a $4,073 purchase in 2022 from Woodland Direct (a fireplace company); a $1,488.27 charge for an "oriental sofa" on Etsy; and a smattering of Amazon charges.

A HISTORY OF FINANCIAL ACCUSATIONS

Shepard's spending and homemaking have been litigated before. In 2018, the university's former vice president of business affairs, Brenda Findley, filed a lawsuit against the WNMU Board of Regents, alleging "improprieties with regard to the expenditure of public funds by Dr. Shepard."

According to the lawsuit, Shepard instructed Findley to increase the salary of an employee who had been living rent-free in a bungalow near his house. He also ordered the university's janitors to clean his house, run his errands, cook his meals and do his laundry, she claimed.

The whistleblower suit settled this summer with a more than $160,000 payout to Findley.

That same month, decrying record levels of inflation and state-mandated employee raises, WNMU raised tuition by 3 percent. Shepard led the push for the increase, telling the University Board of Regents, "I cannot in good conscience allow the university to find itself in a position where it loses the ability to provide the world-class education and resources needed to ensure the success of our students because of funding shortfalls."

The tuition hike underscored critics' concerns that the high standard of living is coming at the expense of local low-income students. Between the travel and the furniture, they see plenty of fat to cut in the budget.

"Western is a potentially great school," said Hain, the former director of financial aid. "But they are ignoring their local students…they were spending incredible amounts of money all over the country and all over other places to try to attract other students. If you're treating your students right, if you're providing a good service, you don't have to do that. They come." ✹

NEW MEXICO ATTORNEY GENERAL FILES SUIT AGAINST JOSEPH SHEPARD AND WNMU BOARD OF REGENTS

Citing "greed, self-dealing, and arrogance," Raúl Torrez announced a civil suit aimed at recovering the $1.9 million buyout awarded to WNMU's outgoing president.

BY JOSHUA BOWLING | PHOTO BY NADAV SOROKER | JANUARY 9, 2025

NEW MEXICO ATTORNEY GENERAL Raúl Torrez is taking outgoing Western New Mexico University President Joseph Shepard and all five members of the Board of Regents to court over a $1.9 million buyout payment they awarded to Shepard, who state investigators say has routinely engaged in "wasteful" and "improper" spending of taxpayer dollars.

Previously, Assistant Attorney General Rose Bryan had filed an emergency motion asking a judge to temporarily block the severance payment, which she said violated the

New Mexico Attorney General Raúl Torrez (right) and House Speaker Javier Martínez announcing a lawsuit against outgoing Western New Mexico University President Joseph Shepard and the WNMU Board of Regents.

state's Anti-Donation Clause, the New Mexico Constitution and the state Open Meetings Act, until it could be argued in court. On Wednesday, Jan. 8, however, Torrez's office learned that Shepard already received the money on Jan. 2. He then directed his deputies to file a civil suit and ask a judge to prohibit Shepard from spending the $1.9 million.

At this point, Torrez said, it's not clear who at the university initiated the transfer of funds to Shepard. But the new lawsuit seeks to recover the money, void Shepard's severance agreement and nullify his new employment contract as a tenured business professor with an annual salary of $200,000.

A judge in Silver City is set to hear Torrez's arguments Monday afternoon and will decide whether to prohibit Shepard from spending the severance money, and whether to order Shepard to put the money in a trust until an ongoing audit of WNMU's finances concludes.

"The level of greed, self-dealing and arrogance that has been exhibited throughout this process over the last year and a half has only been amplified by the actions and mismanagement of the regents of Western New Mexico and by the actions of Dr. Shepard," Torrez said at a press conference held in his downtown Albuquerque office. "Our attorneys were meeting with Dr. Shepard's counsel, and in communication with the board's counsel, on the day that the payment was made and no one indicated that it was already processed."

Shepard's Santa Fe-based attorney, John Anderson, who previously served as U.S. Attorney for the District of New Mexico, denied any wrongdoing in a statement Thursday.

"His personal frustrations aside, the Attorney General is too talented and too experienced of a lawyer to believe he has any legitimate claim against Dr. Shepard. Western New Mexico University's Board of Regents has the responsibility and legal authority to negotiate and approve executive compensation and severance agreements," he wrote. "The board appointed a subcommittee to negotiate Dr. Shepard's separation agreement and then unanimously voted to approve it. This entire process was handled appropriately, legally, and transparently. Dr. Shepard did not expedite his payment. Any allegations to the contrary have no legal or factual basis. The state's time would be better spent helping the university focus on its important work of educating and supporting its students during this transition."

Torrez said the $1.9 million is "unconscionable as a violation of public policy and the public interest" and is far in excess of anything Shepard was due. He was under contract as university president until 2027 and earned an annual salary of $365,000 with a $50,000 retention bonus. Under those terms, Torrez said, Shepard would have been eligible to receive nearly $600,000 — less than one-third of the severance package he received — upon leaving. When asked, Torrez did not rule out the possibility of pursuing a criminal case in the future.

The New Mexico Department of Justice is the latest state agency — and arguably the most powerful — to get involved with the spending situation at WNMU.

Searchlight first revealed Shepard's lavish spending in late 2023. In an investigation, Searchlight found that Shepard had spent tens of thousands of dollars traveling to exotic overseas destinations in the name of courting international students, though only a handful of students on campus came from other countries, and many of those were from neighboring Mexico. The investigation also found that Shepard's wife, former CIA agent and author Valerie Plame, used a university purchasing card despite not being a university employee. It also found that Shepard spent nearly $28,000 on furnishing his on-campus house with pieces from Santa Fe retailer Seret & Sons. (Shepard insisted that the furniture belonged to the president's residence, and not to him as an individual.)

Within days of Searchlight's initial story, both the New Mexico Higher Education Department and the Office of the State Auditor announced their own investigations into WNMU. The latter released its findings in a November letter of concern and blasted the regents — Shepard's supposed oversight board — for allowing more than $360,000 of taxpayer money to be spent in violation of university policy. The State Ethics Commission subsequently opened an investigation into the regents.

On New Year's Eve, a month after the auditor published his office's findings, Gov. Michelle Lujan Grisham sent a letter to the board of regents demanding their immediate resignations. Since then, all but one have stepped down. Lujan Grisham is in the process of reviewing candidates to replace the board. In her announcement, she called on state lawmakers to come up with a legislative fix that will prevent spending like this from happening again at any of New Mexico's public universities.

On Jan. 17, 2025, Joshua Bowling interviewed state Attorney General Raúl Torrez about the lawsuit over Joseph Shepard's separation agreement. You can watch the video here: SEARCHLIGHTNM.ORG/WNMU

New Mexico Speaker of the House Javier Martínez joined Torrez at the Thursday press conference to outline his plans for a bipartisan overhaul of how public universities and their boards of regents operate. He hopes to pass legislation and amendments to the New Mexico Constitution that change how regents are vetted and selected, to reform how regents award contracts and severance payments and to streamline the process for removing regents from their posts.

It's not clear how Shepard, who isn't set to officially depart as university president until Jan. 15, is spending the final week of his nearly 14 years at the helm of the university. Property records show that he and Plame recently bought a house in Embudo, between Santa Fe and Taos, and he attended the two most recent Board of Regents meetings virtually. His new five-year contract as a tenured business professor gives him eight months of sabbatical leave at full faculty pay starting Jan. 15. His contract also carries an indemnity clause, which says that the university will use taxpayer dollars to pay for an attorney of Shepard's choosing if he lands in court. Torrez said he hopes that the pending court case will do away with the entire contract, including the indemnity clause.

It's also unclear at this point whether Torrez's actions end with the civil suit filed Thursday. When asked whether he is gathering evidence for a criminal case down the road, he said he wants other ongoing probes, including those from the State Ethics Commission and the Office of the State Auditor, to properly conclude. But he made it clear that a criminal case is still a potential outcome.

"We haven't ruled that out as a possibility," Torrez said. "We are going to wait for the auditor's work to be completed…that will be the roadmap for how that happens."

A STORY THAT KEEPS GETTING BIGGER

When we published our first story about questionable spending at Western New Mexico University in late 2023, a number of state agencies quickly announced that they were opening investigations into then-President Joseph Shepard and WNMU's Board of Regents, as a direct result of what we found. Those state probes were — as such things tend to be — slow-moving.

Recent months have been anything but.

In November 2024, the Office of the State Auditor sent university leaders a "letter of concern" confirming that Shepard and others had spent more than $360,000 in taxpayer money with "wasteful" purchases that violated university policies. The auditor's report also confirmed Searchlight's reporting that Shepard's wife, former CIA agent Valerie Plame, used a university credit card despite not being a university employee. In December, Shepard resigned and was awarded a $1.9-million severance payment, along with a tenured, $200,000-per-year faculty position — a move that sparked outrage among university faculty and staff members.

As of mid-January 2025, four of the five members on the Board of Regents had resigned — except for the student regent, who has said he needs to stay on so the university can make payroll — and the New Mexico Department of Justice sued Shepard and the regents over his departure deal.

In addition, New Mexico Speaker of the House Javier Martínez announced he would sponsor a range of new legislation — including changes to how regents are vetted — that would prevent a situation like this from happening again at any of New Mexico's public universities.

On Jan. 16, the state auditor launched a new investigation. He directed his office to open a probe of Shepard's payout and to seize control of another, separate audit that had been initiated by the former university president.

"As the university no longer has a fully constituted Board of Regents and no longer has a president, there now exists heightened probability that the forensic special audit requested by the university will be unduly and unnecessarily delayed or not completed," the auditor's announcement said.

Searchlight will continue to report on this story as it develops further in 2025.

A NUCLEAR LEGACY IN LOS ALAMOS

BY ALICIA INEZ GUZMÁN | PHOTOS BY NADAV SOROKER | AUGUST 15, 2024

THE WORLD'S OLDEST documented plutonium contamination may not lie in the Chihuahuan Desert at the Trinity Site, where the first-ever atomic bomb ripped open the skies and melted the sand into green glass. Rather, that distinction more likely goes to Los Alamos's Acid Canyon, according to an independent study by Michael Ketterer, professor emeritus of chemistry and biochemistry at Northern Arizona University.

Ketterer announced these findings at an online press conference held by Nuclear Watch New Mexico on Aug. 15, after collecting and analyzing soil, water and plant samples in Acid Canyon, a popular hiking area in the middle of town. Beginning in 1943, the year the Manhattan Project came to Los Alamos, workers released radioactive waste into the canyon. Three remediations would follow, but as Ketterer's analysis found, "a super weapons-grade" plutonium persists in the soil, water and plant life in and around Los Alamos, representing some of the earliest ever made.

One thought came to his mind as he analyzed samples from the area, collected last month: "I've never seen anything like this in any samples anywhere," he told Searchlight New Mexico in an interview.

Scientists in the niche community of nuclear forensics can identify the point of origin of a particular nuclear material based on its composition of isotopes, a process called fingerprinting. Ketterer believes his findings prove unequivocally that legacy plutonium from Los Alamos National Laboratory has not only remained in Acid Canyon all these years later, but also migrated beyond, even after the cleanups. "It's just a ribbon of contamination going down to the Rio," he said.

Above: A creek runs below the Acid Canyon trail, one of several intermittent streams in the area.

AFTER THREE CLEANUPS, A SUPER WEAPONS GRADE PLUTONIUM PERSISTS IN THE SOIL, WATER AND PLANT LIFE AROUND LOS ALAMOS.

Using a technology called mass spectrometry, Ketterer said this scenario became apparent after he found that several samples from scattered sites in Acid Canyon — whose trailhead is tucked behind the Los Alamos County Aquatic Center — had the same fingerprint, one that dated to the earliest days of the Manhattan Project. He realized just how far that plutonium had traveled when he also collected the identical fingerprint in Los Alamos Canyon, some 12 miles southeast of Acid Canyon, near the Phillips 66 gas station in Totavi — washed downhill by monsoon rains.

The contaminants' ultimate destination, he wrote in his brief report, is the Rio Grande, where plutonium has already been detected. His results confirm the findings of a 2024 study by Nuclear Watch New Mexico that used data culled from LANL's online database, Intellus New Mexico, to map plutonium contamination around Los Alamos.

The results of Ketterer's study stemmed from samples he collected on two occasions in July — including surface water from Acid Canyon and soil and vegetation from Acid and Los Alamos canyons — all analyzed at the Trace Element Analysis Center at Northern Arizona University in Flagstaff, one of approximately half a dozen academic labs of its kind in the nation.

New Mexico does not have a statutory limit for plutonium contamination in soil. Nor does the state have a standard that caps how much plutonium is allowed in surface waters like the Rio Grande. Instead, plutonium is regulated by the federal Department of Energy, as a result of the Atomic Energy Act of 1954. (Other elements such as uranium or radium are regulated by the state's Water Quality Control Commission.)

Colorado, by contrast, has a state standard for plutonium in both ground and surface water. If applied in New Mexico, the highest reading from Ketterer's water samples — taken from an intermittent stream in Acid Canyon — would be 573 times higher than Colorado's limit of 0.15 picocuries of plutonium per liter of water.

Los Alamos County, which owns Acid Canyon, declined to respond to Searchlight's request for comment.

The U.S. Department of Energy said it regularly monitors the area for contamination.

"The safety of the public, the workforce and the environment remain DOE's top priority," spokesperson Patrick Hefflinger said in an email to Searchlight."We have comprehensive sampling and monitoring programs and a dedicated legacy cleanup program that is addressing the Manhattan Project and Cold War-era legacy contamination across the DOE complex."

ROCKY FLATS STANDARD EXCEEDED

The plutonium Ketterer found in the soil, despite the cleanups, does exceed one of the few comparable measures for plutonium levels that remain after remediation — 50 picocuries per gram, the allowed limit for the cleanup of Rocky Flats. Almost four decades ago, the FBI shut down the Cold War-era plutonium-pit factory for environmental crimes, among them the release of radioactive contaminants into nearby waterways. Today, it's a Superfund site fenced off to the public and buffered by a wildlife refuge.

The Rocky Flats standard is not without its own criticism, though. "Fifty picocuries of plutonium per gram of soil is something many of us argue is not a safe level in terms of public health," said Deborah Segaloff, professor emeritus of molecular physiology and biophysics at the University of Iowa. Segaloff now lives in Colorado and serves as a board member of the state's chapter of Physicians for Social Responsibility.

Ketterer's most contaminated soil sample had 78 picocuries per gram of plutonium.

"I would be concerned for my safety and the safety of others given the levels he reported," Segaloff added, after consulting Ketterer's report. The type of radiation that plutonium emits does not travel far or even penetrate the skin, she said, but if inhaled or ingested, "it will emit radiation to surrounding cells" in the human body, potentially "giving rise to cancer initiation and growth," the effects of which "may not be obvious until years or decades after exposure."

While the practice of sending raw radioactive waste into the canyon ended in 1951, the lab continued to release its treated waste there until 1964. Three years later, the Atomic Energy Commission deeded Acid Canyon to Los Alamos County. The presence of plutonium was never mentioned in the deed.

At least two studies by the federal government, however, have concluded that there is little risk to people visiting the canyon.

In 2000, when LANL estimated the potential health risks from plutonium exposure in the area, it determined that, as is — without any cleanup — the radionuclides in the canyon's sediments posed "no unacceptable radiation dose to recreational users of the South Fork of Acid Canyon."

The lab further estimated in a 2018 report that a "recreationist" in Acid Canyon would receive between .009 and .022 millirem of radiation, a tiny fraction of what's allowable. The DOE's annual limit for minors and the general public, for instance, is 100 millirem.

Soil, water and plant life are part of the same interconnected ecosystem. Contamination found in water, in other words, could point to the need for more remediation in the soil. In fact, the Institute for Energy and Environmental Research, a nonprofit dedicated to making scientific information available to the public, made that recommendation to the DOE in 2005. Once the DOE assessed the impact of plutonium in surface water, the IEER report read, "significant additional remediation of the South Fork of Acid Canyon will likely be required."

The risks are manifold, Ketterer and other advocates believe: If there is a wildfire in the canyon, the plutonium held in the roots of contaminated plant life could go into the air; contaminated surface water, under the right conditions, could contaminate the aquifer; and people hiking in the canyon could be exposed to plutonium-laced sediment, said Segaloff. She added that even a windy day could kick up tiny radioactive particles in the soil.

"It's been there for 80 years," Ketterer said. "It's not marked, it's accessible to the public, it's close to people's houses, and there's levels in the canyon sediments that should have been remediated."

THREE CLEANUPS

Acid Canyon carves a tentacle-like cleft off the western side of the Pajarito Plateau, itself formed from two of the Valles Caldera's ancient eruptions. The Los Alamos Ranch School established a hiking trail in the canyon decades before scientists' secret arrival on the hill in 1943. Within months, workers from the Manhattan Project began to dump liquid wastes in the area, laden with strontium, cesium, uranium, americium, tritium and plutonium.

While the practice of sending raw radioactive waste into the canyon ended in 1951, the lab continued to release its treated waste there until 1964. Three years later, the Atomic Energy Commission deeded Acid Canyon to Los Alamos County. The presence of plutonium was never mentioned in the deed.

Some remediation took place between 1966 and 1967, and backhoes scraped up Acid Canyon's hottest hot spots in 1982 — removing up to eight inches of sandstone and volcanic rock from the canyon floors, a cleanup report stated. The canyon was already "used for recreational activities," the report went on, and it was "conceivable" that developers would someday build homes and storefronts in the area. At the time, the DOE claimed that the site's cleanup complied with standards that protected human health and the environment.

But in 2001, the DOE embarked on yet another remediation, removing some 500 tons of soil around the same time that the lab authored several internal reports noting that plutonium did indeed travel offsite. "Particles carried by floods can be transported long distances from the source and redeposited in the channel or on adjacent floodplains," one report noted. Contaminants from Acid Canyon, it further added, had traveled at least 12 miles away.

Another report mentioned that storm flows increased after the Cerro Grande Fire in 2000, which also increased the "concentration and transport of radionuclides, particularly plutonium-239 and plutonium-240, in stormwater runoff and sediments." In 1999, still another report acknowledged that LANL's plutonium had traveled far enough to reach Cochiti Lake.

After concerns that the lab's "legacy discharges" — releases dating back to the Manhattan Project and Cold War — could threaten the public water supply around the Rio Grande Basin, New Mexico's Water Quality Control Commission "adopted monitoring and disclosure

BEFORE ONE OF ACID CANYON'S REMEDIATIONS IN 1982, AMONG THE HIGHEST READINGS SAMPLED IN THE CANYON'S SOIL WAS 163,000 PICOCURIES PER GRAM OF PLUTONIUM.

criteria" in 2010, according to New Mexico Environment Department spokesperson Jorge Estrada. Monitoring and disclosure, however, do not amount to regulation or remediation, environmental advocates noted.

The lab is currently prioritizing a new wave of plutonium pit production over remediation of its legacy waste sites, said Jay Coghlan, the executive director of Nuclear Watch New Mexico, in the Aug. 15 press briefing. "As a matter of percentage, cleanup is running at about five percent of [LANL's] total institutional budget, whereas the budget for core nuclear weapons and production is around 79 percent."

