

13 de Enero 2022

THE WEEKLY IS

El Semanario

Digital Edition

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Esta es Nuestra Patria

13 de Enero 2022
Volume No. XXXII Issue 10

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THE WEEKLY ISSUE / El Semanario

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Table of Contents

TABLA DE CONTENIDOS

- 4** IMMIGRATION ALSO BUILDS DEMOCRACY
- 4** LA INMIGRACIÓN TAMBIÉN CONSTRUYE DEMOCRACIA
- 5** QUEER TEENS AT TEXAS SCHOOL ARE REACHING CRISIS POINT
- 6** BIDEN ADMINISTRATION IS ON WRONG SIDE OF CRUCIAL SUPREME COURT CASE
- 6** STILL I RISE, SLIGHTLY: MAYA ANGELOU COIN RELEASED
- 7** SANDERS, KHANNA DEMAND FREE COVID TESTS FOR ALL AMERICANS
- 7** NEW EFFORT REQUIRES INSURANCE COMPANIES TO COVER COST OF COVID-19 TESTS
- 8** PICURIS PUEBLO IN NEW MÉXICO FIGHTS CENTURIES-OLD WATER BATTLE
- 9** EL PUEBLO PICURIS DE NUEVO MÉXICO LIBRA UNA BATALLA CENTENARIA POR EL AGUA
- 10** COLORADO LATINOS CONTINUE TO FACE BARRIERS TO COLLEGE DEGREES
- 10** LATINOS DE COLORADO SIGUEN ENFRENTANDO BARRERAS PARA TÍTULOS UNIVERSITARIOS
- 11** STATE SEN. PETTERSEN LAUNCHES CONGRESSIONAL CAMPAIGN
- 12** AG PHIL WEISER URGES FCC TO BLOCK ILLEGAL ROBOCALLS FROM OTHER COUNTRIES
- 13** MAYOR NOMINATES ARMANDO SALDATE AS EXEC. DIRECTOR OF SAFETY
- 14** WALLIN SELECTED AS EXECUTIVE DIRECTOR FOR NEW MÉXICO VOICES FOR CHILDREN
- 14** AMBER WALLIN DIRIGIRÁ NEW MÉXICO VOICES FOR CHILDREN
- 15** STATE URGES AWARENESS OF SAFE HAVEN FOR INFANTS LAW
- 15** EL ESTADO PROMUEVE EL CONOCIMIENTO DE LA LEY DE REFUGIO SEGURO PARA BEBÉS



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Commentary/Commentario

Immigration Also Builds Democracy

David Torres

It's hard to believe, but one year has passed since the attempt to destroy nothing less than the U.S. democracy. On January 6, 2021, the entire world witnessed a mob of fanatical followers of ex-President Donald Trump breaking into the federal Capitol Building in Washington, D.C., intent on preventing the certification of the electoral victory of today's leader, Joe Biden, at all costs.

Among that plethora of traitors to the very freedoms this democracy bestows were those who dared to deny both the facts and motives of this violent and frustrated insurrection, bluntly rejecting that Trump was the mastermind behind this historical mess, when everything else indicated exactly the opposite. His responsibility—or irresponsibility—is so evident that

the former leader could neither escape from justice nor the historical condemnation that awaits

“

Let's be clear: immigrants have not come to replace anyone, but to work, and principally to work hard to support their families.

him. This was not a “revolutionary act” to save the “oppressed,” like many historic revolutions that have changed the world, but an attempt to safeguard the privileges of a white supremacy that, in itself, has been the oppressor and the discriminator since the birth of this nation.

Moreover, this state of permanent denial has not served his followers—not even a little bit—as some of these perpetrating fanatics, now whining in the face of justice, have begun to face trial. With many more to come, as Attorney General Merrick Garland promised.

This attack against the most functional democracy on the planet (to date) serves, on the other hand, to illustrate a most interesting dichotomy on all fronts: on one hand, the democracy that Trump and his followers intend on destroying and, on the other, the democracy that is built and strengthened day after day through the work of immigrants, especially undocumented immigrants, even though they cannot vote.

It's true that the vast majority of Trump's followers still agree with the anti-immigrant policies that



Photo/Info: America's Voice

their leader put into practice during his administration (2016-2020), the four most difficult years, especially for undocumented immigrants. The racism, discrimination, and xenophobia that emanated from the White House during that entire time has become an intractable stain on that era, while also revealing that U.S. society has not been able to overcome those anomalies,

despite the evident diversity that has been unfolding among its inhabitants for decades now.

This type of self-destruction—which had its quintessence in the attack on the Capitol last year—is symptomatic of a part of society that has basically everything, compared to other societies around the world and above all in comparison to minorities who live here, fiercely fighting for a place in this nation that they call home and for which they have given everything. Let's be clear: immigrants have not come to replace anyone, but to work, and principally to work hard to support their families.

Essentially, while Trump and his enablers were at the point of ruining everything that the United States has achieved, as far as the praxis of democracy goes, caring

See Torres on page 12

La Inmigración También Construye Democracia

David Torres

Parece mentira, pero ha pasado un año ya del intento de destruir nada menos que la democracia estadounidense. Aquel 6 de enero de 2021 el mundo entero fue testigo de cómo una turba de fanáticos seguidores del expresidente Donald Trump irrumpió en el Capitolio federal en

Washington, D.C., con la intención de impedir a toda costa la certificación del triunfo electoral del actual mandatario Joe Biden.

Entre esa plétora de inadaptados a las propias libertades que concede esta democracia, hay quienes se atreven a negar tanto los hechos como los móviles de la violenta y frustrada insurrección, rechazando tajantemente

incluso que Trump fuese la mente maestra detrás de ese desaguado histórico, cuando todo indica exactamente lo contrario. Su responsabilidad—e irresponsabilidad—es tan evidente, que el exmandatario no se podrá zafar ni de la justicia, ni de la condena histórica que le espera. Por que, por otro lado, no se trató de una “gesta revolucionaria” para salvar a los “oprimidos”, como muchas de las revoluciones históricas que han cambiado el mundo, sino un intento por salvaguardar los privilegios de una supremacía blanca que, esa sí, ha sido opresora y discriminatoria desde el nacimiento de esta nación.

Además, ese estado de negación permanente de nada ha servido a sus seguidores, pues —aunque a cuentagotas— algunos

de los fanáticos perpetradores, ahora lloriqueando ante la justicia, han empezado a ser juzgados. Y faltan más, como lo prometió el fiscal general Merrick Garland.

Este atentado contra la democracia más funcional del planeta hasta el momento sirve, por otro lado, para ilustrar una dicotomía más que interesante en todos los frentes: por un lado, la democracia que intentan destruir Trump y sus seguidores; y, por otro, la democracia que construyen y consolidan con su trabajo día a día los inmigrantes, incluyendo sobre todo a los indocumentados, aunque estos no puedan votar.

Es seguro que la inmensa mayoría de seguidores de Trump aún concuerda con las políticas antiinmigrantes que su líder puso

“

Y que quede claro: los inmigrantes no han venido a reemplazar a nadie, sino a trabajar, y a trabajar duro para sostener a sus familias, en primera instancia.

en práctica durante su gobierno (2016-2020), los cuatro años más difíciles sobre todo para los indocumentados: el racismo, la discriminación y la xenofobia que emanaron durante todo ese tiempo de la Casa Blanca se han convertido en una mancha inextinguible de ese periodo, lo que por otra parte ha revelado que la sociedad estadounidense no ha podido superar esas anomalías, a pesar de la evidente diversidad en que se desarrollan sus habitantes desde hace ya bastantes décadas.

Esta especie de autodestrucción —que tuvo su quintaesencia con el ataque al Capitolio el año pasado—es sintomática de una parte de la sociedad que lo tiene básicamente todo, en comparación con otras sociedades del mundo y en comparación sobre todo con las minorías que conviven aquí, luchando arduamente para ganar un lugar en la nación que llaman hogar y por la que han dejado todo. Y que quede claro: los inmigrantes no han

THE WEEKLY ISSUE

El Semanario

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Ivana Farberman

ASESINOS SILENCIOSOS

CONTAMINANTES DEL AIRE Y EN NUESTROS ALIMENTOS

En este episodio nos reencontramos con Javier Sierra, Director Asociado de Comunicaciones de Sierra Club, para hablar de como los distintos contaminantes afectan a nuestro organismo, las leyes que nos protegen de ellos, y qué podemos hacer cuando los alimentos que consumimos también están contaminados.

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Queer Teens at Texas School Are Reaching Crisis Point

Josephine Lee

Queer teens at one Texas school say they're approaching a crisis point after a recent onslaught of state legislation and school board actions targeting LGBTQ youth.

For 17-year-old Kayla (her name has been changed to protect her identity), coming out is a matter of survival. But faced with the possibility of being kicked out of her home, denied relevant mental health resources at her school, and under mounting anti-LGBTQ policies in Texas, Kayla has decided to keep quiet about her queer identity, leading to occasional suicidal ideation.

“

"It's tough to not be able to be fully honest and live as myself to the most important people in my life. My mental health has suffered in high school. I haven't been able to access any mental health treatment or therapy."