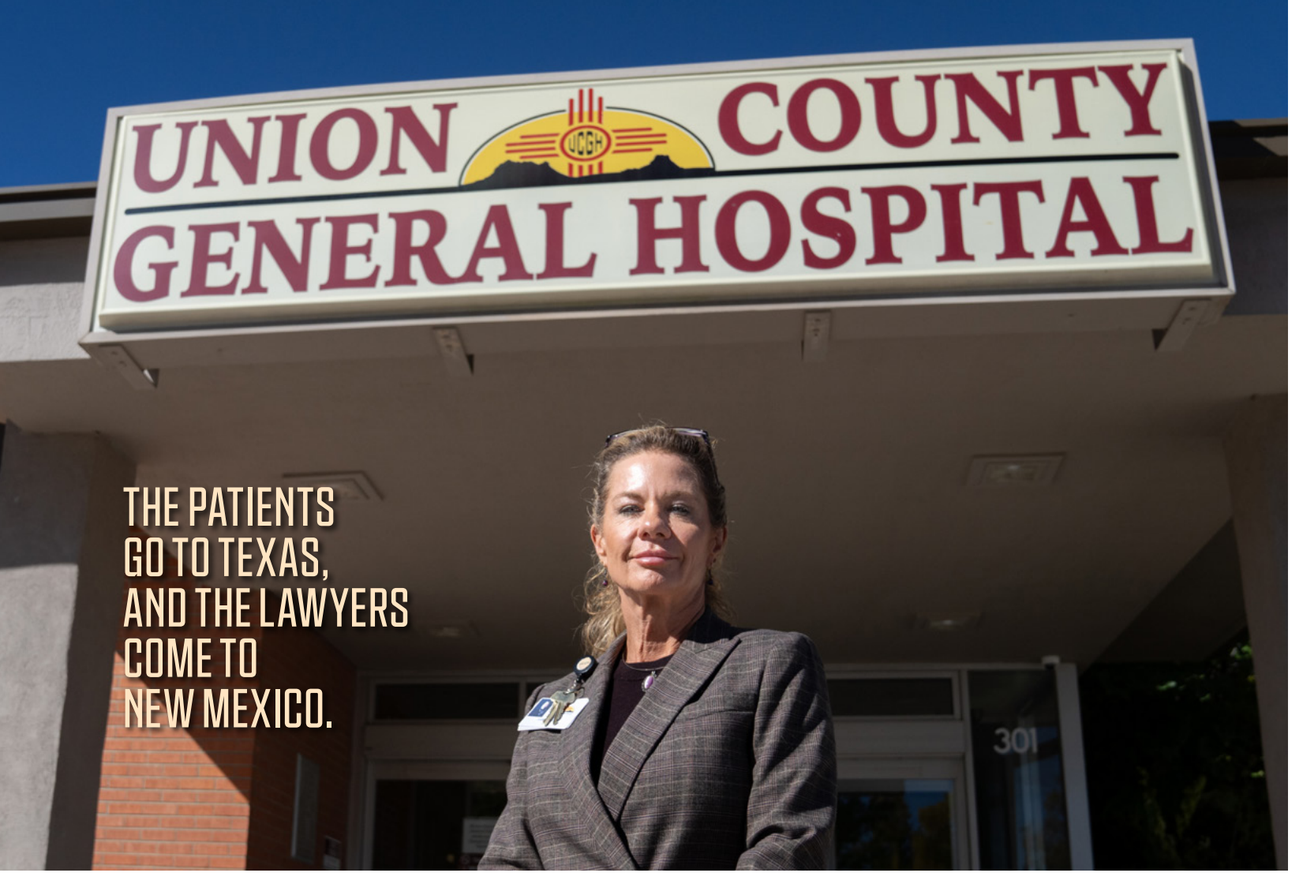
LONG EXPERIENCE, 50,000 SAMPLES

Over an almost 25-year career, Ketterer has amassed and analyzed a collection of samples like these from around the nation and world, including the Nevada Test Site, Rocky Flats, the Trinity Site, Chernobyl and Palomares, Spain. In total, he estimates having analyzed some 50,000 samples.

The science is arcane, but essentially he's able to date plutonium contamination based on its ratio of two different isotopes. That is, the plutonium that goes into bomb cores, or pits, is mostly weapons-grade plutonium, or plutonium 239, but there is also a small amount of plutonium 240 in the mix. It is this ratio that helps Ketterer distinguish different time periods in the lab's operating history. The earliest pits — the ones used in the atomic bombs for the Trinity Site and Nagasaki, for instance — had very little plutonium 240 compared to later recipes.

Ketterer said that the contamination he found in Acid Canyon had even less plutonium 240 than those weapons, "making it some of the oldest plutonium ever produced.

Above: A trail leading to Acid Canyon.



BY ED WILLIAMS | PHOTOS BY NADAV SOROKER | DECEMBER 5, 2024

NEW MEXICO'S MALPRACTICE GOLD RUSH

IN NEW MEXICO'S SPRAWLING Northeast corner, residents have only one health care option, for everything from medical emergencies to annual physical exams: Union County General Hospital (UCGH), a full-service facility in Clayton, the tiny county seat. In just over a month, it might be forced to close its doors for good.

UCGH faces many of the same pressures that are straining rural hospitals throughout New Mexico and across the country. Declining populations and low reimbursement rates for Medicaid and Medicare patients, who are over-represented in small towns, have made it difficult to cover costs. A nationwide shortage of doctors has hit rural hospitals especially hard, as more and more physicians opt to move to urban centers.

But in New Mexico, a unique problem has pushed many hospitals in far-flung areas into crisis mode: The state has become so lucrative for medical malpractice lawsuits that most insurers have fled. The few that remain now charge such exorbitant rates that small hospitals are desperately struggling to pay the premiums — if they can even find an insurer to cover them.

"I've looked for insurers in London, in the Bahamas, all over the world," says Tammie Chavez, chief executive officer at UCGH. During her search in 2023, one after another turned her down, saying they wouldn't do business in New Mexico. "My policy was going to expire at

Union County General Hospital CEO Tammie Chavez

midnight on December 31, and I thought we were going to be closing the doors on January 1."

After scouring the globe and being rejected by more than 40 insurers, Chavez was able to find two companies willing to cover the hospital at the eleventh hour. The price tag for the cheaper of two available policies: $850,000 a year, which is nearly 500 percent higher than the $142,565 premium the hospital had paid previously. On top of that, she would have to put up a $100,000 certificate of deposit and close down the hospital's bariatric program, which the company would not insure. She signed the papers, keeping the hospital's lights on for another year.

Now, once again, Chavez needs to find another plan when the hospital's current coverage expires at the end of this year. If insurers hike their prices yet again, the cost of coverage will likely close the hospital, the county's only health care clinic, and a school-based health center — all of which are staffed by UCGH.

"There is not another hospital in New Mexico close to me for 84 miles," Chavez says, referring to the nearest medical center, which is in Raton. For patients needing specialty care for certain conditions, the closest facility is in Amarillo, Texas, a two-hour drive away.

"Heart attacks will not make it to the next town if we're not here," Chavez says. "Stroke victims won't make it. Trauma victims won't make it. I don't know how to put it any more bluntly: Without this hospital, people will die."

Residents of Union County aren't alone. Across the state, hospitals both large and small are grappling with an exodus of insurers and a corresponding explosion in coverage costs. But the problem is particularly acute in rural hospitals, which typically have much smaller budgets and thinner margins than their urban counterparts. Rural populations also tend to be older, with more complex health needs. Lower-income patients covered by New Mexico Medicaid plans often can't get coverage in Texas hospitals, which are shorter distances away for many residents of eastern New Mexico. Such patients are forced to drive for hours to get care in Santa Fe or Albuquerque — or, if they can't make the trip, to forgo care entirely.

Union County Commission Chair Clay Kiesling

There are non-medical risks, too: In New Mexico's northeast, UCHG is the county's largest employer and the linchpin of the region's economy, which is otherwise dominated by ranching and farming. According to Union County Commission Chair Clay Kiesling, its closure would be "catastrophic" in terms of job losses.

"We'd be looking at a cascading kind of event," Kiesling says. "We have an aging population here that needs health care, and without it people might leave. We'd have a drop in population. We'd lose the largest employer in this area. I mean, it would be really bad."

MALPRACTICE GOLD RUSH

Higher-than-average malpractice insurance premiums in New Mexico are not entirely new. A 2020 report from the state Office of the Superintendent of Insurance showed that while premiums in the state were only slightly higher than average for internal medicine, they were substantially higher than most other states for general surgery and obstetrics and gynecology.

But those costs surged even higher after the legislature's 2021 regular session, with passage of a bill that dramatically raised the caps on malpractice liability from $600,000 to $6 million over a five-year period — among

Annie Jung, Executive Director, New Mexico Medical Society

Downtown Clayton

the highest in the country. That figure can be applied to different defendants in a single case, so, for example, if a suit is brought over a surgery that involved an obstetrician, an anesthesiologist, and a hematologist, a plaintiff can ask for $18 million — a figure that doesn't include punitive damages, which can drive the payout much higher.

New Mexico's high caps on liability are only part of the equation, says Fred Nathan, executive director of Think New Mexico, a Santa Fe-based nonprofit that focuses on public policy.

"The state doesn't cap attorney's fees or punitive damages, and it allows lawyers to file multiple lawsuits over a single incident of alleged malpractice," Nathan says. Plaintiffs in a successful suit can get paid in one lump sum, and because there are no caps on attorney's fees, lawyers can keep as much of that money as they can negotiate with clients. "These sorts of factors have resulted in some extremely large verdicts against hospitals," Nathan adds.

Several recent cases illustrate the financial stakes. In May 2023, a jury awarded a patient nearly $23 million after a botched prostate surgery that caused complications requiring at least 17 follow-up operations. A year later, a suit filed in response to a problematic hernia operation at Rehoboth McKinley Medical Center in Gallup resulted in a $68 million judgment, an amount that pushed the hospital to the brink of bankruptcy. And last month, jurors in Albuquerque awarded a patient more than $412 million for unnecessary erectile dysfunction shots administered by a clinic called NuMale Medical Center, setting a national record for these payouts.

New Mexico has the second-highest rate of malpractice suits per capita in the country, behind only Pennsylvania, according to data from the U.S. Department of Health and Human Services. The vast majority of those cases — about 80 percent — were filed by out-of-state firms, says Troy Clark, president and CEO of the New Mexico Hospital Association. "They hire a New Mexico attorney and get a New Mexico license, but all their operations are outside," says Clark, with most of the lawyers who file suits in New Mexico coming from firms based in Texas, Missouri and Illinois.

"We are an attraction for law firms to come in and do business in New Mexico," he says.

Searchlight could not independently verify the numbers of malpractice cases filed by out-of-state firms, because most law offices are registered as local businesses with the New Mexico Secretary of State.

Still, it's clear that the number of cases is substantial: During a two-year period beginning in July 2022, New Mexico courts received applications to file 233 malpractice suits, according to data compiled by the New Mexico Medical Review Board, a state commission that analyzes malpractice cases.

This flood of litigation has meant that malpractice insurance companies have consistently lost money in New Mexico. For every $100 insurers receive in premiums in this state, they pay more than $183 in claims, according to a report by Think New Mexico — by far the highest "loss ratio" in the country, and more than double the national average.

"I do believe that if a hospital makes a mistake, then the patient should get restitution," says Kaye Green, CEO of Roosevelt General Hospital in Portales. "But when the same mistake results in a $250,000 settlement in Texas and millions here, something is wrong. We have a situation now that's really harming health care in New Mexico, and it's especially harming small rural hospitals."

"THE PATIENTS GO TO TEXAS, AND THE LAWYERS COME TO NEW MEXICO"

One particularly troublesome consequence, Green says, is the effect that New Mexico's malpractice landscape has on providers who are trying to hire new doctors, or to replace ones who move away or retire.

"It's already hard to recruit physicians to rural hospitals," she says. "It's almost impossible. And now, when I interview physicians from other states that I'm trying to recruit, even those that are right out of residency are telling me they cannot come to New Mexico because of the medical malpractice situation. It's just crazy."

"We desperately need a cardiologist, another general surgeon, another couple of primary care physicians, and they just won't come," Green adds. With physicians, and especially specialists, in short supply, many patients in the area end up traveling to Lubbock for medical care. "The patients go to Texas, and the lawyers come to New Mexico," she says.

New Mexico has lost physicians at an unparalleled rate over the past five years, a change that experts attribute at least partially to malpractice exposure. According to a study by the Physicians Advocacy Institute, a nonprofit research and policy group, the state lost a total of 248 practicing physicians between 2019 and 2024 — the only state in the country to experience a net loss of doctors during that span of time.

The shortage has stressed hospital systems across New Mexico, sometimes in unexpected ways. One prominent example occurred this year at Santa Fe's largest hospital, Christus St. Vincent Regional Medical Center. In April, administrators there outsourced its labor and delivery unit to a venture capital-backed staffing firm called OB Hospitalist Group, a company that brings in doctors from a wide geographic area to work temporary shifts.

One of that group's first orders of business was to slash midwife salaries by 30 percent, according to employees who spoke to Searchlight. Many midwives and obstetricians left as a result, scrambling patients' birth plans and leaving a substantial gap in services. This fall, staffing problems had become so severe that the hospital had no OB-GYN on-site for a 24-hour period — a problem the hospital attributed to staffing "hiccups," the Santa Fe New Mexican reported.

In explaining the outsourcing decision to the New Mexican, Christus Chief Operating Officer Hope Wade cited the state's difficult "malpractice scenarios." Christus did not respond to Searchlight's requests for comment.

A slew of factors are driving the staffing crisis in the state's health care system. New Mexico charges gross receipts taxes on medical services, which reduces the income doctors can make and reduces the revenue of hospitals and clinics. Over a third of the state's population is covered by Medicaid, and a further 20 percent are covered by Medicare — both of which often reimburse at a lower rate than the cost of care, forcing health care providers to operate at a loss for many patients. And New Mexico does not offer the tax incentives for medical practitioners that many other states provide. Problems with the state's education system, crime and other social ills that disproportionately affect New Mexico are further disincentives, hospital administrators say.

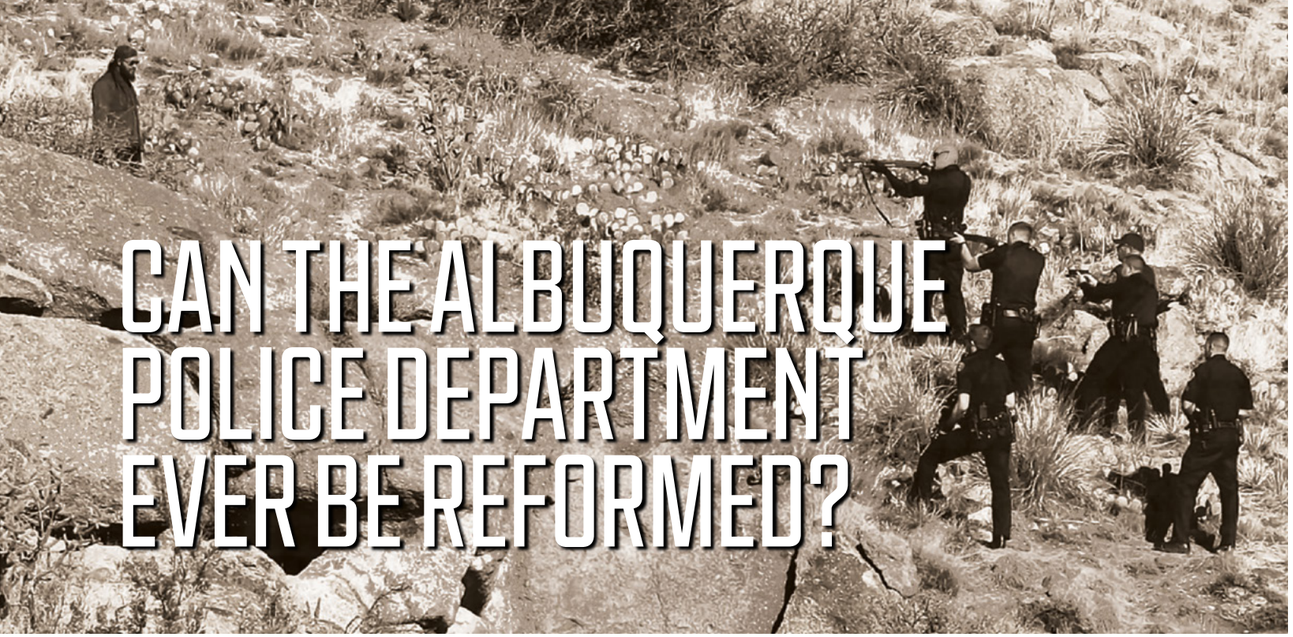
"The whole country needs more doctors right now," says Annie Jung, executive director of the New Mexico Medical Society, an organization that advocates for physicians. "And we have barriers that other states don't have. We're competing with those other states for doctors." And, she adds, we're not competing well.

The state government's record on the issue is mixed: While many analysts and hospital administrators believe the legislature's decision to drastically increase caps on damages was a catalyst for today's runaway insurance costs, some lawmakers have taken steps to keep hospitals afloat, at least in the short term.

During New Mexico's 2024 legislative session, lawmakers changed the state's formula for Medicaid reimbursement, which resulted in more money flowing to smaller hospitals. And to offset the rising costs of insurance, Sen. George Muñoz (D-Gallup) and Sen. Pat Woods (R-Broadview) successfully introduced a bill to give two years of subsidies to a dozen rural hospitals, including UCGH. Currently, those bills are "the only thing keeping us going," Tammie Chavez says.

Some think those measures don't go far enough.

"There are many additional steps that the state should take," says Fred Nathan. His organization recently published a report on medical malpractice and its consequences in New Mexico. It recommends specific reforms to the state's malpractice law that Nathan believes would "make patients whole and provide reasonable compensation for their attorneys without excessively burdening doctors and hospitals." Proposed reforms include capping attorney's fees, ending lump sum payouts, and tightening caps on punitive damages.



CAN THE ALBUQUERQUE POLICE DEPARTMENT EVER BE REFORMED?

BY JOSHUA BOWLING | APRIL 10, 2024

IN THE PAST DECADE, reforming the Albuquerque Police Department has cost nearly $40 million and generated 5,600 pages of oversight reports under the federal government's effort to address the force's excessive violence.

But what does the city have to show for it? While the department touts an internal culture change, mandatory body cameras and a slew of other reforms, its officers continue to kill residents at an outsized rate.

Even as APD has moved into compliance with nearly every reform mandated by a U.S. Department of Justice consent decree, nothing has rectified the department's most glaring problem: the fact that it has more police shootings now than ever.

Though the federal government's oversight appears to be on the verge of ending, Albuquerque police continue to kill people at a higher rate than any other police force in the country. In 2014, when the DOJ issued its consent decree, city police were involved in nine shootings. Last year, the department logged 13 shootings — a 44 percent increase in a city of 561,000 people.

"How the hell do we have more shootings than we did before they came here?" asked Shaun Willoughby, a patrol officer and president of the Albuquerque Police Officers' Association."You absolutely did not get what you paid for."

The man who has arguably benefited the most from the consent decree is its independent monitor, James Ginger, who has collected more than $12 million since he took the job in early 2015, according to city invoices.

At the time, Ginger pledged to move to Albuquerque and open an office with a "hot-line and walk-in system" for people with "comments, compliments and concerns" regarding APD. Court documents show he estimated the reform effort would take four years and cost $4.5 million.

A Searchlight investigation found that his lucrative post has lasted more than twice that long and cost the city nearly three times his original estimate. Meanwhile, Ginger has rarely been seen in Albuquerque and, according to his official resume, lives in South Carolina.