Grace, High School Student

"There was no one that I could really talk to during this period. I didn't want to become a burden to other people. So just having to sit with those thoughts was definitely not healthy for me. I definitely no longer wanted to live on this earth," Kayla said.

Crisis calls from Texas teens to the Trevor Project, a suicide prevention organization for LGBTQ adolescents, have shot up by more than 150% in the past year, the organization says. While the spike cannot be attributed to one specific cause, the culture wars against queer youths in Texas have escalated—in one recent example, a high school senior in a suburb of Houston faced off against parents over internet access to LGBTQ resources and literature.

Cameron Samuels, a classmate of Kayla's at the Seven Lakes High School, appeared at a school board meeting last month to ask the Texas school district to remove an internet filter on LGBTQ mental health resources—but he was drowned out by parents' calls to remove books with LGBTQ content and their demands to enforce Texas State Rep. Matt Krause's call to

remove 850 book titles pertaining to race and sexuality.

Cameron, an 18-year-old senior and other students have collected 1,000 student signatures in a petition calling on the Katy Independent School District to remove an internet firewall that blocks LGBTQ resources, including suicide prevention resources, and to expand the district's anti-discrimination and anti-bullying policies to include LGBTQ students.

"It is a matter of life or death," Cameron said at the December school board meeting, which was streamed on the Katy school board website.

According to its 2021 National Survey on LGBTQ Youth Mental Health, the Trevor Project reported that LGBTQ youth are four times more likely to consider or attempt suicide than their straight peers, 42% of respondents considered attempting suicide last year, while 94% reported that recent politics have negatively affected their mental health. Nicholas Turton, communications manager for the organization, reported that more than 14,500 of the 201,000 crisis calls received in 2021 alone were from LGBTQ teens from the state of Texas. The Trevor Project noted that transgender and nonbinary youth in Texas have directly stated that they are stressed, using self-harm, and considering suicide due to anti-LGBTQ laws being debated in their state.

During the last legislative session, Texas lawmakers introduced 75 pieces of anti-LGBTQ legislation, including more than 40 bills specifically targeting transgender and nonbinary youth—more than any other state in the U.S.

August 31: The Texas Department of Family and Protective Services removed information for a suicide prevention hotline and legal services for LGBTQ youth from its website.

September 1: TX House Bill 25, which prohibits transgender youths from participating in school sports teams that align with their gender identity, went into effect, along with HB 3979 which restricts how race is taught in schools.

October 25: State Rep. Matt Krause launched an investigation to call for the inquiry and removal of 850 book titles with LGBTQ and anti-racism content. This effort has since spread to public libraries in Texas.

November 10: Governor Abbott orders the Texas Education Agency to target schools which

provide students with materials with "pornography," citing books with LGBTQ content.

November 19: The Texas State Board of Education rejected calls to include information on anti-LGBTQ bullying, sexual orientation and gender identity in the health education curriculum.

The state's efforts to curtail access to LGBTQ resources have inspired local school board politics.

While parents at the recent Katy Independent School District Board meeting cited explicit sexual content from several books as cause to enforce Rep. Krause's book probe, LGBTQ students say their calls to be protected under anti-discrimination and anti-bullying policies, to be represented in the curriculum, and to access mental health resources are being sexualized. Late last year, Katy ISD recently changed the internet filter blocking LGBTQ mental health resources from "alternative sexual lifestyles" to "human sexuality."

"It's saying that LGBTQ resources such as the Trevor Project are inherently sexual, when in reality, they are not. We've searched up several websites related to human sexuality, but for straight people.

For example, marriage websites, Planned Parenthood, RAINN, and all those websites were accessible. So, it's showing that human sexuality is only harmful if it is homosexual," Cameron said.

"It's tough to not be able to be fully honest and live as myself to the most important people in my life. My mental health has suffered in high school. I haven't been able to access any mental health treatment or therapy," said 18-year-old Grace, another Seven Lakes student who started the petition to remove the internet firewall and didn't want her real identity revealed.

During a November Katy ISD Board meeting streamed and posted on the district's website, parents expressed dismay at what they said were increasing numbers of teens openly identifying as LGBTQ.

"I can't even recognize this district," parent Karen Perez said. "I'm asking you, board, what has changed? How does this happen? Look at how our library's propaganda works on impressionable minds."

Another parent during a December board meeting called for any materials or discussion dealing

with gender and sexuality to be removed from the school curriculum and left up to parental control at home.

"Katy ISD, please stay out of our children's sexuality," parent Claudia Turcott said. "The educational system was created for teaching reading, writing, math, and science."

Kayla said that many LGBTQ students do not feel that they can explore issues of their gender and sexuality at home.