It's hard to know exactly where he lives as details are hard to come by. Ginger has repeatedly refused to be interviewed for this story. Searchlight emailed him six times and visited his locked Albuquerque office twice within the course of a month to ask questions and request a sit-down meeting; he did not respond other than to acknowledge that his website was out of date and to explain why his office hours changed frequently. Calls to his cell phone were ignored; the staff in his Albuquerque office refused to talk when reached by phone and in person.

"I am completely occupied," he wrote in a March email to Searchlight, referring to work on his next APD compliance report. "I am officially a 'no comment.'"

Video obtained by the Albuquerque Journal in 2014 captured the moment police leveled their weapons at James Boyd, a 38-year-old homeless man camping in the Sandia Foothills. Opposite: James Ginger. Photo courtesy of the Albuquerque Journal.

DESPITE 10 YEARS OF FEDERAL OVERSIGHT, ALBUQUERQUE POLICE ARE KILLING MORE PEOPLE THAN EVER

His office only updated the reports on its website after Searchlight asked why the page was two years out of date.

The office itself is tucked away in a nondescript building just a few blocks south of the downtown Rail Runner train station, on 4th Street SW. It is locked from the inside, preventing anyone from entering without being granted access by a staffer. Its windows and doors are blacked out. The office hours displayed on its website, abqmonitor.org, change routinely, sometimes on a daily basis, making it difficult or impossible for citizens to know how or when to visit (in one of the only emailed comments he offered to Searchlight, Ginger said that no one has ever complained). The building's scant signage identifies it as the Area Agency on Aging, with no visible indication that a police monitoring office is inside.

On multiple occasions, people who identified themselves only by their first names answered the locked door for a Searchlight reporter. They said they worked for Ginger and that he had given them orders not to speak to the press.

One of those people identified himself only as an assistant monitor named Eric; when asked how often Ginger was on the premises, he shut the door and locked it. The online staff directory for the office does not list anyone named Eric, and APD Chief Harold Medina said he has never known anyone by that name to work for Ginger.

A LETHAL HISTORY

Whether or not the consent decree has reduced the APD's deadly use of force, the federal government has largely let go of the reins in recent years. In 2022, the DOJ announced it would allow Albuquerque to monitor much of its own progress. That was largely due to the department meeting a majority of DOJ goals: equipping officers with body cameras, providing more extensive training, tracking every instance in which they fired a weapon and prohibiting them from firing a gun from inside a moving vehicle.

But for every reform codified in department policy and for every city press conference praising the police force's new compliance, police killings persisted.

Last year, APD killed 10.6 people per million residents — more than any other sizable police department in the nation, according to data tracked by the national nonprofit Mapping Police Violence.

In 2022, the department set a record for police shootings with 18, 10 of which were fatal. That year, a Searchlight

WHO IS JAMES GINGER?

Ginger, according to his resume, began his career in 1969 as an officer with the Evansville Police Department in Indiana. From there, he went into academia, teaching undergraduate criminal justice courses at Bluefield State College in West Virginia before briefly serving as director of the Southern Police Institute at the University of Louisville.

From 1986 to 1992, he worked as deputy director of the Police Foundation (now called the National Policing Institute), a nonpartisan nonprofit dedicated to advancing American policing. He then started his own company, Public Management Resources, which was tapped in 1997 to monitor the federal government's first modern consent decree over a police department. It occurred in Pittsburgh.

In a 2014 letter to the city of Albuquerque and the DOJ, company officials claimed that Ginger "quite literally 'wrote the book'" on monitoring consent decrees and developed "what became the standard practice in development of monitoring technologies and methodologies."

The DOJ touted Ginger's work in Pittsburgh when, in early 2000, it made him the independent monitor for a consent decree over the New Jersey State Police. In 2001, he consulted with the Los Angeles Police Department at the joint request of the LAPD and the DOJ.

CONSENT DECREE 101

The 2014 consent decree was meant to be "Policing 101," according to the people who crafted it. It demanded that APD:

- Rectify excessive use of force
- Outfit specialized tactical and investigative units
- Train officers in crisis intervention
- Have a process to investigate allegations of misconduct
- Overhaul department policies and training
- Boost staffing, management and supervision
- Improve processes for recruitment and promotions
- Establish mechanisms for officer assistance and support
- Establish community engagement and oversight

analysis found, only the police departments in Los Angeles, New York and Houston killed more people than APD.

Law enforcement officials, including police leaders and district attorneys, say such figures are nuanced. They point to the acute dearth of mental health resources in New Mexico and, anecdotally, stories of people who draw guns on police officers as explanations for why the problem of police violence is so outsized locally.

In the past four years, Albuquerque police repeatedly shot people who were suffering visible mental health crises. They shot 26-year-old Max Mitnik in the head during a "schizoaffective episode" in which he asked officers to fire their weapons at him; they shot and killed 52-year-old Valente Acosta-Bustillos, who swung a shovel at officers and told them to shoot him; they shot and killed 33-year-old Collin Neztsosie while he was on his cell phone, pleading for help with a 911 dispatcher.

These grim numbers have led reform advocates, critics and law enforcement leaders themselves to question what it means to be "in compliance."

"You can improve things on paper or comply with the terms of a consent decree and still have these things happening," said UCLA law professor Joanna Schwartz, author of the 2023 book "Shielded: How the Police Became Untouchable."

"Albuquerque is a prime place to be asking the questions…about what impact consent decrees have," Schwartz said. The city should be ground zero for the national conversation on police reform, she and others believe.

This is not to say that the consent decree has been without merit. The 2014 Court-Approved Settlement Agreement between the DOJ and Albuquerque laid out nearly 300 mandated reforms. Since its launch, APD has fulfilled hundreds of reform requirements, including overhauling scores of policies and training procedures.

Each mandated reform bears three benchmarks — primary compliance, secondary compliance and operational compliance — and once the APD reaches 100 percent compliance with all three benchmarks on every reform, the consent decree will draw to a close. As of Ginger's latest progress report, filed in November, the department stands at 100 percent for primary compliance — meaning it has implemented policies and procedures in line with national best practices. According to Ginger's reports, the department has also achieved 99 percent secondary compliance — meaning it has trained staff in those best practices — and 94 percent operational compliance, regarding its day-to-day implementation of the best practices.

NOBODY'S 'MONITORING THE MONITOR'

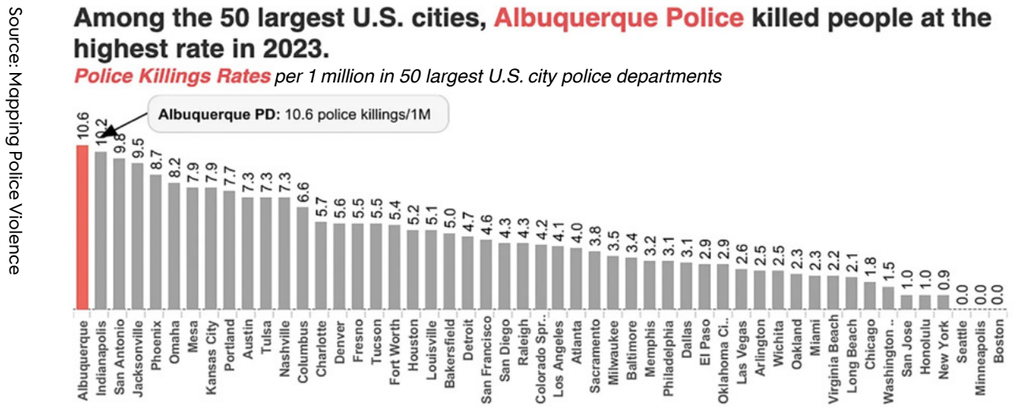
Once the consent decree was handed down, authorities had to find an objective third party to monitor APD's progress in complying with the court-mandated reforms. Several people, including police authorities and reform advocates, recall being impressed with James Ginger's credentials. He had overseen two previous consent decrees, including the first of its kind in Pittsburgh, in 1997, and the other in New Jersey, in 2000. He had also consulted with the Los Angeles Police Department, known for its chronic issues with excessive violence.

"He brought a reputation of being extremely rigorous, extremely detailed, unrelenting in holding the line on accountability," recalled Peter Simonson, executive director of the American Civil Liberties Union of New Mexico. "I'm sure folks have things to say about Ginger that they never liked, but I felt like, by and large, he played that role. He was calling balls and strikes as he saw them, no matter whether APD liked it or not."

While Ginger had a reputation for reform and a wealth of experience in policing and academia, he also became known for keeping a low profile and shying away from interactions with the greater community, other observers said.

"I may have seen him once or twice [in recent years]," said Damon Martinez, the former U.S. Attorney for New Mexico, who helped shape and implement the consent decree before resigning in 2017. As Martinez recalled it, Ginger

Source: Mapping Police Violence



walked "on the other side of the street" so they wouldn't cross paths, going out of his way to avoid him.

MILLION-DOLLAR QUESTIONS

In late 2015, Ginger addressed a packed room at an Albuquerque town hall meeting where residents peppered him with questions about his nearly $1.5 million salary. As one man in the crowd interrupted him with a question about accountability, Ginger called for security, according to news reports. Then, as things simmered down, he made a promise.

"This is top secret," Ginger said, according to local NPR affiliate KUNM. "Come December, I'll be living here, so no more flying back and forth."

Such a move would have made sense. In Ginger's original terms of employment, he'd estimated that the Albuquerque assignment would require 800 "on-site" days over four years.

Two years later, in 2017, a bipartisan minority on the Albuquerque City Council checked him on his math. When three city councilors ran the numbers, they found he'd spent an average of 42 days per year in Albuquerque — hardly the 200 days, as originally proposed.

"He rented an office here and he was never there. Nobody held him accountable," former City Councilor Brad Winter recalled. "He was getting paid, and nobody was monitoring the monitor."

The costs don't stop with the $12 million in checks that Albuquerque has made out to Ginger. Medina, the APD chief, estimated that his department has spent an additional $25 million — on everything from body cameras to training — in efforts to comply with the consent decree. In 10 years, APD's annual budget has ballooned from $163 million to nearly $268 million.

A POLICE SHOOTING SETS REFORMS IN MOTION

From the start, the demand for reform was sparked by the 2014 killing of James Boyd, a homeless man with schizophrenia who was camping in the Sandia Foothills. Boyd did not have a gun, a review of his belongings at a subsequent trial showed, but was instead carrying three knives, an empty can of mace, multiple Bibles and a handful of dollar bills.

Almost immediately, large protests erupted in downtown Albuquerque over the killing. The next month, the DOJ released a blistering 46-page report that accused the police department of employing an "overwhelming pattern of unconstitutional use of deadly force." City officials signed the consent decree in the report's wake, setting in motion the next decade of federal oversight.

Some reforms took hold almost immediately after the report dropped. The Bernalillo County District Attorney charged Officers Keith Sandy and Dominique Perez with murder and manslaughter for killing Boyd. Body cameras were mandated for every sworn APD officer with a badge and a gun.

Internally, things were changing. The department disbanded its Repeat Offender Project, which some today liken to a police gang. The highly controversial unit focused on "career criminals" and used a hangman's noose as its logo. Sandy, one of the officers who killed Boyd, was a member of the ROP unit.

Department leaders say the consent decree brought about a culture change as well. Issues can't be swept under the rug anymore, they say, because there are more eyes than ever on police conduct in Albuquerque.

"We terminate more people than ever before," Medina, the police chief, said in an interview. "These things have always happened. They were just dealt with differently."

Reform advocates, for their part, contend that such a "culture change" has not been as far-reaching as the department claims. In recent months, an FBI investigation into the department spilled into public view. Officers were investigated for allegedly taking bribes to get DWI cases dismissed from court. The ongoing scandal has led to the resignation of five officers to date.

FROM RODNEY KING TO JAMES BOYD

In the history of American policing, consent decrees are a relatively new invention.

The need for enforceable reform became clear in early 1991 as the nation watched televised footage of Los Angeles police officers brutally beating Rodney King, an unarmed Black man whom they accused of driving while intoxicated. If the LAPD couldn't reform itself, members of Congress announced they'd draft legislation to let the DOJ step in and order reforms.

Lawmakers inserted two small paragraphs, known as Section 14141, into the Violent Crime Control and Law Enforcement Act, which President Bill Clinton signed into law in 1994. The new provision made it illegal for law enforcement officers to engage in a "pattern or practice" that deprived people of their constitutional rights, privileges or immunities. If a police department violated the provision, the U.S. Attorney General could intervene and right the ship.

In 1997, the DOJ found its first test case in the Pittsburgh Bureau of Police, a department that was criticized for unlawful traffic stops and police violence.

In some ways, launching the Pittsburgh decree was a symbolic move: The city's police union is the oldest in the nation. After five years of federal oversight, the department improved its civilian complaint system and adopted one of the nation's first "early warning" systems, letting supervisors track which officers exhibited problematic behavior in the field.

Since then, consent decrees have ebbed and flowed with the political tides. George W. Bush campaigned on a promise, which he kept, not to institute a single consent decree: The DOJ was unnecessarily "second-guessing" local law enforcement agencies, he said in 2000.

Barack Obama's administration, on the other hand, dispatched DOJ investigators across the country at unprecedented levels. Many of the now-active decrees, including Albuquerque's, date back to his administration.

Perhaps the most visible differences between the early consent decrees and today's are found in the documents themselves. Pittsburgh's 1997 decree was a mere 18 pages long; Albuquerque's sprawls over more than 100 pages.

Across the country, 13 other municipal police departments or county sheriff's offices — including in Los Angeles, Chicago and Baltimore — are currently working under consent decrees to address police abuses, lack of training and deficient mental health care in jails, among other issues.

Experts believe the consent decree is one of the government's best tools to reform problematic police departments. But they're not a permanent fix.

"The problem with police departments is that you are not dealing with one bad apple or a couple of bad apples. They are problems of systems," said David Harris, a University of Pittsburgh law professor who has studied the history of consent decrees.

In Pittsburgh, he said, "there did seem to be real promise of change. And some things did, in fact, change. But it didn't stick in the long run."

"LIFE AFTER DOJ"

If APD continues to shoot and kill record numbers of civilians while it stands at near-total compliance, what will "life after DOJ," as Medina put it, look like?

Medina and Simonson of the ACLU have both expressed a desire to retain some form of oversight after the consent decree ends. Medina also envisions a new training academy for internal affairs investigators.

"I want to build something that's going to outlast me," Medina, who plans to retire in late 2025, told Searchlight. The department, he said, needs to be "vigilant" about maintaining what it's achieved.

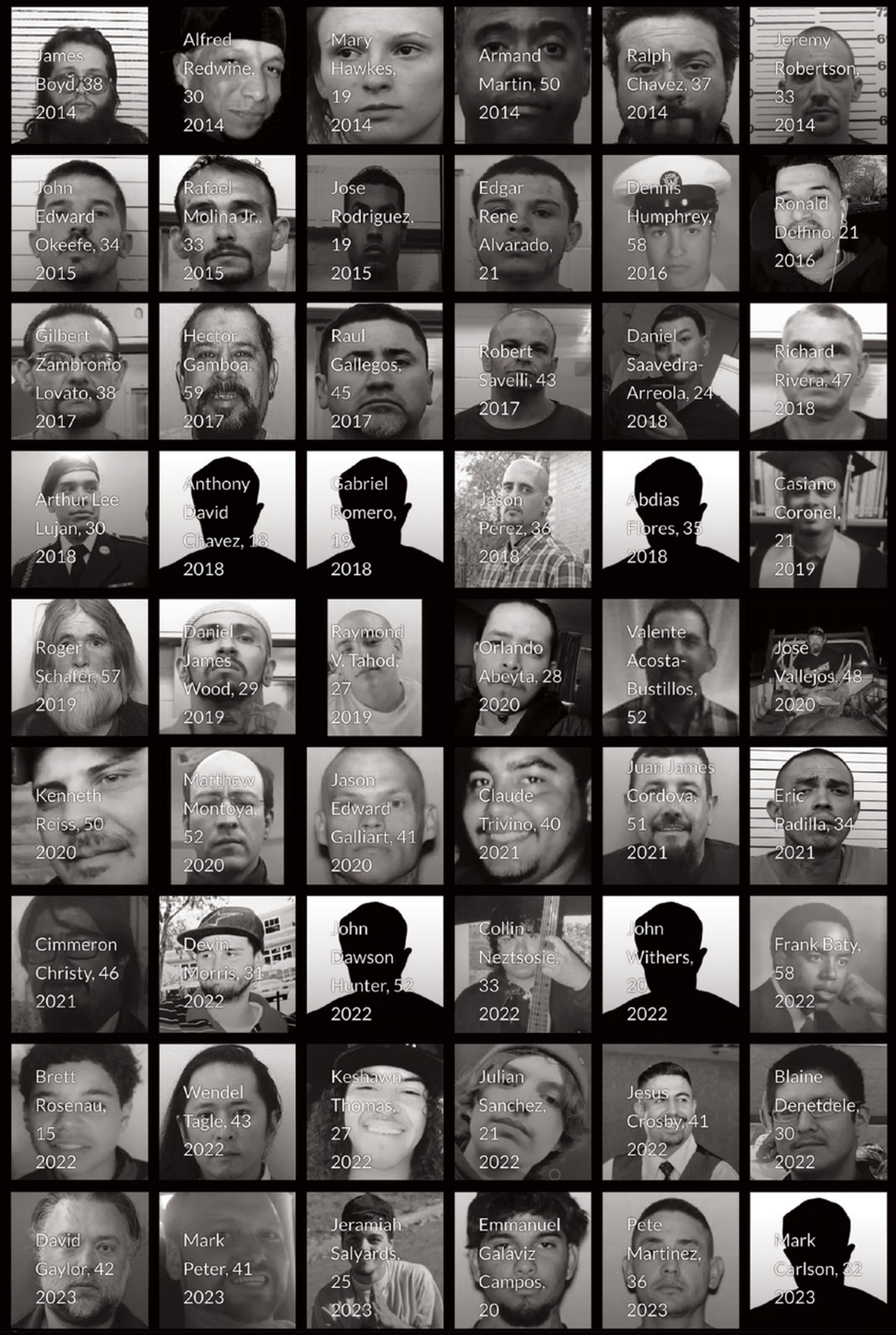
To reform advocates like Simonson, though, such progress has been too little too late. "The fact that we've had to invest so much money in Albuquerque for such limited results is in large part a consequence of what policing is in this country," he said. "We know what some of the ingredients are, but we don't really have the recipe yet to fully bake a constitutional, professional and community-safe police force."

Both see a need to stop sending armed officers to the scenes of 911 calls for mental health crises. In 2020, Albuquerque launched a formal push to do just this, though responders and families of police violence victims have criticized the rollout.

The next independent monitor's report, which will provide updated numbers on APD's compliance levels, is expected to be published in the coming months. Medina aspires to have the consent decree wrapped up by the end of 2025.