"School is often the one safe haven for students. Their wifi is being tracked at home or their search history is being tracked. They don't feel safe looking up resources while at home," Kayla said. "I was always taught at home that if you are anything other than straight/ heterosexual that you will not go to heaven. I remember a girl had come out to our church small group. As soon as she left the bathroom, our small group leader started talking about how gay people are going to hell. It was scary, really. I'm still young, and I'm still dependent on my parents. I can't risk being kicked out or disowned right now."

See Lee on page 13

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Commentary / Comentario

Biden Administration is on Wrong Side of Crucial Supreme Court Case

Michael Tan

On January 11, the U.S. Supreme Court began hearing arguments in *Garland v. Gonzalez*, the latest in a series of cases the court has taken on immigration detention. The case presents a basic question: whether the federal government can lock immigrants up, for months or even years, without a hearing to determine if their detention is justified. And the Biden administration is decidedly on the wrong side of this fight.

The plaintiffs in *Gonzalez* are all people who were previously deported from the U.S., but came back because they faced persecution or torture in their countries of origin. One plaintiff, Arturo Martinez, was kidnapped by po-

lice officers after being deported to México, tortured, and held for ransom. Another, Eduardo Gutiérrez, was tortured by gang members because of his sexual orientation.

Arturo, Eduardo, and others like them were all screened by an asylum officer upon their return to the U.S.; all were found to have a bona fide claim to protection, and all were referred for legal proceedings to decide their protection claims. Under the immigration laws, they were legally entitled to remain in the country while their cases were being heard. But because of court backlogs, cases can take years to conclude, meaning that people are routinely detained for extremely long periods of time.

The issue before the Supreme Court is what process people like

Arturo and Eduardo are entitled to, in order to determine if they should stay locked up or can be safely released to their families and communities. In the preceding decision, the Ninth Circuit interpreted the detention laws to require a bond hearing before an immigration judge after six months, based on its recognition that prolonged detention without a hearing raises serious due process concerns. This follows from long standing Supreme Court precedent recognizing that when it comes to civil detention, the touchstone for due process is a hearing before a neutral decision-maker to decide if someone's imprisonment is justified. These protections are all the more critical when the government locks people up for months or years.

Yet despite its pledge to deliver a fair and humane immigration system, the Biden administration does not see things the same way. Instead, the Department of Justice argues that no hearings are required here because immigrants get paper "file reviews," done solely by ICE — the jailer. But we know from experience that an ICE "file review" is no substitute for a hearing before a judge. Instead, ICE uses these reviews to rubber stamp detention for months or years, based on arbitrary reasons, or no reasons at all.

Even worse, denying people bond hearings can have life-threatening consequences. ICE's record of abuse, neglect, and death makes clear that detention is dangerous — a fact that has only become clearer during the COVID-19



An administration that's committed to fairness has no business trying to strip immigrant communities of one of the primary bulwarks for their rights.

pandemic. Ultimately, because detention cannot be made safe and humane, ICE must shut down its mass detention machine. But in the meantime, the government must at least provide due process to ensure that people are given a meaningful chance at release.

See Tan on page 16

Still I Rise, Slightly: Maya Angelou Coin Released

Abby Zimet

After a decades-long fight—and, to be clear, amidst enduring, egregious inequities—the U.S. Mint has begun circulating a new quarter featur-

ing the late poet, author and activist Maya Angelou, now the first Black woman to appear on the coin. The Angelou tribute is the first in an American Women Quarters Program aimed at honoring prominent women, preferably of

color, long ignored in a history and currency dominated by old, white, often slave-owning men. Known for her lyrical writing and majestic voice, Angelou rose to fame after the publication of her seminal autobiography, "I Know Why the Caged Bird Sings," a harrowing account set in the segregated South of her brutal rape at the age of seven by her mother's boyfriend — a trauma that rendered her mute for six years. "There is no greater agony," she wrote much later, "than bearing an untold story inside you." Over time, Angelou won countless literary and humanitarian awards, including the Presidential Medal of Freedom, and was

given over 50 honorary degrees. She died in 2014 at 86, having never ceased speaking her vivid truth: "You may write me down in history/With your bitter, twisted lies/ You may trod me in the very dirt/ But still, like dust, I'll rise."

The Women Quarters project is largely credited to California Rep. Barbara Lee, who after years of advocacy introduced the Circulating Collectible Coin Redesign Act of 2020; it passed last January. With Monday's release, she celebrated "the phenomenal women who shaped American history (who) have gone unrecognized for too long — especially women of color." There will be more, thanks



Photo: U.S. Mint

to the Mint's invitation to the public to submit other entries: From now through 2025, the series will also feature Wilma Mankiller, the first female Cherokee chief; Adelina Otero-Warren, a New México suffragette; Sally Ride, the first woman in space; and Anna May Wong, the first Chinese-American film star. «Each time we redesign our currency, (it says) something about our country — what we value and how we've progressed,» said U.S. Treasury Secretary Janet Yellen. Umm, yes and no, said Twitter. Many noted the new coin, echoing the *Caged Bird*, still has likely-slave-owner George Washington on the "heads" side; others asked where Harriet Tubman's long-awaited \$20 bill is, or noted the country's still-raging misogyny, or suggested half a new coin is like a male boss giving a 40-cent raise and congratulating himself on your "empowerment." We take heart from Angelou. "When people show you who they are the first time, believe them," she famously wrote. Then, "When you don't like a thing...change it."

See Zimet on page 16

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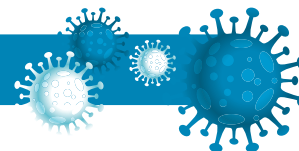
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Sanders, Khanna Demand Free Covid Tests for All Americans

By Julia Conley

As the Omicron variant overwhelms healthcare systems across the country, Sen. Bernie Sanders and Rep. Ro Khanna are leading a call for the Biden administration to drastically

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"We would need roughly 2.3 billion tests per month—a figure several times the 500 million proposed by your administration."

Sen. Bernie Sanders and Rep. Ro Khanna

expand its plans to distribute "one of the most effective tools the federal government has at its disposal"—rapid Covid-19 tests.

Sanders (I-Vt.), Khanna (D-Calif.), and Rep. Adam Schiff (D-Calif.) led more than 40 Democrats in

the House and Senate in writing to the White House Sunday, urging officials "to take additional, immediate steps to eliminate existing barriers to Covid-19 rapid tests and ensure robust access to free over-the-counter rapid tests throughout the country for the duration of the pandemic."

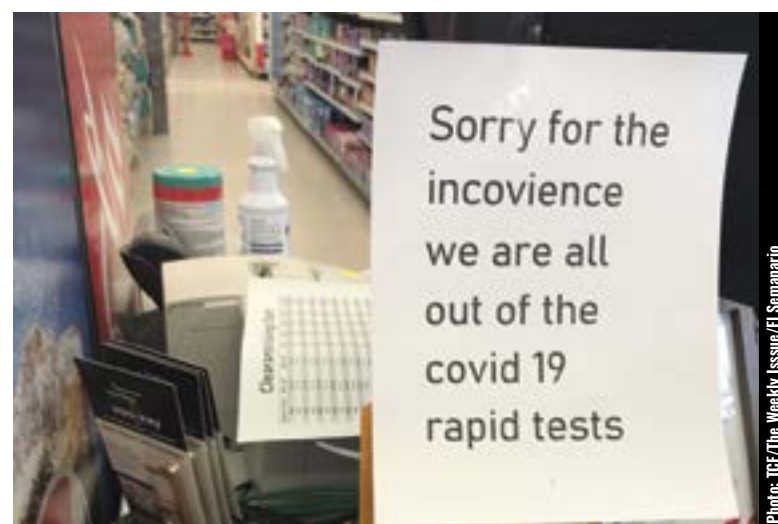
Specifically, the lawmakers said, all Americans should have the ability to take at least one "surveillance" test per week, in keeping with the guidance of many public health experts—and the White House must immediately scale up test production to alleviate the nationwide shortage as well as removing financial barriers.

After initially scoffing last month at the idea of providing at-home tests to all Americans, as other wealthy countries have done, the Biden administration responded to intense pressure by announcing it would purchase 500 million rapid antigen tests and make them available to the public free of charge.

But the Omicron variant is spreading rapidly, with an average of 737,000 cases being reported per day in recent weeks, and with its "increased ability to spread to fully-vaccinated individuals," said the lawmakers, "far more testing capabilities are needed, and will be needed for the foreseeable future, as well as policies that ensure testing is easy, free, and accessible to everyone."

The variant has spread across the country amid a shortage of rapid tests driven by officials' and companies' failure to anticipate demand, according to some experts. When cases went down last spring, workers at Abbott Laboratories, the maker of the BinaxNOW rapid antigen test, were told to destroy the testing supplies and then laid off to save the company money—weeks before the Delta variant drove a new surge in cases.

The testing shortage has gotten so dire, the letter stated, that the Centers for Disease Control and Prevention's (CDC) latest guid-



Shortages of Covid-19 tests have pushed the Biden administration to offer a plan for free rapid antigen tests.

ance advising people to isolate for five days after testing positive says the "best approach" is to conduct a rapid test toward the end of the five-day isolation period "if an individual has access to a test and wants to test."