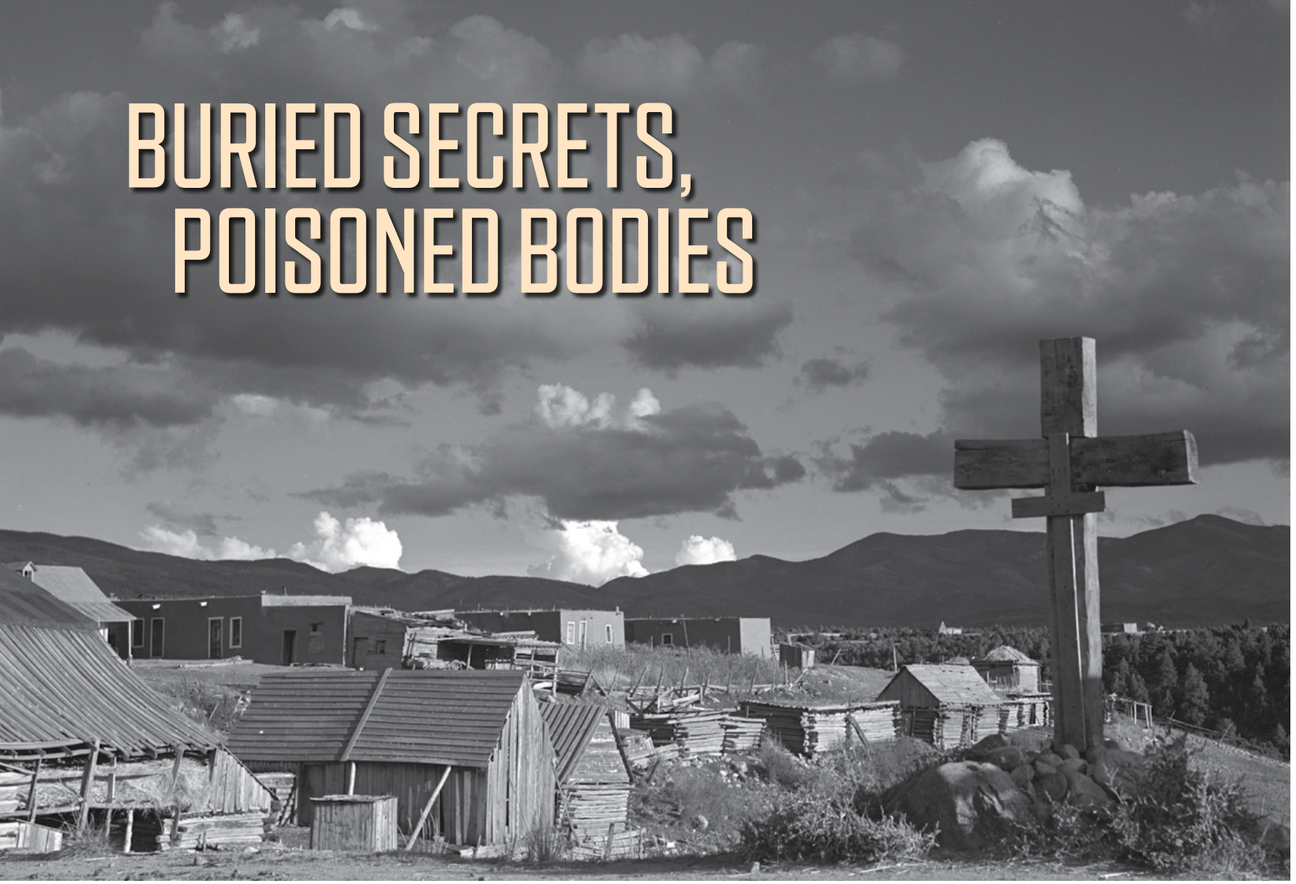
Ginger's contract, meanwhile, is set to expire at the end of June. It will likely be renewed and net him another million if the effort follows Medina's timetable. ✹

54 PEOPLE KILLED BY APD BETWEEN 2014 AND 2023



Source: Mapping Police Violence, mappingpoliceviolence.org

BURIED SECRETS, POISONED BODIES



WHY DID A TRUCHAS WOMAN DIE WITH EXTRAORDINARY AMOUNTS OF PLUTONIUM IN HER BODY — AND WHY WAS SHE ILLEGALLY AUTOPSIED? FOR THIS REPORTER, THE ANSWERS HIT CLOSE TO HOME.

BY ALICIA INEZ GUZMÁN | PHOTOS BY MICHAEL BENANAV | DECEMBER 20, 2023

THE FIRST REFERENCE TO HER comes, of all places, on an airplane. It's the end of April and sitting next to me is Jay Coghlan, the executive director of Nuclear Watch New Mexico. Both of us are on our way back to Santa Fe from Washington, D.C., after the Alliance for Nuclear Accountability's weeklong annual gathering. Coghlan, galvanized by the last several days of activities, spends most of the flight ticking down his list of Los Alamos National Laboratory's most recent sins. But suddenly he turns to the past.

"Did you know that the person with the highest levels of plutonium in her body after the atomic detonation at Trinity Site was a woman from Truchas?" he asks me. The remark, more hearsay than fact, piques my interest. As Coghlan knows, that's my pueblito, the place in northern New Mexico where I grew up on land passed down through many generations of women. Tina Cordova — co-founder of the Tularosa Basin Downwinders Consortium — would know more, he adds. "Ask her."

Truchas, short for Nuestra Señora del Rosario, San Fernando y Santiago del Río de las Truchas, sits on a ridge in the Sangre de Cristo mountains, 8,000 feet above sea level. With some 370 people in town, most everybody keeps up with the latest mitote, or gossip, at the local post office. A regional variation of Spanish is still spoken by elders. Bloodlines go back centuries. And neighbors might also be relatives. If she is from this tiny, but remarkable, speck on the map, I must at least know of her. My mom, a deft weaver of family trees, definitely would.

Truchas is also 225 miles north of the Trinity Site, the location of the world's first atomic blast. On July 16, 1945, at the peak of monsoon season, a clandestine group of scientists lit up the skies of the Chihuahuan Desert with the equivalent of 24.8 kilotons of TNT. In the first 10 days, wind would carry the radioactive fallout across 46 states — so far, in fact, that the Eastman Kodak Company in Rochester, New York, traced spots on film to radioactive material released by the bomb.

It's plausible, given such an expansive reach, that this Trucheña who Coghlan casually mentions is among a wave of Trinity's first unknowing victims. Historically, she signals a profound rupture in time — before nuclear weapons and after. But at the moment, his comment seems impossible to grasp. It's only in hindsight that the single most important question takes form, one that will dog me for more than six months: Who is she?

View of Truchas, circa 1945. Photo by John Candelario. Courtesy of the Palace of the Governors Photo Archives (NMHM/DCA), negative #165819

INCOMPREHENSIBLE AUTOPSIES

Just over a month later, I hear about her for the second time, at a journalism conference. I've just boarded a black van after standing at the outer boundary of the Trinity Site, southeast of Socorro, under the searing summer sun. Nearby are Cordova, Mary Martinez White and Bernice Gutierrez from the Tularosa Basin Downwinders Consortium, primed to talk to nuclear journalists from around the world about the harrowing experience of living downwind of Trinity.

I tell Cordova who I am and where I'm from. The words have barely left my lips when she repeats, almost, verbatim, what Coghlan told me earlier, this time adding the original source of the information: the Los Alamos Historical Document Retrieval and Assessment project, known as the LAHDRA report.

Published in 2010 by the Centers for Disease Control and Prevention — and based on millions of classified and unclassified documents from the earliest years of the Manhattan Project to the late 1990s — the report's stated purpose was to identify "all available information" concerning radioactive materials and chemicals released at Los Alamos National Laboratory.

Some of the documents are autopsy records, I come to find. The lab routinely released plutonium into the air from several facilities on its campus, but it wasn't until 1978 that it began to measure those releases consistently. One question that preoccupied researchers was whether data culled from the autopsies would reveal higher rates of plutonium in people who lived near or worked in those nuclear facilities.

There is another cache of autopsies, too, for the scientific equivalent of a control group — randomly selected people who simply lived and died in northern New Mexico. Cases from the control group were also analyzed, the report added, "in an effort to review the possible plutonium exposure from the July 16, 1945 Trinity test."

I quickly scroll down to see which person in this group had the highest plutonium levels. And there it is: The highest levels do indeed belong to an unnamed woman from Truchas, alive at the time of the Trinity detonation.

But what comes next in the report will preoccupy me for months: "The plutonium concentration in her liver was 60 times higher than that of the average New Mexico resident."

The number is incomprehensible to me. First, the actual amount is never stated, nor is the amount for the average New Mexican. But there is also a glaring contradiction that I detect only after reading the paragraph's final cryptic line many times over. Fallout from Trinity, it essentially explains, didn't cascade over Truchas until 12 hours after the initial blast. At that distance, there was no telling whether fallout could be inhaled or ingested — the most direct and harmful paths of entry.

It's a paradox. Trinity stood out as the most obvious culprit — she was, after all, alive when it was detonated — but even the researchers weren't certain. The only fact is the plutonium itself. Somewhere, somehow it entered her body in the form of barely visible specks of alpha radiation. And once there, those particles began a long migration, from her bloodstream to her kidneys and, ultimately, to her liver. The question is how?

The entry is most striking for its brevity, no more than a paragraph amid the report's 638 pages. Partly, this has to do with the expansive scope of the LAHDRA project, which covers far more than these autopsies, and partly because of the secrecy and laws that protect personal privacy. Through the prism of science, this Trucheña is a single, mysterious data point. From this same prism, the unwritten parts of her life look like negative space. But when I imagine who she is, I also imagine what would fill that space — all the parts of her story that must exist but have been left out.

For now, I don't even know her name.

EXOTIC POISON

In an interview with the Atomic Heritage Foundation in 1965, chemist Glenn Seaborg described plutonium as "one of the most exotic metals in the periodic table — maybe the most." Seaborg had created plutonium out of uranium in 1940 and still, 25 years later, at least some of its properties were anomalous.

How plutonium poisoned the body was also largely unknown. The survivors in Nagasaki, Japan, where U.S. forces dropped a plutonium bomb on August 9, 1945, began to see increased rates of leukemia in the years immediately following the blast, most notably among children. Twelve years later, tumor registries were founded to track the cancer incidences in both Nagasaki and Hiroshima, where the United States detonated "Little Boy," a uranium bomb, on Aug. 6, 1945.

But in Los Alamos, there were only three instances of acute radiation poisoning — Harry Daghlian in 1945, Louis Slotin, in 1946, and Cecil Kelley, in 1958. Daghlian and Slotin both received a fatal blast of radiation while handling the same core of plutonium, the "demon core" as it was later dubbed. Daghlian died 25 days after the accident; Slotin survived for only nine. Kelley died within 35 hours of performing an operation to purify and concentrate plutonium in a large mixing tank. As the tank swirled, the plutonium inside it assumed the right shape and size to produce a brief nuclear chain reaction. The injuries the men suffered were ghastly.

Above: Buster-Charlie, 1951: atmospheric testing at the National Security Research Center in Nevada. Photo courtesy of Los Alamos National Laboratory.

Besides those were the less dramatic cases: Nuclear workers who were routinely exposed to much smaller amounts of plutonium on the job, and citizens exposed through atmospheric testing, which began in Nevada in 1951 and didn't end in America until 1963. By the time of Kelley's death, data on those other groups had yet to be collected, much less analyzed.

When I email Joseph Shonka, the primary author of the LAHDRA report, I get my first insights about the Human Tissue Analysis Program, a landmark project that gathered data about how plutonium exposure affected people's health long-term.

"During the concerns about global fallout in the late 1950s and 1960s, the Atomic Energy Commission conducted a research program to measure the levels of plutonium in US residents," he replied by email in August. The research was based on "plutonium workers who voluntarily agreed to contribute their bodies to research, as well as appropriately obtained tissues from autopsies from nearby residents of AEC facilities and from random individuals across the US, including New Mexico."

I can't help but obsess over two words: "appropriately obtained." History tells of doctors performing grisly acts in the name of science, but that was before the dawn of biomedical ethics. I'd assumed that those ethics had become self-evident in modern-day autopsy practices and that tissues were always "appropriately obtained." That's not the case here, I realize after an Internet search. How the tissues for this research program were obtained was, in fact, deeply controversial, if not unlawful.

AUTOPSY AUTHORITY FROM "GOD"

In 1996, Cecil Kelley's wife and daughter filed a class-action lawsuit against the Regents of the University of California, the school that had managed the lab since 1943, and 10 other defendants, including former lab director Norris E. Bradbury. The autopsies, unlawful and fraudulent, were conducted on both lab employees and the general public "without the knowledge, informed consent, or permission of the families involved," the complaint asserted. What occurred, it went on, was the "unauthorized and illegal research and experimentation" on the corpses of hundreds of New Mexico residents and others around the country. And plaintiffs only became aware of it, "to their extreme shock and horror," many decades after the fact. In the press, it was known as the case of the "body snatchers."

The human tissue program began on Jan. 1, 1959, a day after Cecil Kelley's horrific death. Clarence Lushbaugh, who worked for the lab and was also the pathologist and chief of staff at Los Alamos Medical Center, had long been waiting for "an employee with known exposure to radioactive substances to die so that the body could be autopsied and the radioactivity of the lungs could be counted," legal filings said. "Mr. Kelley's accident and subsequent death provided Defendant Lushbaugh with the opportunity he'd been waiting for."

By the program's end in 1985, 271 lab workers and 1,825 members of the general population, from New Mexico and across the country, had been secretly autopsied and their organs sent to the lab to be studied for plutonium content. Besides the obvious transgressions, the project had a number of other yawning flaws, including 489 tissue samples that were lost when a freezer failed.

Participating pathologists, first at Los Alamos Medical Center, the program's unofficial headquarters in New Mexico, and then in other cities, ostensibly performed the autopsies to determine a person's cause of death. But that was just a cover for the real motive, which was to entirely remove and analyze lungs, kidneys, spleen, vertebrae, lymph nodes and, in men, gonads, the class action asserted.

The pathologists "exercised a clause in their autopsy permit form that allowed collection of tissues for 'scientific research,' a U.S. General Accounting Office report later said. "As a result, Los Alamos officials did not feel it was necessary to obtain their own informed consent documentation." Families, in other words, were never asked for permission.

Among the records, I read about Kelley's particularly ghoulish autopsy; Lushbaugh stored his entire nervous system in a mayonnaise jar and sent his brain to Washington, D.C., for study. When asked in his deposition who granted him the authority to do so, Lushbaugh said "God."

CLUES WITHOUT NAMES

A kind of armor protects the lab's nuclear secrets. For that reason alone, I have little faith that I will be able to identify her — the anonymous Trucheña with 60 times more plutonium in her body than any other New Mexican autopsied in this hair-raising study. But I keep looking. Maybe it's that I believe finding her can reaffirm, in some small measure, her humanity. All I know is that I need a tangible public record. And the class-action lawsuit is the best and only place to start.

I arrive at Santa Fe's District Court on a Friday morning in October to find all 5,077 pages of that lawsuit, a number that surprises even the clerk. The documents are digitized, she tells me, but very likely out of order.

Over the next month, I show up three times, ferried into the same lonely viewing room to the same clunky desktop computer. On the first day, I find Lushbaugh's deposition among reams of legal back and forth. My second visit unearths an obscure publication that leads me to another obscure publication, volume 37 of "Health Physics," a medical journal devoted to radiation safety. Published in 1979, it contains the biggest lead yet — a list of the Human Tissue Analysis Program's decedents in New Mexico and across the country, all unnamed.

Each entry reads like a bullet point: Case number, occupation, residence, state and cause of death. A separate column includes sex, age, years of living in Los Alamos — if they did live there — and year of death. The columns reveal, in clinical and unnerving detail, each organ by weight and radioactivity, if any.

Here, there is no whole greater than the sum of its parts. In fact, it's the parts that so preoccupied researchers — line after line of organs measured down to the gram, and line after line of radioactivity measured down to disintegrations per minute. But the story I glean is more complicated than these facts and figures alone. It's about the scientific desire to reduce people into mere objects of study and the violence of that reduction.

The Los Alamos Medical Center plays a key role. As one of the few hospitals in the region, LAMC attracted Norteños from at least three counties. The deceased lived in Peñasco, Cordova, Española, Velarde, Los Alamos, Santa Fe, the Santa Clara, San Ildefonso and Picuris Pueblos, the Jicarilla Apache Nation and beyond. Their occupations are just as diverse: housewives, laborers, farmers, truck drivers, realtors, restaurant owners, bakers, insurance salesmen and even children — if that can be called an occupation.

Approximately 80 percent of these Norteños were alive during the Trinity test, I calculate. They lived in places that were roughly the same distance from the detonation site as Truchas — closer in certain cases — and at least some of their organs contained plutonium, the entries show. But since medical histories were never collected, researchers never had a full picture of how or why a person might have been exposed in the first place.

And then I see her. The woman I've been desperately pursuing finally emerges in the seventh row on page 24 — a housewife from Truchas who died at age 91, in 1972. Cause of death: pneumonia.

Sure enough, the plutonium in her liver is orders of magnitude greater than everyone else, including the people who lived through the Trinity detonation. The LAHDRA report's hypothesis attributing her exposure to Trinity couldn't be true, I deduce. If it were, then scores of other people would have as much of the substance in their bodies as she did, simply by virtue of being alive in July 1945. But they don't. I have to wonder: Is it a fluke? Is there something else the data isn't saying?

It's already late, but I quickly begin searching for online obituaries. Only one match comes up.

"Epifania S. Trujillo, a lifelong resident of Truchas died at the age of 91, September 26, in the Los Alamos Medical Center following a long illness," reads the October 1972 obituary in the Rio Grande Sun. "She is survived by two daughters, Mrs. Cosme Romero of Truchas and Mrs. Glenn Manges of Gallup; a sister Veronice Padilla of Truchas, 25 grandchildren and 35 great-grandchildren."

The realization instantly washes over me: I've known her family all my life.

From left to right: A mid-1950s photo of Epifania and her granddaughter Mary Helen, daughter Carmelita and granddaughter Nora. Photo courtesy of Mary Helen Romero Kelty.

QUILTER, DEVOTEE, MOTHER, GRANDMOTHER

Epifania Sandoval was born in 1881, 31 years before New Mexico became a state. Originally from Cordova, another mountain pueblito, Epifania had moved four miles northeast to Truchas around the time she got married in 1907. In an early undated photo, she poses next to her mustachioed husband, José Gabino Trujillo, striking and stern.

A petite woman, Epifania was known to roll her own cigarettes and smoke them in short, staccato puffs. She was a talented quilter and a pious Catholic who'd suffered the loss of an infant son in a construction accident. Years later, she still carried the grief and would spend much of her life as a devoted lay member of the Society of Our Lady of Mount Carmel. So deep was her devotion that she even named one of her daughters Carmelita.

Around 1955, Epifania moved in with Carmelita, her husband, Cosme Romero, and seven grandchildren. By then, Cosme had landed a well-paying local job as a janitor at Los Alamos Scientific Laboratory (the former name of Los Alamos National Laboratory), after having worked itinerantly across the West for almost two decades. Every day, he would make the same haul, driving from the Sangre de Cristos, across the Tewa Basin to the Pajarito Plateau, home of the secret lab on "the hill." Los Alamos is just shy of 40 miles away, but back then — in the transformational years after the Manhattan Project — it might as well have been another world.

I know none of this when I call two of Carmelita and Cosme's daughters, Nora and Cecilia, now in their seventies and eighties, whom I've known since I was four. I likely met them around 1990, when my parents moved back to Truchas to take care of my 99-year-old great-grandmother. Every Sunday, our family dutifully went to Nuestra Señora del Rosario for mass, and every Sunday we'd sit a few pews behind theirs. I still see Nora and Cecilia when I visit and they still call me *mi'jita*, a *cariño*, or term of endearment. I'm phoning them for the first time in years, and maybe ever, to reveal what they don't know and what I've spent six months trying to figure out — that Epifania, their grandmother, was likely in a clandestine study called the Human Tissue Analysis Program, that there was a class-action lawsuit regarding the program that settled in 2010, and that their grandmother might be the Trucheña I've been chasing ever since I first caught wind of her from a nuclear activist, Jay Coghlan.