"The language used in the public health guidance from the administration itself is indicative of the significant barriers individuals

face when trying to access or purchase Covid-19 rapid tests," wrote the lawmakers.

Sanders, Khanna, and their colleagues applauded President Joe Biden's recent commitment to using the Defense Production Act to scale up manufacturing of tests.

See [COVID-19](#) on page 16

New Effort Requires Insurance Companies to Cover Cost of COVID-19 Tests

As part of its ongoing efforts across many channels to expand Americans' access to free testing, the Biden-Harris Administration is requiring insurance companies and group health plans to cover the cost of over-the-counter, at-home COVID-19 tests, so people with private health coverage can get them for free starting January 15th. The new coverage requirement means that most consumers with private health coverage can go online or to a pharmacy or store, buy a test, and either get it paid for up front by their health plan, or get reimbursed for the cost by submitting a claim to their plan. This requirement incentivizes insurers to cover these costs up front and ensures individuals do not need an order from their health care provider to access these tests for free.

Beginning January 15, 2022, individuals with private health insurance coverage or covered by a group health plan who purchase

an over-the-counter COVID-19 diagnostic test authorized, cleared, or approved by the U.S. Food and Drug Administration (FDA) will be able to have those test costs covered by their plan or insurance. Insurance companies and health plans are required to cover 8 free over-the-counter at-home tests per covered individual per month. That means a family of four, all on the same plan, would be able to get up to 32 of these tests covered by their health plan per month. There is no limit on the number of tests, including at-home tests, that are covered if ordered or administered by a health care provider following an individualized clinical assessment, including for those who may need them due to underlying medical conditions.

"Under President Biden's leadership, we are requiring insurers and group health plans to make tests free for millions of Americans. This is all part of our overall strategy to ramp-up access to

easy-to-use, at-home tests at no cost," said HHS Secretary Xavier Becerra. "Since we took office, we have more than tripled the number of sites where people can get COVID-19 tests for free, and we're also purchasing half a billion at-home, rapid tests to send for free to Americans who need them. By requiring private health plans to cover people's at-home tests, we are further expanding Americans' ability to get tests for free when they need them."

Over-the-counter test purchases will be covered in the commercial market without the need for a health care provider's order or individualized clinical assessment, and without any cost-sharing requirements such as deductibles, co-payments or coinsurance, prior authorization, or other medical management requirements.

As part of the requirement, the Administration is incentivizing insurers and group health plans to set up programs that allow peo-

ple to get the over-the-counter tests directly through preferred pharmacies, retailers or other entities with no out-of-pocket costs. Insurers and plans would cover the costs upfront, eliminating the need for consumers to submit a claim for reimbursement. When plans and insurers make tests available for upfront coverage through preferred pharmacies or retailers, they are still required to reimburse tests purchased by consumers outside of that network, at a rate of up to \$12 per individual test (or the cost of the test, if less than \$12). For example, if an individual has a plan that offers direct coverage through their preferred pharmacy but that individual instead purchases tests through an online retailer, the plan is still required to reimburse them up to \$12 per individual test. Consumers can find out more information from their plan about how their plan or insurer will cover over-the-counter tests.

"Testing is critically important to help reduce the spread of COVID-19, as well as to quickly diagnose COVID-19 so that it can be effectively treated. Today's action further removes financial barriers and expands access to COVID-19 tests for millions of people," said CMS Administrator Chiquita Brooks-LaSure.

State Medicaid and Children's Health Insurance Program (CHIP) programs are currently required to cover FDA-authorized at-home COVID-19 tests without cost-sharing. In 2021, the Biden-Harris Administration issued guidance explaining that State Medicaid and Children's Health Insurance Program (CHIP) programs must cover all types of FDA-authorized COVID-19 tests without cost sharing under CMS's interpretation of the American Rescue Plan Act of 2019 (ARP). Medicare pays for COVID-19 diagnostic tests

See [Cost](#) on page 15

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Picuris Pueblo in New México Fights Centuries-Old Water Battle

By Michael Benanav

On a sunny day in late October, a handful of people from Picuris Pueblo, New México, drove to Carson National Forest and parked their vehicles off a dirt road that reaches into the Sangre de Cristo Mountains. They walked east for a few minutes, to Alamitos Creek, some 16 miles from the pueblo's boundary. Among them was the pueblo's governor, Craig Quanchello, who led the way through a grove of conifers and aspens on the eastern slope of Jicarita Peak. Though Quanchello and his companions, including other members of the tribal administration, had heard rumors about what they had come to see, they were not entirely prepared for it.