Nora answers my call and I dive in: "Just hang in there, this is going to sound wild," I tell her. After listening for a few seconds, there's a scramble, and suddenly Cecilia is on the line, too. If the mystery woman is Epifania, I tell them, she had by far the most plutonium in her body of any other New Mexico resident who was autopsied as part of that macabre program.

It all nervously spills out. And while Epifania fits the bill, I add, I need to cross-check the information and confirm it's her through whatever medical records I can get my hands on.

Several seconds go by before Cecilia responds. This might explain things, she says. Another pause. It might explain, she continues, "why so many in the family have gotten cancer." She begins to run down the list.

"My oldest brother, Sam, died of multiple myeloma. Susie had pancreatic cancer. My mom died of pancreatic cancer. Nora got pancreatic cancer, which is metastatic, so she now suffers from lung cancer. Mary Helen and I have both had breast cancer. And Henry had prostate cancer." Only one sibling, Bernice, was spared. (Cecilia and Nora said they had genetic testing for both pancreatic and breast cancer risk that showed those cancers were not hereditary.)

I'm shocked. The only time I've heard of such a pervasive history of cancer is in conversations with Tina Cordova, Bernice Gutierrez and Mary Martinez White, all members of the Tularosa Basin Downwinders Consortium, who lived within 50 miles of the Trinity Site, where the world's first atomic bomb was detonated. But this is different. Truchas is 225 miles from Trinity. How did a woman living at that distance end up with such an extraordinary amount of plutonium in her liver?

As I keep talking to the two sisters, I realize the answer might lie closer to home — Los Alamos.

Cosme was the only one in the family who worked at the lab. That he could have unwittingly carried home undetectable radioactive particles on his clothing and boots and trigger illness throughout the family had long flickered in the Romeros' minds. But they never could have guessed that Epifania might be the bellwether. She lived to the age of 91 — no small feat — and did not suffer from cancer herself. But over the long arc of time, almost everyone around her did.

I can't help but apologize to Nora and Cecilia for opening up this can of worms, an old wound made new again. But Nora is matter of fact. "You know what?" she says. "It's better for us to know."

We decide to meet in person, and three days later, I'm sitting at Cecilia's kitchen table in Santa Fe, joined by Nora and Mary Helen, the youngest sister. They've assembled a thick white binder filled with pristine, decades-old documents, many from Cosme's time at the lab. One of them is a pale blue booklet from what was once known as the International Hod Carriers, Building and Common Laborers Union of America, still in its original plastic sleeve. They've also found out something else: Cosme worked at Technical Area 8, a "hot site."

RARE PHOTOS FROM TA-8

Technical Area 8, also known as Gun Site, was named after the gun-type design used in Little Boy, the bomb dropped on Hiroshima. The War Department built the facility off of Los Alamos's West Jemez Road, complete with three "bombproof" concrete buildings and a firing range for scientists to study projectiles and ballistics. Research there involved "high explosives, plutonium, uranium, arsenic, lithium hydride, and titanium oxide," as one lab document read.

Cosme did custodial work at the lab, including at TA-8, from 1950 to 1970, dates he faithfully documented in an Atomic Energy Commission personal security questionnaire he saved. But beyond that, official personnel records about him are difficult, if not impossible, to find, especially since he worked for a lab subcontractor called the Zia Company. If he was exposed to radioactive materials, there was almost zero chance I'd uncover the documents to prove it.

Mary Helen Romero Kelty holds an undated photo of Epifania and her husband, José Gabino Trujillo. Photo by Michael Benanav.

But in truth, the Zia Company rewarded people who took on high-risk jobs, according to nuclear historian Lucie Anne Genay. Working in areas with nuclear materials could add a 10 percent bump in pay, and extra-hazardous jobs could earn employees up to double their base wage.

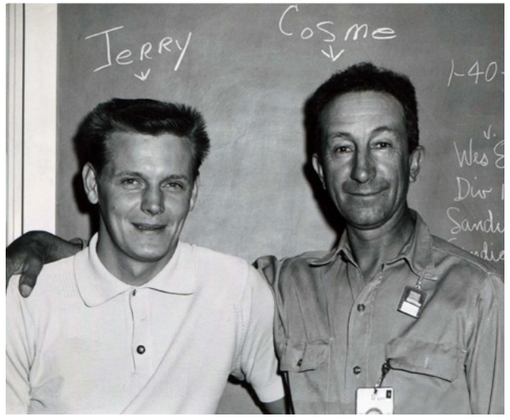
Incredibly, given the secrecy at Los Alamos, the family has a handful of photos of Cosme at work there. They show him wearing a personal radiation badge — one major clue. But what the badge measured or what, exactly, he cleaned is either lost to time or entirely secret. Perhaps he didn't know very much himself. Or if he did, he revealed little to his wife and children.

All of this seems like one sprawling thought experiment. What, precisely, did Cosme do at the lab? And could he have brought home the plutonium that affected Epifania?

I'm aware of other instances of second-hand contamination — workers bringing asbestos home on their clothing, exposing family members to tiny harmful fibers, or even nuclear laundry workers exposed to radiation on the job. Safety measures at LANL have changed since Cosme's time and today include shielding, protective clothing, air sampling, radiation safety evaluations and other precautions, all aimed at safeguarding workers, the environment and the community, according to LANL spokespeople.

Nevertheless, safety lapses do happen, and Los Alamos workers have expressed concerns about tracking home toxic substances — and invisible radioactive material — on their clothing and boots. Their concerns aren't baseless: The Nuclear Regulatory Commission itself has recorded instances of radioactive "take-home toxins." How many times might workers have taken toxins home and never known?

"I've visited hundreds of nuclear workers' homes over the years, possibly thousands," says Marco Kaltofen, a specialist in nuclear forensics at Worcester Polytechnic Institute in Massachusetts, who wrote a 2018 report on nuclear workers' house dust. "It is a fairly simple matter to tell what an employee is working on from looking at the contamination we find in their laundry room," he tells me by phone in November.



Much of his work, in fact, is about piecing together a contamination scenario by analyzing house and environmental dust. According to Kaltofen, scanning electron microscopy combined with energy dispersive X-ray analysis (or SEM/EDS) can identify particulates so small that they may go undetected by other means. The technology can answer other questions too, like whether the radioactive matter is natural or industrial and, if industrial, the nuclear facility where it originated. It can even identify what warhead the material came from, Kaltofen says. In his 2018 research, he uncovered "fugitive radioactive particles" in several homes and a vehicle belonging to workers at LANL, the Hanford Nuclear Reservation and the former Rocky Flats Plant in Colorado.

Upper left: Cosme Romero using a floor buffer at work. Right: An undated photograph of Cosme at work at Los Alamos, next to a man identified only as "Jerry." Photos courtesy of Mary Helen Romero Kelty.

"There's a shape, a morphology, that goes with almost any kind of material that you learn to recognize," he says. Plutonium that has been heated a couple hundred million degrees by a nuclear detonation looks like a metal droplet; specks from a uranium mine look like tiny, spiky rocks. If machined for a warhead, thorium, another radioactive metal, might look like a microscopic curlicue. Knowing the sizes and shapes of each can help determine whether they're small enough to pass through the bloodstream and eventually get excreted or stay in the body forever, carving a path of cell damage along the way.

It would be of little consequence that Cosme — who died in 1984 of a cerebral hemorrhage, another condition with possible links to cumulative exposure — retired from the lab over 50 years ago. The kind of plutonium used to make nuclear weapons, plutonium 239, has a 24,000-year radioactive half-life. With that lifespan, the particles could still be present today in a forgotten corner of an attic, cellar or basement, Kaltofen says. Radioactive dust is not only a "potential source of internal radiation exposure to nuclear site workers," his report warned: It could also expose their families "via secondary contamination."

PLUTONIUM AND CANCER

Health studies have shown that residents downwind of the Hanford Nuclear Site in Washington state, where plutonium was first produced at full-scale, have high incidences of all cancers, including uterine, ovarian, cervical and breast.

There is also evidence suggesting that exposure to ionizing radiation, which includes alpha particles emitted by plutonium, is linked to an increase in pancreatic cancer. Additional research at LANL — the unpublished Zia Study — posits that increased radiation exposure among male employees between 1946 and 1978 led to increased rates of pancreatic cancer deaths. Any cumulative exposure to low doses of radiation is associated with higher risks of death by cancer, recent research shows.

But contamination, for all the fear it conjures, is elusive. When it happens — if it happens — the effects can take years to manifest and depend on one's biological sex and age at exposure. If there is one indisputable fact, it's that females are more harmed by radiation, especially if they are exposed at a young age, according to Mary Olson, biologist and founder of the Gender and Radiation Impact Project. Children are the most vulnerable, she noted in a 2019 report, because "their bodies are growing and since cells are dividing faster, DNA is more likely to be injured."

It's almost too easy to think of all the ways the Romero children, and the cousins who occasionally lived with them, could have come into contact with radioactive dust, and how their bodies, still growing, could have been poisoned.

THE LAST CLUE

It has now been six months since I began searching for the mysterious Trucheña. And though I'm 90 percent sure she is Epifania, I have yet to find any official documents tying her to the autopsy program. The only way I'll be convinced that she is indeed the unnamed Truchas housewife in the LAHDRA study is if I find her autopsy report or some other record with clear proof.

Mary Helen, Nora and Cecilia want to find the answers as well, so we jointly decide to make a trip to Los Alamos Medical Center to request a copy of their grandmother's autopsy report.

We're thwarted almost as soon as we get there. Two attendants tell us that Epifania's records will be long gone, given that she died 51 years ago. Then they offer slightly better news: It should at least be possible to confirm that she was once a patient. But after several confusing minutes, they can't find any evidence whatsoever that Epifania was ever at LAMC, even though her granddaughters remember her last dying days here and even though we hold the copy of her death certificate, which proves that fact.

We walk down the hall to Dr. R.W. Honsinger's office, the physician who signed her death certificate in 1972 and who, miraculously, is still practicing medicine. His staff tell us that her records don't exist here, either. I call the Office of the Medical Investigator at the University of New Mexico from the hospital gift shop. Again, no dice.

"She existed," Nora says quietly, "but the records don't."

Mary Helen volunteers to come with me to the courthouse the following Monday in a final act of desperation. Maybe we'll find a list of the autopsied in the class-action lawsuit that will resolve this once and for all. I've already logged two days there and clicked through about 1,500 pages of documents, but there are thousands of pages left to read. We arrive in the early afternoon and quickly divide up the labor. Within 30 minutes, Mary Helen waves her hands at me and points at the computer screen.

"There's my Grandma."

The list she's been scouring is three pages long with 356 names — and she's found her in the last column of the second page: Epifania Trujillo. Seeing her name among the court records is definite proof — Epifania was unlawfully autopsied as part of the Human Tissue Analysis Program.

We stare at the page in a state of disbelief, hug and then print the only hard evidence I've seen that gives Epifania a name and not a case number.

ALL THE WRENCHING NEWS AT ONCE

My last question is one I pursue a few days later: Why wasn't Epifania's family included in the class-action? The lawsuit ended in 2010, awarding a total of $10.1 million to over 400 plaintiffs' families.

When I pose that question to one of the plaintiffs' lawyers, John C. Bienvenu, he tells me it was difficult to hunt down all the people affected. The lab was ordered to provide a list of the deceased as part of the discovery process, he says, but there was no telling whether the list was complete, since even the lab did not have records of certain patients' identities. And while an out-of-state settlement services company sent out letters with information about the lawsuit — that is, if next of kin could be found — the only other means of tracking people down was by radio and newspaper advertisements, which Mary Helen, Nora and Cecilia never recall hearing or seeing. They would have had to suspect that their grandma was the subject of such a morbid program in the first place, and they never did.

Indeed, it's not until over a decade after the suit was settled that the Romeros get all the wrenching news at once: Their father might have brought home toxic plutonium on his work clothes; their grandmother was unlawfully autopsied; the family was left out of the settlement altogether; and Los Alamos had a hand in all of it. Epifania, emblematic of so much, fell through the cracks in every way possible.

CLOSING THE CIRCLE

Everything I know about Epifania, I know because of her granddaughters — her hand-rolled cigarettes and the way she liked to smoke them, her love of quilting and devotion to her faith. When I visit with them for the last time, it's in Truchas. Snow is falling and the Truchas Peaks are shrouded in a thick fog. Their family home is less than a mile away from where I grew up.

First, we sit at the kitchen table, then Mary Helen, Cecilia and Nora usher me to the two-room cabin that Cosme, Epifania's son-in-law, built in the backyard. She spent her nights there but ate every meal with the family and washed her clothes with theirs. Mary Helen remembers their first

Above, from right: Sisters Cecilia, Nora and Mary Helen, at the family home in Truchas. Photo by Michael Benanav/Searchlight New Mexico. Opposite: A 1950s-era photo taken by John Collier, Jr., which was featured in an anthropological book at the time. Epifania is on the right.

washing machine — the vintage type that had to be hand fed; an automatic one was installed later.

By the time she died, Epifania had chronic pulmonary interstitial fibrosis, a scarring of the lung tissue that she'd lived with for years, her death certificate said. Perhaps it was caused by inhaling tiny specks of plutonium, which some researchers have associated with the disease, or perhaps by smoking. No one will ever know.

The women have already shared so much with me, so I decide to bring something of my own to share with them: a pale pink quilt that I've had for as long as I can remember, created, as I've always believed, by their mother, Carmelita. My Grandpa Gilbert won it in a church raffle and, somewhere along the way, it was passed down to me. It's been almost everywhere I've lived and it's starting to fray. Cecilia confirms her mom made it, but to my amazement, she also tells me that at least some of the stitching looked to be the handiwork of her Grandma Epifania.

As if to complete the circle, Cecilia hands me a 30-year-old polaroid of my own great-grandmother, Juanita Montoya, probably taken by Susie, the oldest Romero sister, now deceased. My grandma is sitting in her favorite green chair somewhere around her 100th birthday. I can still remember it. The women found the photo while digging through a trove of family albums.

One of their own prized family photos is a black and white snapshot of Epifania from the early 1950s. She's wearing a white apron and shucking peas from the garden on the front porch. Carmelita is sitting next to her with a wide grin and Cecilia, Nora, Mary Helen, Susie and Bernice, all young girls at the time, are scattered around her feet. Epifania is beaming.

As I look at the photo, I see that she is the sum of an entire life. She is loved. She is surrounded by family. She is much more than the unspeakable acts committed against her. ✹

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LIFE, DEATH OR DEPORTATION

Undocumented immigrants face an excruciating choice if they need medical help: Should they risk the highway checkpoint?

BY ED WILLIAMS | PHOTOS BY NADAV SOROKER | JULY 18, 2024

AT AN APPOINTMENT in late January 2024, Angelica's doctor delivered the results of her biopsy: stage 2 cervical cancer. She needed aggressive treatment right away, but getting it in her hometown of Las Cruces would mean a monthslong wait.

One month went by, then six weeks, then two months. By April, the doctor said she couldn't afford to postpone treatment any longer. She needed to get to Albuquerque immediately, where he could quickly arrange an appointment.

"I can't go to Albuquerque," Angelica (her middle name) responded. "I don't have papers. I'm undocumented. I can't make it past the border patrol checkpoint. Am I going to die if I stay here?"

The diagnosis put Angelica in a life-or-death situation — one faced by every undocumented person in New Mexico's southern borderlands who needs urgent medical treatment. They must either find local care or take their chances with the U.S. Customs and Border Protection checkpoints that sit along every route to the state's most cutting-edge hospitals in Albuquerque.

Las Cruces and Doña Ana County — home to one of New Mexico's highest shares of immigrant residents — suffer from a shortage of doctors and medical specialists even more acute than the rest of the state.

A 2023 Legislative Finance Committee report found that the county already contends with one of the worst deficits of primary care doctors. Medical specialists, particularly in pediatrics, are virtually nowhere to be found. And the problem is only going to deepen: By 2030, New Mexico is expected to have the second-largest physician shortage in the country, with a projected shortfall of 2,118 doctors, a gap that will likely hit especially hard in the already strapped southern part of the state.

An additional challenge emerged following the U.S. Supreme Court's Dobbs decision of 2022, which eradicated a woman's constitutional right to abortion. A year later, more than 14,000 patients from Texas traveled to New Mexico for reproductive health care. That surge has pushed many local patients to the back of waiting lists, advocates say, often forcing them to travel to clinics in other parts of the state for care.

The result is a health care landscape that leaves "a significant number of families here in a really difficult position," said Las Cruces Mayor Pro Tem Johana Bencomo. "We have these giant gaps that affect almost every kind of health need. It's hard for everyone, but undocumented and mixed-status families are just stuck."

Many are forced to seek treatment in El Paso, a city contending with its own severe shortage of providers, or travel north to Albuquerque or Santa Fe — and through the border patrol checkpoint on I-25, approximately 30 miles north of Las Cruces.

"Most people who live outside of checkpoints have no clue of this problem," said Yolanda Diaz, who runs Cancer Aid Resources and Education Inc., a Las Cruces-based nonprofit that connects patients with medical services. Diaz has made as much noise about the issue as she can, speaking in city council meetings and writing editorials in newspapers throughout the state. Despite her efforts, she says there's been little progress in fixing the problem.

BARRIERS TO CARE

This latest crisis isn't the first time a lack of local care jeopardized Angelica and her family. Six years ago, her 12-year-old daughter suffered a brain hemorrhage while at school in Las Cruces. She died in the ambulance while being transported to the nearest pediatric emergency center 45 minutes away in El Paso.

"Any parent that loses a kid isn't afraid of dying anymore," Angelica said. "I wasn't scared for myself when I got my diagnosis. I was scared for my son," who is 16 years old. "Who's going to take care of him without me?"

The choice was clear: If she didn't get treatment quickly, her remaining child would spend the rest of his life without a mother. With the help of her doctor, Angelica contacted Diaz, the patient advocate, who agreed to help.

It wouldn't be simple. The barriers faced by patients like Angelica are "horrifying," according to Diaz. Making matters worse, Memorial Medical Center — southern New Mexico's biggest hospital and only facility accredited for cancer treatment — recently came under fire for allegations of denying care to underinsured patients.

With the clock ticking, Angelica and Diaz decided to try and find a backdoor route to Albuquerque. "Cancer doesn't wait," Angelica said, and neither could she.

WAITLISTS GO ON "FOREVER"

Gaps in health care access are not uncommon in small communities along the southern border, whether in New Mexico or neighboring states. But Angelica — like all undocumented residents of Las Cruces, New Mexico's second-largest city — faces hurdles not typically shared by those living in major cities.