If nature had its way, Alamitos Creek would merge with the Rio Pueblo, which flows through Picuris Pueblo. But a diversion on the stream at 9,800 feet above sea level shunts its water into a ditch and over a mountain pass instead. The creek drops into the Mora Valley near the town of Cleveland, where livestock graze in scenic pastures, huge piles of firewood are heaped beside homes, and an abundance of old adobe architecture creates the sense of a place strongly connected to its past. The water from the Alamitos is absorbed by fields and gardens there.

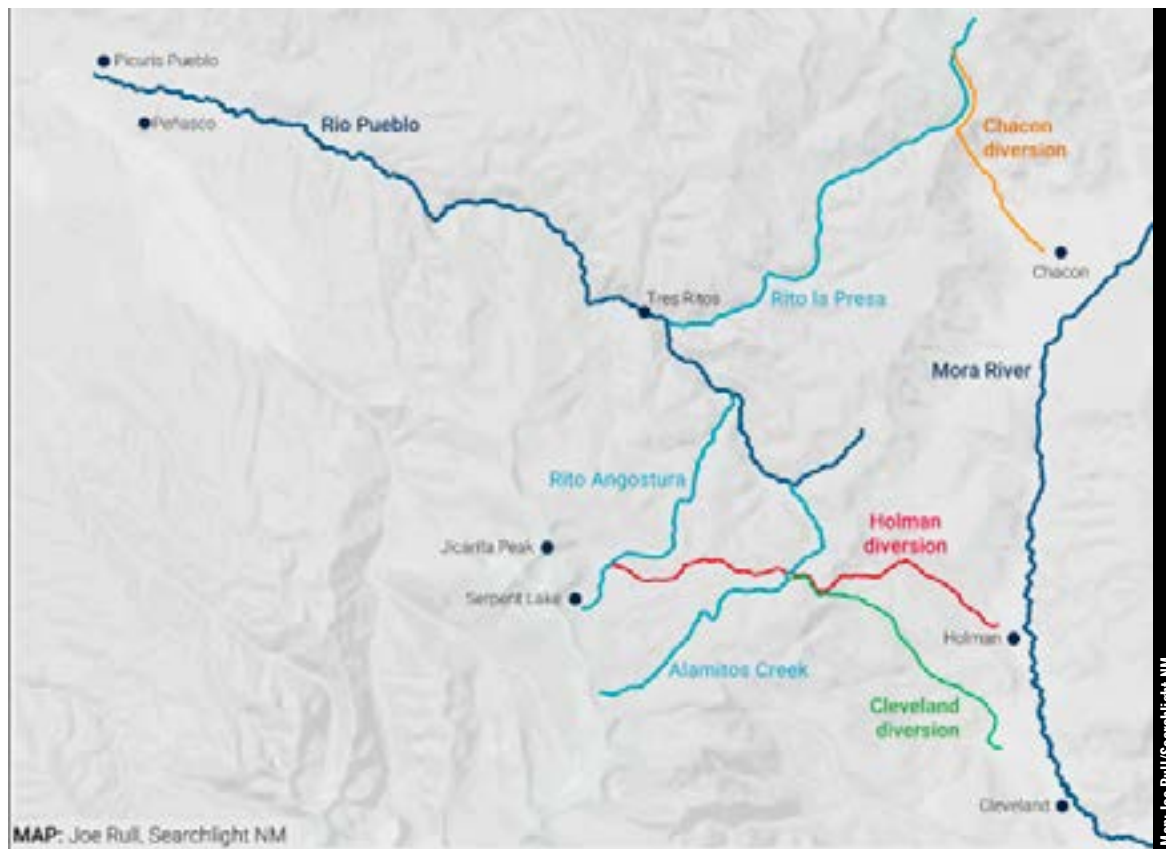
Over the past 12 or so years, irrigators in Cleveland have transformed the diversion from a set of leaky wooden boards to a wall of stacked sandbags to an embankment of large rocks. At the end of September, a month before the team from Picuris visited, the berm had been plastered over with cement. There was no opening, not even a headgate, in the direction of the Rio Pueblo. While water from the Alamitos coursed down the ditch toward Cleveland, the creek bed that runs to the river was dry.

Seeing the cement work for the first time, a palpable swell of outrage arose within the group. It was one more insult to the tribe, one further violation of their sacred lands, one more unilateral move by irrigators to assert permanent control over water that the pueblo leadership claims has been stolen from them for the past 200 years.

"It's time to take it into our own hands," Quanchello said, meaning destroy the diversion with heavy machinery and redirect the Alamitos back into its natural channel. "If Mora wants to fight, so be it."

"It's going to get dirty," he added soberly. "Someone's going to get hurt."