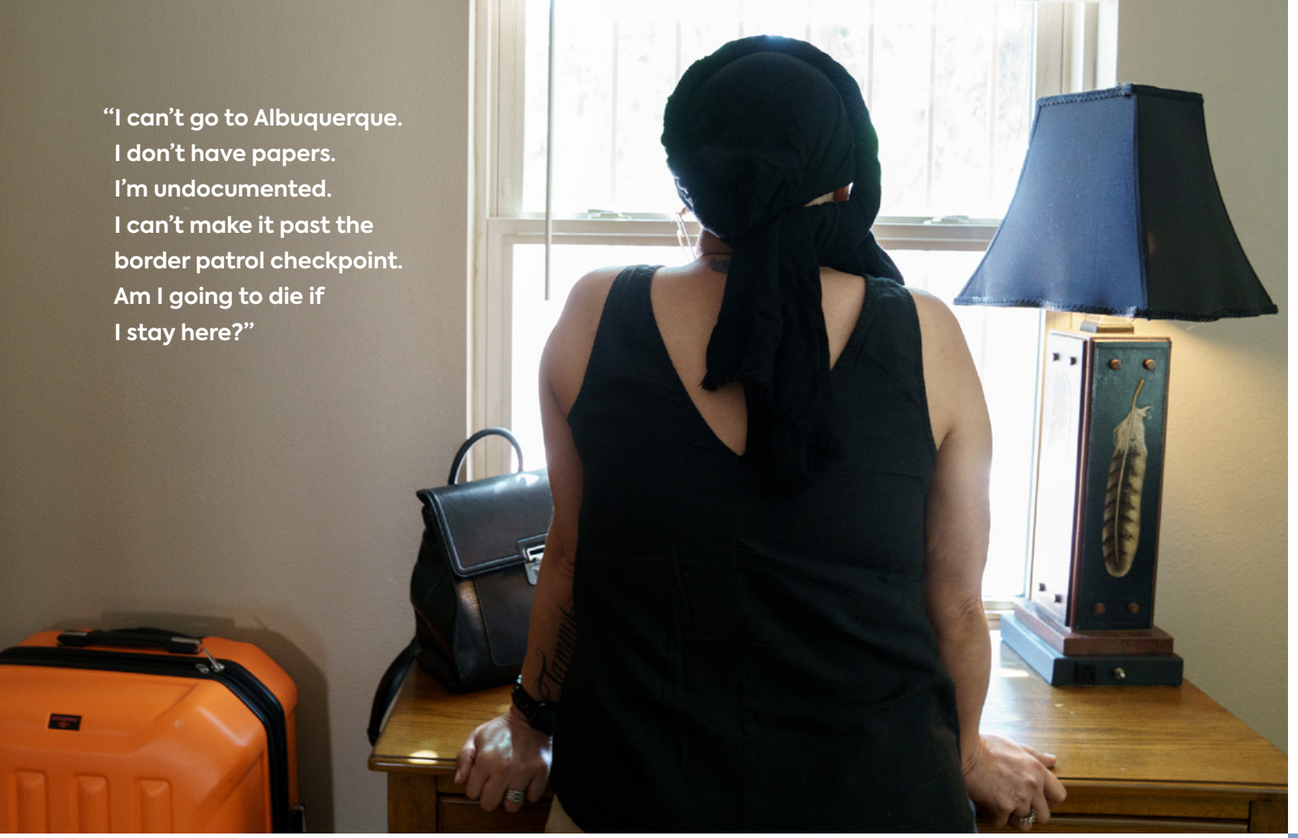
"I've seen patients wait a year or more for treatment for certain illnesses," said Angelica's oncologist, Dr. Luis Padilla-Paz. "No matter how well-intentioned the providers, there's so little supply of health care providers to take care of these patients. And that compromises the outlook and survival for the patients."

In Arizona, checkpoints lie to the south of large population centers, for example. The health care infrastructure in California is robust enough that San Diego residents are more likely to obtain local care.

In New Mexico, by comparison, the situation has now reached crisis levels, said Karen Kopera-Frye, a professor of public health sciences at New Mexico State University.

Patients are "waiting on a waitlist to get seen forever," and end up with no choice but to try to get care else-

Opposite: The U.S. Customs and Border Protection checkpoint on I-25 between Radium Springs and Rincon, one of several on various roads between southern towns and Albuquerque.



where. “You can try to go to El Paso, but they’re busting at the seams as well,” Kopera-Frye said. “And undocumented patients, where do they go? If you want the good care, you go north. But you can’t, because there’s a checkpoint.”

There have been some bright spots in getting basic care to underserved communities, she noted. School-based health centers have shown success in some areas. And the state’s border region has an unusually high number of federally qualified health centers, a type of clinic meant to provide primary care services regardless of patients’ ability to pay. “But if you need a specialist, you can forget that,” Kopera-Frye said.

TOO GREAT A RISK

Little, if any, data exists to show the extent of the border checkpoint’s health impacts on undocumented families, or how many residents have been affected. Undocumented immigrants are unlikely to respond to surveys and are among the hardest residents for researchers to study, resulting in a profound lack of data about their plight.

A U.S. Customs and Border Protection spokesperson told Searchlight New Mexico that the agency rarely encounters undocumented patients at the checkpoint north of Las Cruces. That could indicate the problem doesn’t affect a large number of people — or that few undocumented residents who need care in Albuquerque are willing to risk the trip.

Advocates and patients say it’s the latter.

“There are a lot of families dealing with this,” said Elizabeth, a single mom in Las Cruces who gave only her first name because she is undocumented.

The mother of four teenagers, Elizabeth’s second child was born with a chromosomal disorder that affected her eyes, kidneys and bones. When she was an infant, the girl required a dizzying number of appointments with doctors, surgeons and therapists, sometimes three or more per week.

The referrals to doctors in Albuquerque came by the dozen. “I asked them, isn’t there anyone she can see here or in El Paso? They told me ‘No, there’s nothing. You have to go to Albuquerque.’”

It was too great a risk, she said. If she were ever to be picked up by border patrol, her children — all U.S. citizens — would be left without a parent.

“It’s humiliating,” said Elizabeth. “These are my kids. I’ll never leave their side. We try our hardest to do the best and to protect our kids.”

Over the years, she has managed to obtain some local care for her daughter, who is now 16, usually after many months of waiting for appointments with the few doctors in town who can partially address her medical needs. In many cases, she’s had to forego treatments completely.

LONGING FOR HOME

Two and a half months after Angelica’s diagnosis, Diaz managed to arrange a way for her to pass the border checkpoint undetected — a route Diaz refuses to discuss. The relief was short-lived: At Angelica’s first appointment in Albuquerque, doctors told her that, in the time that had elapsed since her diagnosis, her tumor had doubled in size.

She would need at least three months of chemo, followed by a month and a half of radiation. Because of the checkpoint issue, she’d need to stay in Albuquerque for the duration. Even then she might need further treatment.

“I can’t be here four and a half months!” Angelica initially thought. “How will my son make it that long without me?”

In recent months, Angelica has shown improvement, taking chemo in doses, as she jokes, “that would kill an elephant.” An Albuquerque nonprofit that supports cancer patients is providing housing — a modest one-bedroom apartment in the southeast part of town, where she passes her days, window shades drawn, waiting for news that she can return home.

“I’ll be back soon enough,” she said, thinking about her son. “He’ll have to deal with me for another 40 years.” ✹

Opposite: Angelica, a cancer patient who could not find care in her hometown of Las Cruces, looks out the window of the Albuquerque apartment where she’s living while receiving treatment. Below: Elizabeth, the mother of a severely disabled daughter, has not been able to take her child to appointments with specialists in Albuquerque because of the border checkpoints north of Las Cruces.

RACEHORSES, SLOT MACHINES AND ELECTION CAMPAIGNS

BY NOAH RAESS AND JOSHUA BOWLING | PHOTO BY NADAV SOROKER | SEPTEMBER 11, 2024

IN THE LAST THREE DECADES, New Mexico racetracks have shuttered and those still standing hold a fraction of the race days they did in the 1990s. Yet across the state, horse racetracks and their accompanying casinos generate hundreds of millions of dollars in revenue annually — sums of cash so vast that horse racing now constitutes one of the state's most lucrative businesses.

Overseeing the industry is the New Mexico Racing Commission, a little-known body that has been staffed by some of the state's most influential residents, ranging from wealthy entrepreneurs and high-profile attorneys to former state lawmakers and courtroom prosecutors. Those commissioners have brokered power and cut business deals with the racetrack executives they oversee, a Searchlight New Mexico investigation found — and the racers and horse trainers who have challenged the NMRC have found themselves banished from the state's racetracks.

In 2020, a coalition of the state's racehorse owners and trainers sued the NMRC for allegedly "skimming" millions of dollars in race-day winnings that were supposed to go to racehorse owners. The commission, led at the time by current Bernalillo County District Attorney Sam Bregman, responded by cutting off the group's longstanding sources of funding. When owners and trainers protested, they said they were banned from setting foot at the state's racetracks. And when they took the matter to court, they said the racing commission banned them from speaking at its public meetings.

Such retaliation against critics has become a mainstay of New Mexico's racing scene, according to horse trainers, breeders and owners interviewed for this story.

Earlier this year, the conflict drew national attention.

Racehorses compete at Ruidoso Downs Race Track and Casino in July.

POLITICIANS, BUSINESSMEN AND CARTEL OPERATIVES HAVE ALL BENEFITED FROM THE HUNDREDS OF MILLIONS OF DOLLARS NEW MEXICO'S HORSE RACING INDUSTRY BRINGS IN ANNUALLY. THOSE WHO HAVE CRITICIZED IT SAY IT'S COST THEM.

In response to the NMRC's treatment of its critics, the Kentucky Horsemen's Benevolent and Protective Association, which oversees the country's preeminent horse race, forbade all five of New Mexico's horse racetracks from betting on the Kentucky Derby. Following that decision, horsemen's associations in Arizona, Ohio, Oklahoma and Pennsylvania quickly enacted bans of their own in solidarity.

"They're just bullying everybody around," KHBPA President Rick Hiles told Searchlight. "That's pretty dirty tactics to take against horsemen. We didn't want to be involved in that kind of mess out there."

The members of the New Mexico Racing Commission were unfazed by the move.

"A HUGE CONFLICT OF INTEREST"

Perhaps no one personifies the overlap between New Mexico politics and sport as much as Sam Bregman — a former Albuquerque city councilor, state Democratic Party Chair, deputy state auditor, NBA Development League team owner, racing commission chairman, Gaming Control Board commissioner and, currently, District Attorney for Bernalillo County.

Before Gov. Michelle Lujan Grisham appointed Bregman to fill the vacant district attorney's seat last year, she appointed him to the New Mexico Racing Commission. Bregman served concurrently as a commissioner for the Gaming Control Board, the state agency that oversees gambling across the state. When disputes about Bregman's racing commission came before the Gaming Control Board, Bregman was able to cast a vote there, as well.

Bregman resigned from the racing and gaming commissions in early 2023, when his term as DA began. At the time, he vowed not to seek election for another term as district attorney. of his appointment, however, he launched his election campaign — a campaign that has largely been funded by the racing industry he once regulated.

To date, Bregman has raised nearly $500,000, mounting the most cash-rich campaign in the state for this election cycle. Contributions came in large part from businesses and individuals tied to horse racing, including $11,000 from Ruidoso Downs and $2,500 from the Sunland Park Racetrack and Casino, according to campaign finance reports.

One of his campaign's largest benefactors is Paul Blanchard, CEO of the Albuquerque Downs Racetrack and Casino and a University of New Mexico regent who previously owned a racehorse named Bregman. Blanchard and his businesses gave a total of $17,500 to Bregman's campaign.

Blanchard declined to comment when reached by phone.

Since leading the racing commission, the Bregman family's profile has risen nationally in the world of horse racing.

Alex Bregman — Sam's son and a starting third baseman for the Houston Astros — started a horse-racing company, Bregman Family Racing LLC, while his father led the New Mexico Racing Commission. One of his horses is seemingly named after his father, who said people should not read into the name: Governor Sam.

Alex Bregman's company has jointly owned racehorses with a New Mexico racetrack executive, as well as with the current chair of the state racing commission.

"It's a huge conflict of interest," New Mexico Horsemen's Association President Paul Jenson said. A sitting commissioner should not share a financial asset with someone they hold regulatory power over, Jenson and others say — especially one as significant as a racehorse, which can cost tens of thousands of dollars and win much more.

Racing Commission Chair Billy G. Smith and Executive Director Ismael Trejo did not respond to requests for comment. Richard Bustamante, an attorney representing the commission, told Searchlight the shared investments should not be considered a conflict of interest because the horse racing industry in New Mexico consists of "a small group of people."

A HISTORY OF SCANDAL

For more than a decade, controversy has tarnished the state's horse racing industry.

In 2012, New Mexico's racetracks were considered the most dangerous in the country for horses and jockeys, largely due to lax oversight on drug use. The state imposed stricter regulations, but the problem has never gone away. As recently as last year, the governor admonished the racing commission for failing to address rampant drug use in the sport.

"Horse racing in New Mexico has a long and distinguished history. I am sad to say that it appears that legacy has been utterly and irreparably tarnished by the widespread use of performance-enhancing drugs," Lujan Grisham wrote in a 2023 letter to the NMRC. "While this commission may not have created these problems, the commission has completely failed to take proactive measures to fix or address the problems in any meaningful way."

Longstanding concerns over the industry extend beyond doping allegations. When the Albuquerque Downs racetrack was widely criticized for falling into disrepair nearly 15 years ago, track officials began eyeing a move away from its location inside the state fairgrounds.

The State Fair Commission stepped in and offered the racetrack a deal: Stay at the fairgrounds and get the OK to build a new $20 million, 52,000-square-foot casino with twice as many slot machines as their current space held. State Fair Commissioner David "Hossie" Sanchez, who would later sit on the state racing commission, was one of the deciding votes in approving the 25-year lease that kept the track in Albuquerque.

Critics at the time decried the agreement as a sweetheart deal, saying that it eased the burden on groundskeepers who had let areas of the property fall into disrepair while also placing more maintenance costs on taxpayers.

By 2013, the FBI was reportedly looking into the deal, as well as at the ties between racetrack executives and government officials. The FBI did not respond to requests for comment.

That wasn't the first time New Mexico horse racing had piqued the interest of federal investigators.

In 2010, the $1 million prize in Ruidoso's All American Futurity race went to the colt Mr. Piloto and his owner, José Treviño Morales. Three years later, the FBI announced its agents had found him working with his brothers — leaders of Mexico's deadly Los Zetas drug cartel — in a "complex conspiracy to launder millions of dollars in illicit Los Zetas drug trafficking proceeds to purchase, train, breed, and race American quarter horses in the United States."

Treviño Morales was sentenced to 20 years in prison for conspiring to funnel millions of dollars of drug money into New Mexico horse racing. A Ruidoso horse trainer, Fernando Solis Garcia, was sentenced to more than 13 years in prison for his role as a middleman in the cartel's money laundering operation.

THE $9 MILLION QUESTION

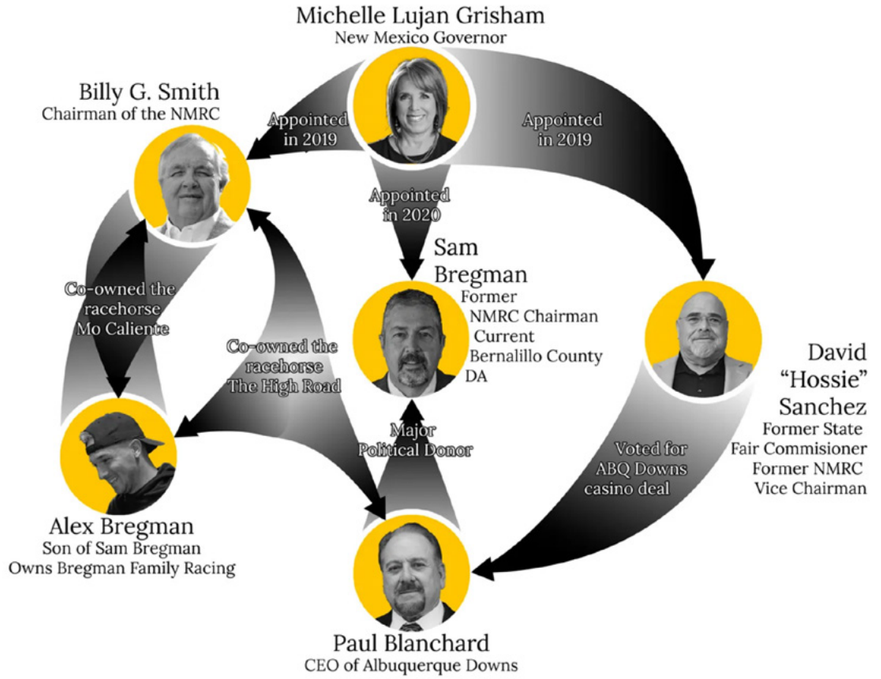
By the time Bregman assumed control of the New Mexico Racing Commission, the industry was in need of some stability. Multiple racetracks had shuttered and the COVID-19 pandemic was straining the already limited number of race days.

Under his leadership, though, sparks flew. The New Mexico Racing Commission faced a flurry of litigation. In suit after suit, the New Mexico Horsemen's Association alleged that the commission was stealing money from racehorse owners and trainers, and retaliating against members who spoke out in protest.

In late 2020, the New Mexico Horsemen's Association — a coalition of New Mexico's racehorse owners and trainers — filed a lawsuit against the racing commission alleging that it had spent more than a decade redirecting money from race-day winnings to pay for operational expenses such as jockey insurance at the state's five racetracks. To date, they alleged, the commission had taken some $9 million from horsemen this way.

Months later, the commission took aim at the horsemen's association where it hurt the most: the pocketbook.

In early 2021, the commission cut off several fees collected by the NMHA, including a one-percent portion of race-day winnings, a $5 starter fee from racers and a $2 advocacy fee. Bregman minced no words when presiding over the decision — when the commission determined that the horsemen's one-percent fee brought in $500,000 to $600,000 each year "with no authority under the law to do so," Bregman announced he was putting an end to "the New Mexico Horsemen's Association's gravy train."



HOW HORSE RACING OFFICIALS ARE CONNECTED

The Horsemen's Association, for its part, said the fees were not mandatory and that horse owners had the choice to opt out. Other groups, including its counterpart in Kentucky, do not charge membership fees.

The group filed another lawsuit against the Racing Commission and Sam Bregman, saying the commission was punishing the group by barring its members from attending or speaking out at public racing commission meetings. Actions taken against the group were "tantamount to a death penalty for the organization," it argued in court.

"You can't stick your hand in the cookie jar," Jenson, the NMHA president, said. "The commission has taken that money out of that account with us kicking and screaming that they can't do that." Several of the lawsuits are still ongoing. High-profile attorneys, including Bregman's former law partner, routinely represent the racing commission in court. Within months of the litigation, NMHA members say, non-tribal racetrack-casinos banned them from the premises. Trainers say it's left them in the lurch, largely unable to work.

"Training racehorses is expensive," Adam Archuleta, an Albuquerque horse trainer and New Mexico Horsemen's Association board member, said. Archuleta said the commission also banned his wife, who owns two racehorses, from the state's racetracks. Their horses have won nearly $100,000 throughout their careers but currently cannot race. "To keep a horse in training that's not going to race — I mean, I'm not a rich guy. We'll go broke in a hurry."

To trainers like Archuleta, it feels like retaliation for speaking out against the state commission.

"I've never had a positive medication test. I've never had any fines or fees or anything. I've always been in good standing with the track and the casinos," he said. "The casinos banned me from racing horses solely because I'm part of the Horseman's Association … the casinos and the Racing Commission work hand-in-hand."

Above: Graphic by Nadav Soroker. Photo credits: Office of Michelle Lujan Grisham, New Mexico Racing Commission, Bernalillo County District Attorney's Office, University of New Mexico Board of Regents. Photo of Alex Bregman courtesy of the Albuquerque Journal.

THE NAVAJO LAWMAKER BRIDGING PAST AND FUTURE

Sen. Shannon Pinto, the only Diné member of the New Mexico Senate, serves a constituency whose lives have been threatened over time by industry, exploitation, and violence.

BY MOLLY MONTGOMERY | PHOTOS BY NADAV SOROKER AND MOLLY MONTGOMERY | OCTOBER 3, 2024

ACROSS FROM TOHATCHI — an unincorporated community in northwestern New Mexico on the Navajo Nation — there's a depression in the grassland that once was a lake. Sen. Shannon Pinto remembers fishing there after school with her siblings when they were kids, before invasive Russian olive and salt cedar trees drank up the water. If you unfocus your vision, you can imagine the lake in the green blur of trees, a sighting of the past but maybe also the future: Pinto hopes to fill it once more, so that people can fish there again, and farmers can use the water to irrigate their fields. Looking at a place, she tends to see at the same time her memories and her relatives' memories, the way things are now and the way they might be. It's with this attention that she governs.

RELATIONAL TIES

Pinto is Diné, tall house clan, born for the red house clan, from Tohatchi. She's been a state senator for five years but has been near the senate most of her life: Her grandfather, John Pinto, was a state senator from 1977 to 2019. One of only two Native women on the senate floor, and the only Navajo senator, she occupies something of a solitary position. Her district is huge, spanning the northwest corner of the state and encompassing thirteen chapters of the Navajo Nation, along with parts of San Juan and McKinley counties, the Southern Ute Indian Reservation and the city of Gallup. To get from the top of it to the bottom, she has to drive more than 100 miles. To get across the widest area, 50. To reach many of her constituents, she traverses rough roads in her heavy-duty Chevy truck or her Subaru Outback, winding around and up bluffs and crossing arroyos.

Her priorities are particular to the place she represents. "Senator Pinto usually thinks about her district first and the state second," says Sisto Abeyta, a legislative lobbyist based in Albuquerque. "That's what you want from your state senator."

She focuses on bringing about infrastructure changes that will make the communities of her district safer. In the process she must navigate multiple jurisdictional boundaries and negotiate with a range of government entities, each of which has different levels of control over how the money she obtains in the legislature is spent. "Jurisdiction is a four-letter word," she jokes.

This commitment to safety in her district also extends to the rest of the state, and she often advocates for greater accountability in government. Across New Mexico, Indigenous women and girls have been murdered and gone missing at the highest rate of any state in the country, according to a 2020 report. Native women suffer the highest rates of homicide among all groups within the state. Pinto has frequently called for a more robust response to the crisis of missing and murdered Indigenous people and co-sponsored legislation, in both 2022 and 2024, to secure funding supporting tribes' efforts to find loved ones and bring them home. Equipment needed for the searches includes vehicles to transport trained dogs and machines for recognizing DNA.

Pinto is also one of the few legislators advocating for an increase in the state liquor tax. Since the 1980s, New Mexico has consistently reported one of the highest rates of alcohol-related deaths in the nation, but the liquor industry has a strong grip on the legislature. Between 2013 and 2023, the industry and its allies contributed $2.62 million to influence lawmakers, according to a 2023 report from Common Cause New Mexico, and attempts to raise the liquor tax repeatedly fail. Pinto wants alcohol to be less accessible, especially to minors. And she'd like to make treatment centers for substance use disorder more accessible.

Currently there are none in her district, though the rates of alcohol-related deaths in San Juan and McKinley counties are among the highest in the state. Pinto hears stories about underage workers in gas stations going to the bathroom to drink the liquor the stores sell. Once, at midnight, she stopped by a gas station and watched people grabbing cases of beer and walking out without paying. "We are in a bit of a crisis right now," she says. "We're losing quite a few."

These fights can be lonely, but she maintains tight relationships, inside and outside the Roundhouse. "Senator Pinto has built a tremendous group of allies," Abeyta says, noting that she works closely with Senators Linda López (D-Albuquerque) and Pete Campos (D-Las Vegas), both powerful senior legislators. "She doesn't really get on the microphone a lot and debate a lot of different bills, but when she does, the body really does take stock of what she's saying."

Pinto lives with her parents, brings firewood to her elders, consults her four siblings, goes fishing with her nieces and nephews. The stories people tell about her often involve caretaking. Sen. Nancy Rodriguez (D-Santa Fe) recalls Pinto sharing food with her during a long legislative session that dragged on into the early morning. Former Sen. Dede Feldman (D-Albuquerque), who sat beside Pinto's grandfather in the senate, once got stuck in the Bosque in Albuquerque when her car battery died. Pinto happened to be fishing the river with her aunt and jump-started Feldman's vehicle.

She talks less about herself, more about the people she loves. She is both a student — known for listening to, and

Shannon Pinto in Gallup, New Mexico. Photo by Nadav Soroker.

learning from, her elders — and an educator, a former math teacher and coach who continues to teach young people about place.

MEMORY

Pinto is quick to listen, open and earnest when she talks. After a brief phone call, she suggested I drive to Gallup and meet her in a McDonald's parking lot.

On a May morning, I head south and west, driving the same long route she takes when going home from Santa Fe, past the white Laguna church and the mesas of Acoma. Once I find her, she drives me to places that mean something to her family. Away from the big-box stores and across the interstate, through grids of homes, to her paternal grandparents' house in the neighborhood of Chihuahuita. There, as a child, she would climb up a hill alone and survey the city. "You could do that back then," she says. These days, too many Native people have gone missing for guardians to let their children play outside alone.

We leave the city, and there's no traffic around us, just juniper trees and grasses. She stops on a dirt road, at the place where her maternal grandmother lived. A spring of cold, clear water once ran nearby. Growing up, Pinto dipped into it with a bucket and drank the water. But PNM, the state's largest electricity provider, leased the land from the tribe in the late 1980s, and now the spring is fenced off.

To explain the stakes behind her legislative priorities, she drives me to a family cemetery, nestled against a hill that protects the chiseled stones from winds. Her father, she says, was one of the few people digging the graves by hand before a backhoe became available. He wants to be buried in Gallup, where equipment is more accessible, so that his children don't have to endure the same labor. A similar impulse motivates her in the legislature: she's known pain that she doesn't want others to know.

Among the graves of her elders are the graves of her nieces, who died when they were teenagers. One died of cancer. Pinto is now working to establish women's and children's health centers northwest of Gallup, arguing that if women are healthy, future generations of the Navajo Nation will be too. She's leading the state's effort to clean up the carcinogens that linger in the Nation's soil and water from uranium mining.

That mining was central to the U.S. nuclear industry. The Navajo workers who extracted almost 30 million tons of uranium for U.S. companies developed cancer and other diseases at rates so high that in 1990 the federal government established the Radiation Exposure Compensation Act, paying some miners $100,000 each as indemnity. The workers' families and those living around the mines have also gotten sick from radioactive particles.

Pinto's other niece died of alcohol poisoning. Before her death, she briefly vanished. Pinto has regularly expressed disappointment in the scant progress the state has made over time to end the crisis of missing and murdered Indigenous people. In 2023, for instance, the work of a new task force, housed at the New Mexico Indian Affairs Department in Santa Fe, stalled following the controversial appointment of James Mountain as secretary. In 2008, Mountain, former governor of San Ildefonso Pueblo, was charged with rape, kidnapping and aggravated battery against a household member. The charges were dismissed in 2010, with prosecutors citing insufficient evidence. But Pinto and other members of the task force publicly opposed the appointment, saying that community members were deeply upset about his history and believed that it compromised his ability to lead. "We need to raise the bar as far as leadership," she says, reflecting on the controversy.

On the road, Pinto tells a story that illustrates how she'll stand on her own to remember the people she's loved — how what she's doing in the legislature is something she's done all her life. When she was 11, one of her paternal grandfathers passed away. His loss devastated her, and she wanted to remember him by talking about him and asking her elders questions about him, which they discouraged.

"I got mad at them," she says. "I was like, 'That's not right. How are we supposed to know about him if you guys don't talk about him?'" In Navajo culture, there's a taboo around death, a belief that talking about it can summon

Opposite: A billboard off U.S. 491 welcomes drivers to the community of Tohatchi, where Pinto grew up. Below: As part of Pinto's effort to respond to the crisis of missing and murdered Indigenous persons, the state government has erected billboards in northwestern New Mexico. This one stands just north of Gallup. Photos: Molly Montgomery.

it. "It's like, if you talk about it, it's going to happen," she says. "It's a fine line. I'm like, yes and no. I think there's still some cultural things, yes, you can hold on to — and some that you need to let go so your people can progress.

"I try to remember how my grandfather would do things, and trust myself."

In the far corner of the cemetery lies another of Pinto's grandfathers: John Pinto, who was a state senator for forty-two years. It was John who had the idea that Shannon become a senator. He had served as a code talker in the U.S. Marines in World War II, using secret communications based on the Navajo language to transmit intelligence that helped secure the Allied victory. As a legislator representing McKinley and San Juan counties, he brought water and electricity to people across the Navajo Nation and fought the liquor industry despite the death threats he received.

"He was very successful in getting the much-needed capital outlay funds," says former Sen. Feldman, who notes that Pinto always prioritized Indian Country. "His projects cost a lot of money. They were not $50,000 for a swimming pool." They ranged from establishing a museum to honor code talkers — which was funded at $1.2 million and which is still in the works — to building a four-lane highway from Gallup to Shiprock, at a cost of $400 million.

He was known for his mischievous humor, and for his tradition, every session, of singing the Navajo Potato Song. Matthew Reichbach, editor of New Mexico Political Report, wrote in a 2016 article that Pinto's performance was one of the few times "when everyone in the chamber — from the rostrum to the floor to the gallery — pays attention to the speaker."

Like Shannon, John tended to be quiet on the senate floor, but when he talked, says Steve Terrell, a longtime legislative reporter for the Santa Fe New Mexican, "people listened."

In 2015, when John was 90, his wife Joann and their children, worried about his health and the distances he had to drive to serve, asked him to retire. The prospect depressed him so much that he stopped leaving his house. Shannon visited and found him in his pajamas. "If you're still ready to do this, do it," she told him. "I'll help you."

He gave her a number to dial. Lenore Naranjo, chief clerk of the senate, picked up.

Shannon remembers Naranjo asking, "'Is he okay?' Basically, it was like, 'Is he still alive?' They thought he was

in the hospital. I guess he'd stopped going to meetings."

Shannon became his driver. She sat and listened alongside him on the senate floor and tended to his health — encouraging him, if he got sleepy on the job, to walk around the Roundhouse instead of drinking coffee. He leaned on her in part because she followed his directions and didn't scold him. During each long trip from Gallup to Santa Fe, she let him stop at Taco Bell, where he would order two or three burritos. She always packed an extra shirt in case he spilled the red sauce.

In Santa Fe, on the floor of the Roundhouse, senators would approach her and ask, "So, are you gonna do it?"

"Do what?"

"Are you gonna take his place?"

"I just said, 'He's here.' To me he was still here."

John died in 2019, a year after the legislature established Feb. 14 as Senator John Pinto Day. Governor Michelle Lujan Grisham appointed Shannon to fill his seat, and in 2020 her constituents kept her in office with almost 70 percent of the vote. In June, she won the Democratic primary with a margin of 25 percent, and she's unchallenged in the general election.

"People are comfortable around her," says Hazel Stoneburner, a maternal aunt who helped raise her. "She's always been like that. She's quiet and she just smiles, and people seem to gravitate towards her — young kids, adults, the way they did with her grandfather."

John Pinto holding Shannon Pinto in 1979. Her older sister Camilla Cornell is behind them, and her cousin June Lea Dennison is beside them. Photo courtesy of Shannon Pinto.

As Pinto grieved his death, she sorted through piles of papers, which included legal pads and paper plates on which he wrote contact information for those he met. He had an amazing memory and could tell young people about their own families and the places they lived.

"Basically, he wasn't supposed to die," Pinto says.

At first, some of her fellow senators took her less seriously than they did him. When she was appointed, she herself was less confident about whether she belonged in the legislature. After she was elected by a big margin, she started asking for greater respect, both for herself and for other minority and freshman legislators.

"I did have to establish my relevancy," she says. "I try to remember how my grandfather would do things, and trust myself."

FUTURE

Pinto, describing the anger she felt as a child over the fact that she wasn't supposed to talk about the loss of her grandfather, tells me that there are distinct cultural phases one moves through as they get older. "As a child, you listen," she says. "'Sit down. Listen. We're telling you, We're teaching you.' And then, at a point, you find your voice. As you progress, then they'll hear your words, feeling that, 'Okay, you learned enough in whatever you have to share with us. It's time.'"

Often she runs into her students and their families. As her grandfather could do, she can look at a young person and call up their family history. Driving around Tohatchi, we pass one of her former students, now a nurse, and Pinto mentions another who became a librarian in an elementary school.

"I'm very proud of my kids," she says. There are those who say that the youth in her district don't want to work, a stance she rejects. "There has to be opportunity," she says. But coal and uranium mining, historically the major industries in the Nation, have poisoned the people and the land. "When it gets to the point where you're harming the people, you can't just turn your back." A current lack of infrastructure across the region has created serious challenges. Fire truck drivers miss their turns onto the roads where fires are burning through

> "It's a fine line. I'm like, yes and no. I think there's still some cultural things, yes, you can hold on to — and some that you need to let go so your people can progress."
>
> – SEN. SHANNON PINTO

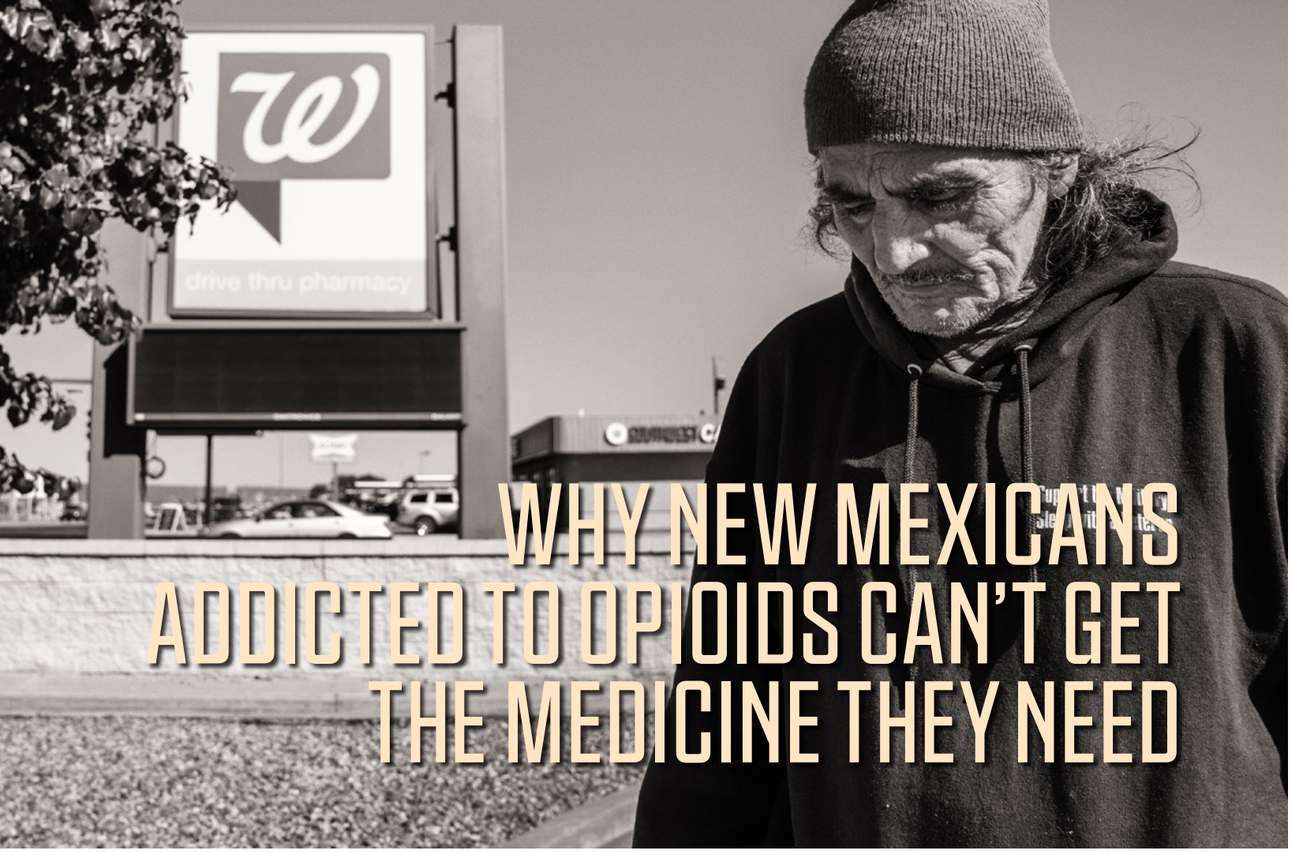
structures. Tohatchi residents had to run a command center out of the Pentecostal Church during a violent flood that claimed the lives of a father and a daughter. Loved ones vanish and law enforcement fails for decades to bring them home.

But the problems don't only arise during emergencies. Pinto tells me that the federal standards for housing are so low — "four walls and a door" — that people are living in shacks. In the early days of the pandemic, the Tohatchi post office roof collapsed, and when people tried to reopen their P.O. boxes, Postal Service officials required identification that they didn't have. Many went without mail for months.

As Pinto thinks through the new infrastructure she's hoping to see, she keeps in mind the dangers of development. Elders fear that extending electrical, gas and water lines will scar the land. Along one strip of Highway 491, where some of Pinto's family graze their cattle and sheep, the right-of-ways for those lines have made it impossible for people to build houses.

At the mouth of Tohatchi, there's open ground, a dirt lot where a dilapidated building once housed a juvenile detention center and police substation. Pinto obtained the funds from the legislature to demolish it. Parked for a moment on that emptiness, she can see what she hopes will stand there: a safety center with firefighters, police, EMTs and emergency communication for the surrounding communities.

When Pinto and her grandfather were out driving together, he would sometimes wave his hand over the dashboard, a kind of prayer, motioning to the land in front of them, to its beauty. "He was testing you," she says, "to see if you were paying attention." She waves her hand over the dashboard.



WHY NEW MEXICANS ADDICTED TO OPIOIDS CAN'T GET THE MEDICINE THEY NEED

BY SUSANNA SPACE | PHOTO BY NADAV SOROKER | NOVEMBER 20, 2024

DANIEL VALERIO WANTS to get back to the mountains. The 69-year-old Marine Corps veteran has been out of work since Colorado's Wolf Creek ski area shuttered temporarily during the early days of the pandemic. He ran a restaurant there and skied in his spare time. Before that, he taught skiing at Taos, Sipapu and Santa Fe. But Wolf Creek was his dream.

Employment is on Valerio's mind lately, since it would be good to have money again. He's trying to get a house on property he owns in Alcalde fixed up so he can move out of his trailer. He also wants to get a car running; that way, he won't have to rely on public transportation and his cousin for rides.

Valerio loves the outdoors and fondly remembers a job he had some 30 years ago with The Mountain Center, an adventure-based behavioral health nonprofit headquartered in Santa Fe. As part of what's sometimes referred to as a "hoods in the woods" program, he hiked and camped with kids who were in rehab from drugs and alcohol, some of them juvenile offenders. When Valerio and I spoke on a cool morning in September, he recalled how much he enjoyed helping young people get their lives together.

When he goes to The Mountain Center these days, though, it's to get treatment for diabetes and a compromised liver and kidneys, problems that may have originated from chemical exposure he suffered as a young Marine at Camp Lejeune, in North Carolina. He also gets prescriptions written there, including one for the medication he takes to stay off opioids. He got hooked 10 years ago, when he was prescribed oxycodone after undergoing surgery to remove cysts in his neck and shoulders.

Daniel Valerio outside the Walgreens in Española, which is frequently unable to provide medication to people who need it. .

BUPRENORPHINE IS THE BEST TOOL DOCTORS HAVE FOR PATIENTS TRYING TO END DEPENDENCY ON DRUGS LIKE FENTANYL AND OXYCONTIN. UNFORTUNATELY, DEA REGULATIONS KEEP IT IN DANGEROUSLY SHORT SUPPLY.

The drug he needs, buprenorphine, is also an opioid, but it's been proven to be effective in treating opioid use disorder (OUD). Unfortunately, when Valerio's doctor calls in a prescription, it's anyone's guess whether he'll actually get the pills that help keep his life on track.

"They say, 'We won't be able to get it for a week,'" he told me, recalling a recent trip to the Walgreens in Española. "Or, 'We don't have any.'" He thought there might be a manufacturing problem, that the pharmaceutical companies couldn't make it fast enough.

But there are plenty of buprenorphine pills in existence. The issue isn't with The Mountain Center, either, or with insurance, though Medicaid approval can be slow. In a classic example of bureaucratic side effects, the drug that is the single most useful tool we have for treating OUD — in Española, across New Mexico and throughout the United States — is being kept from the people who need it most. It gets stuck in a regulatory no-man's-land created by a mechanism that's mostly invisible to patients, doctors and even pharmacists.

Known as the Suspicious Orders Reporting System (SORS), this network serves as a digital monitor of every prescription opioid ordered by U.S. pharmacies. It was created in response to the opioid crisis, intended as a way to prevent oversupplies of dangerous drugs. SORS, which is overseen by the federal Drug Enforcement Administration (DEA), prevents pharmacies from overstocking opioids, including one that's critical to addiction recovery: buprenorphine.

When the pills run out, all the pharmacists can say to someone like Valerio is to try again tomorrow. All he can do is climb back onto the Blue Bus and go home empty-handed. Like many recovering from OUD, he wonders if he'll be able to obtain his medication before the fierce anxiety, sweats and chills of withdrawal set in. He wonders if can hold on, or if he'll have to look for something on the street.

THE PATH TO A "NIGHTMARE DRUG"

In September, the U.S. Department of Health and Human Services (HHS) renewed its declaration that the opioid crisis is a nationwide public health emergency, a status that's been reaffirmed over a seven-year period by three different HHS secretaries. Across the country, at least 10 million people misuse opioids each year.

This infamous epidemic began in the 1990s with Purdue Pharma's introduction of the dangerously addictive opioid OxyContin, a powerful drug that the company marketed heavily and claimed was safe. OxyContin and other similar opioids were overprescribed by doctors all over the U.S. — some of whom received kickbacks for hitting high numbers.

These actions, along with pharmaceutical lobbying and lax regulations, fueled the spread. In the early days, the crisis mainly affected more affluent populations. But over time, as the medications proliferated and morphed from prescription pills to the synthetic opioid fentanyl, the drugs have devastated low-income, racially isolated and rural communities. Over the past quarter century, opioids have claimed the lives of more than half a million Americans.

Today, opioids continue to stress an already overburdened health care system, with no end in sight. In New Mexico, more than 80,000 people — nearly 4 percent of the state's population — suffer from OUD. The state ranks eighth in the nation for overdose deaths, and in Rio Arriba County, where Valerio lives, New Mexicans are dying of overdoses at double and even triple the rates of neighboring counties.

Valerio's path is all too familiar. After his 2014 surgery, a doctor prescribed oxycodone. The painkiller soothed his discomfort, and he quickly got used to the relief he felt when it took hold. When he asked for refills, his doctor obliged. For more than four years, he kept getting prescriptions for a drug known to be addictive.

Studies have shown that people vulnerable to OUD can experience the physiological effects of addiction after only one dose, and once dependence takes hold, they often need to take the drug just to be able to function. Some are more vulnerable to addiction because of psychological factors like depression or past trauma;

In a classic example of bureaucratic side effects, the drug that is the single most useful tool we have for treating OUD — in Española, across New Mexico and throughout the United States — is being kept from the people who need it most. It gets stuck in a regulatory no-man's-land created by a mechanism that's mostly invisible to patients, doctors and even pharmacists.

Valerio suffers from both. Going without opioids can cause a person with OUD to enter a state of acute withdrawal, both physically and psychologically.

Prescriptions for OxyContin and similar medications were the most frequent source of opioid misuse when Valerio got hooked. But these days fentanyl, which is 50 to 100 times more potent than heroin, has flooded the illicit drug market. It can be manufactured cheaply in illegal home labs by people out for easy profits, and it's often combined with other drugs — like methamphetamines and cocaine — and packaged deceptively as something less dangerous.

"It's a nightmare drug," says Leslie Hayes, a physician and addiction specialist at Española's El Centro Family Health, a network of rural clinics serving patients in northern New Mexico regardless of their ability to pay. Hayes has trained physicians across the state in OUD treatment and the use of buprenorphine. "The mixing process is pretty erratic," she says of fentanyl, "so you can get pills with anywhere from almost no fentanyl in it to doses that are going to be lethal."

"A lot of people don't even know what they're taking," says Jennifer Burke, executive director and co-founder of Albuquerque's Serenity Mesa, a youth transitional living facility. "They say, 'I took a Xanax,' and then all of a sudden they're testing positive for cocaine and fentanyl."

Valerio knows the danger of opioids sold on the streets. "I want to stay away from it," he says. "You never know what you're getting." But last summer he got tired of coming up short at the pharmacy. When a day became a week, and then longer, he grew desperate.

WHY BUPRENORPHINE WORKS

Four years into Valerio's oxycodone addiction, his doctor retired. Valerio described what happened after that. "I said, 'Well, I'll just go to the VA.'" He added that, at New Mexico's Veterans Affairs hospital, which is in Albuquerque, "they don't give you oxycodone unless you're really dying or have cancer."

Instead they offered him Subutex, a medication used for treating OUD whose active ingredient is buprenorphine. Less potent and harder to overdose on than the better known addiction medication methadone, buprenorphine allows people to get off opioids more safely, without having to find a clinic certified to dispense it.

Like methadone, buprenorphine ties up the brain's opioid receptors, reducing the physical pain and sometimes severe anxiety of withdrawal. It's classified as a partial agonist — meaning it binds to the brain's receptors the way methadone does, while activating them less intensely — and the overdose risk is lower than it is with a full agonist like methadone. Subutex upset Valerio's stomach, but he kept taking it because it eased his withdrawal symptoms and reduced his cravings for oxycodone.

Buprenorphine was developed in England in the 1960s. Largely because of the longstanding stigma against people struggling with addiction — and a political and regulatory environment that criminalized drug use — 30 years went by before it was approved for pharmacological applications in the U.S. Until last year, the idea of stocking it at pharmacies was not much of an issue, because most of the country's doctors couldn't even prescribe it without enduring a months-long bureaucratic obstacle course.

The federal government's stake in keeping tabs on addiction dates back to the 19th century, when doctors frequently used heroin and morphine to treat pain. Many patients got hooked, and in 1914 Congress passed the Harrison Narcotics Act to rein in overuse. The law required doctors, pharmacists, manufacturers and others associated with the sale of narcotics to register with the feds.

This came in the wake of a surge of propaganda that stigmatized addiction, and in the years that followed, doctors who treated addicted patients were subject to prosecution. When methadone was developed toward the end of World War II, it too was withheld from doctors' use. It wasn't until the 1960s that concerns about criminal behavior associated with heroin use — in particular, by veterans returning from Vietnam with PTSD and other psychological issues — led to the approval of methadone to treat heroin addiction. That approval came with substantial restrictions that are still in place today.

Meanwhile, societal attitudes stigmatizing addiction persisted, and the use of heroin, cocaine, marijuana and other drugs was still viewed by the U.S. government as a problem best handled by law enforcement. Because of this, many doctors refused to take on patients who needed treatment. By 1974, HHS and the Department of Justice had transferred government authority away from the agency responsible for health care oversight to an enforcement agency operating under DOJ auspices.

These days, the DEA controls the distribution of all opioids, including buprenorphine. By 2021, doctors had begun to wrest control of buprenorphine from federal regulation. That year, the Mainstreaming Addiction Treatment Act (MAT) was introduced in Congress to address restrictions on who can prescribe the drug. President Biden signed the bill into law at the end of 2022, allowing physicians across the country to prescribe buprenorphine for their patients with OUD.

Since then, the so-called medication-first model — which allows doctors to provide medications to addicted patients right away, without requiring counseling or other support — has become more widespread, furthering what public health advocates describe as evidence-based practice: a method that has been shown to work.

A DOLPHIN CAUGHT IN THE TUNA NET

MAT's passage should have resulted in more patients taking buprenorphine, but making it easier to prescribe was only half the battle. Back in 2018, Congress tried to address the opioid epidemic with the Support for Patients and Communities Act. This law led to the DEA's creation of SORS. It also defined what were called "suspicious orders" of opioid medications as orders of unusual size or frequency, or those that otherwise deviated from a "normal pattern." No exceptions were made for buprenorphine.

Pharmacy orders of opioids, regardless of whether they're meant to treat addiction, trigger an alert that can result in a significant federal fine levied against pharmacies. The DEA thresholds are irregular, and exactly what quantities might trigger a fine is unclear. As a result, no one — not even people behind pharmacy counters — can predict, on any given day, whether the supply will suddenly dry up.

Jason Brian Gibbons, an addiction specialist and health economist at Johns Hopkins University who researches the causes of opioid relapse, says it's hard to quantify how many people are losing out because of this system. What's clear, he told me, is that patients with gaps in their prescriptions can experience overdose rates two to three times higher than people who use buprenorphine in a consistent, uninterrupted way.

A study published in the Journal of the American Medical Association in 2023 gives an idea of the scale of missed doses that are happening because of pharmacy shortages. According to the CDC, more than 16 million prescriptions were written for buprenorphine across the country in 2022. Meanwhile, 58 percent of U.S. pharmacies contacted that year on behalf of OUD patients said they did not have buprenorphine in stock, leaving more than 9 million people without critical medications. Another study done in 2022 showed that more than one-third of patients treated with buprenorphine had trouble accessing prescriptions at the pharmacy.

"Buprenorphine is like the dolphin caught in the tuna net," says Eric Ketcham, a physician and addiction

specialist at Presbyterian Española Hospital. "The pharmacy chains are hesitant because they're trying to restrict how much stock they have of all of these medicines."

Ketcham has testified twice before Congress about OUD, and he talked about buprenorphine. Last winter, he and a group of 15 physician advocates and pharmacists met with the DEA's Lena Hackett, urging her to amend SORS with a simple exception for the drug. She told them that, as a law enforcement agency, the DEA's hands were tied.

"It's really simple," Ketcham says of the request, which would involve inserting a few sentences into the document that governs SORS, to exclude buprenorphine from its list. "It was really maddening."

Around that time, a bipartisan group of senators — including Martin Heinrich (D-N.M.) and Mike Braun (R-IN.) — appealed to the U.S. Food and Drug Administration, asking the agency to act by adding buprenorphine to its List of Essential Medicines.

Still nothing.

Then, in May, a group of 21 New Mexico healthcare workers appealed to the state. In a six-page document that described in detail the hardships New Mexicans with OUD faced without reliable access to buprenorphine, the group of doctors, pharmacists and public health experts, which included Hayes and Burke, called on Gov. Michelle Lujan Grisham to use her executive authority to temporarily suspend pharmacy rules — to ensure that patients can access "enough buprenorphine to address the immense unmet need" in the state. The recommendation also urged the governor's office, the state attorney general and the DOJ to collaborate with other states to end medication shortages.

Lujan Grisham failed to act. In October, a spokesperson for the governor said only that the recommendation was under consideration.

"WE DON'T HAVE THEIR BACK"

In March 2023, Walgreens settled with New Mexico for $500 million after an eight-week civil trial. The state presented evidence showing that the company had fueled the opioid crisis by failing to flag suspicious prescriptions and continuing to fill prescriptions already marked as suspicious.

That settlement amount was far smaller than what the state had asked for, and Walgreens did not have to admit wrongdoing. Still, because of the company's dominant presence in New Mexico, the amount exceeded that of all the other defendant pharmacies combined, a group that included Walmart, CVS and Albertsons. That money was supposed to go toward remedying the damage created by the opioid crisis, but it's done nothing to help with the buprenorphine problem.

Ketcham saw three patients recently who had relapsed because they couldn't get their medications. Like Valerio, they went to the pharmacy only to be told to come back another day. Meanwhile, around the corner from Walgreens, Fairview Pharmacy — an independent, locally owned shop — has decided not to stock buprenorphine at all. "We had issues with the clientele," pharmacist Darrell Sanchez told me. He said that providing medications to people with OUD is "a headache we didn't want to deal with."

"These are patients who had recently transitioned to buprenorphine," Ketcham says. "And they were doing well, and they couldn't fill their scripts. Days went by and they're back to using the same amount of fentanyl they were using before."

For some, the treatment process has to start all over. Some don't return. Hayes says that while some patients call when they can't get their prescription, others do not. "They just don't get it and disappear," she says.

Ketcham understands the weight of the threat hovering over pharmacies and distributors. "They just paid enormous fines," he says, and "they want more reassurance" that they won't be penalized. But he's seen too many patients thwarted in the hard work of transitioning off fentanyl to have much sympathy for businesses. "They might just give up," he says of his patients who relapse. "And they might just die of an overdose in the meantime." Others wind up in jail.

"Every time they disappear and start using fentanyl again they're at risk for overdose," Hayes says. "It very much undermines recovery when people think that the medical system doesn't have their back. And we don't have their back."

UNTIL CHANGE COMES, THERE'S ALWAYS THE STREET

Valerio knows that when he has the medicine he needs, he'll be able to stay away from street drugs and maybe find work. But on a warm September afternoon, when he gets back onto the Blue Bus with nothing, it's hard. "You wonder if anybody cares," he says. Valerio couldn't get his medication last summer, and he did what he knew he shouldn't: He headed out to find someone who could sell him enough fentanyl to get him through.

"Every time they disappear and start using fentanyl again they're at risk for overdose. It very much undermines recovery when people think that the medical system doesn't have their back. And we don't have their back."

– DR. LESLIE HAYES, *El Centro Family Health, Española*

"I get asked a lot about getting more providers educated, and I say that's not the problem where I practice," Ketcham says. "My problem is my patients can't fill their prescriptions."

Not long ago, one of Hayes's patients drove to five different pharmacies in Española, Santa Fe and Los Alamos before he finally found a place that would fill his prescription. "In the meantime," she says, "I'm sending a prescription for controlled substances all over the place."

In October, Sen. Heinrich and Rep. Paul Tonko (D-N.Y.) proposed a bill aimed at finally giving the DEA authority that its officials say is needed to amend SORS. The Broadening Utilization of Proven and Effective Treatment Act aims to change the language in the document that governs its scope, excluding buprenorphine from the list of restricted medications.

"We have been looking for all possible avenues to raise this issue," says Rita O'Connell, northern New Mexico regional director for Heinrich. She called the impasse "absurd" and emphasized that changing SORS involves not only the DEA but the DOJ and the federal government's Substance Abuse and Mental Health Services Administration. "If we're going to call OUD a public health crisis, we should treat it as such," she says.

Ketcham supports the law. "This shouldn't be a red-state, blue-state kind of issue," he says. "But, unfortunately, anything that's perceived as soft on crime, soft on drugs, it gets difficult politically." With Congress under Republican control again in 2025, change could be that much harder. Meanwhile, in Española and elsewhere, physicians will continue to rely on workarounds, knowing that some of the patients most in need will fall through the cracks.

One Española physician practice, which requested anonymity due to safety concerns, found an Albuquerque pharmacy willing to help. For reasons mysterious to the doctors, that pharmacy isn't hitting SORS thresholds — at least not yet. So they're shipping buprenorphine prescriptions to Española. The arrangement increases work for the practice, but their patients are better protected against relapse.

Hayes has found a partial solution in a mail-order pharmacy. But, she says, that only works for patients with stable housing. And even those who can receive medications at home are at risk of having the pills stolen from their mailboxes. Earlier this year, after complications from a virus landed Valerio in the hospital, thieves broke into his trailer. When he got back home, his TV and air conditioner were gone, along with his buprenorphine.

Ketcham has been able to get some patients on an injectable form of the medication, which lasts a month. It's a good option, he says, but it's more expensive. And some patients, Valerio included, are understandably fearful of the discomfort, which can be substantial because it's injected into the abdomen. Meanwhile, many of the community's most vulnerable people will continue to cross the parking lot at the intersection of Fairview and Riverside and make their way to Walgreens. If their medication isn't in the bin, they're out of luck.

"I just can't imagine as a society us being willing to put up with this for almost any other condition," Hayes says.

Valerio tries to keep a few extra pills on hand just in case, calling for a refill a week or more before he needs it. But as the number of pills in his prescription bottle dwindles, he wonders whether the medication he relies on to stay safe and healthy will be there when he gets to the counter. Every day he goes without meds is a day that takes him further from the stable, peaceful life he once had.

Maybe, he thinks, he'll get back there someday.

"It was nice getting up every day in the mountains," he said. "No bad influences, you know?"

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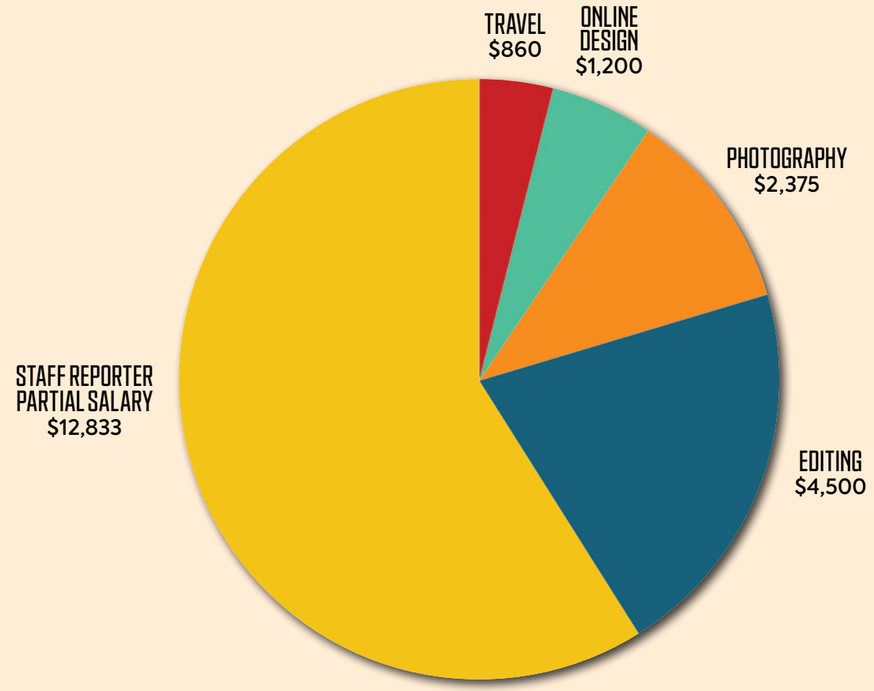

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