A few weeks later, on or just before Nov. 13, the cemented berm was smashed open. A hundred or so yards away, a huge mound of dirt and rocks had been piled in front of the headgate for a different diversion, one that sends wa-



ter to the community of Holman, also in the Mora Valley. No one has claimed responsibility for the potentially illegal act of vandalism. "Everyone knows who has motive," said John Romero, water rights division director at the Office of the State Engineer (OSE), which manages New México's waters. "But I'm not going to speculate."

The steep divide

There are three diversions that take water away from the Rio Pueblo watershed and deliver it to the

Mora Valley. All of them pre-date New México statehood, as does Picuris Pueblo's opposition to them. The one on the Alamitos feeds two acequias, or irrigation ditches, in Cleveland, and was built sometime around 1820 — three decades before the area was ceded by México to the United States. The second diversion, created in 1865, moves water from the Rito la Presa, over a steep divide and into two acequias in the tiny hamlet of Chacon. The third, which became operational in 1882, captures the Rito Angostura and sends it to Holman. Together, they irrigate some 1,900 acres in the agricultural-rich Mora Valley, serving 143 users, or *parciantes*.

Picuris wants to see all three diversions dismantled and the streams returned to their natural courses. This could bring substantially higher flows to the pueblo, where about 250 of some 385 tribal members live on the same land that their ancestors have called home for the past millennium. Doing so, however, could critically impact the residents in the Mora Valley who have relied on these waters for generations, today primarily to grow hay.

"Without this supplemental water, we wouldn't make it," said 79-year-old Eufrazio Vigil, whose family has been in Chacon for four generations and who has personally helped maintain the local acequias since the 1950s.

While the dispute over the diversions is emblematic of simmering water conflicts across the

drought-stricken American West — as well as broader conversations about righting historical wrongs against Indigenous peoples — it is also uniquely New Mexican. Complex and vague water laws regarding pueblos, acequias and natural streams make the prospect of pursuing a legal settlement monumentally daunting for all sides. The possibility of reaching a sharing agreement, in which Mora would receive less water but Picuris wouldn't get it all, has been rejected by the pueblo and some of the irrigators.

'El agua es vida'

In the high desert valleys of New México, the saying "*el agua es vida*" — water is life — is a self-apparent truism. Where water flows, things grow, creating green ribbons that trace the outlines of rivers and streams. These fertile floodplains are often framed by dry, rocky hills and mesas speckled with hardy piñon trees, juniper and cacti.

Beginning in the late 16th century, Spanish colonists created a system of gravity-fed acequias in New Mexico to grow food and fodder. About 700 acequias currently operate in the state, according to the New Mexico Acequia Association. In many communities, they are seen as crucial not only to the survival of fields and orchards, but also to centuries-old local traditions — to the very soul of a place. The annual spring *limpia* (ditch cleaning); the opening of headgates; the



Paula García, executive director of the New Mexico Acequia Association, asked, "How do we, as Chicanos, as New Mexicans, make this right for Indigenous people? We see ourselves as victims of Manifest Destiny, but there's another layer of oppression that pueblos had to survive that we should be mindful of. ...Can we have more compassion?" / Paula García, directora ejecutiva de la Asociación de Acequias de Nuevo México, preguntó: "¿Cómo hacemos nosotros, como chicanos, como nuevos mexicanos, para que esto sea correcto para los pueblos indígenas? Nos vemos a nosotros mismos como víctimas del Destino Manifiesto, pero hay otra capa de opresión a la que los pueblos tuvieron que sobrevivir y que deberíamos tener en cuenta....¿Podemos tener más compasión?"

El Pueblo Picuris de Nuevo México Libra una Batalla Centenaria por el Agua



Jimmy Sánchez, de Holman, mayordomo de quinta generación en la Acequia de la Sierra, quiere compartir más agua con Picuris Pueblo. / Jimmy Sánchez, from Holman, a fifth-generation **mayordomo** on Acequia de la Sierra, wants to share more water with Picuris Pueblo.

Por Michael Benanav

En un día soleado de finales de octubre, un puñado de personas de Picuris Pueblo, en Nuevo México, se dirigieron al Bosque Nacional de Carson y aparcaron sus vehículos en un camino de tierra que se adentra en las montañas Sangre de Cristo. Caminaron unos minutos hacia el este, hasta el arroyo Alamitos, a unas 16 millas del límite del pueblo. Entre ellos se encontraba el gobernador del pueblo, Craig Quanchello, que les guió a través de un bosquecillo de coníferas y álamos en la ladera oriental del Pico Jicarita. Aunque Quanchello y sus acompañantes, entre los que se encontraban otros miembros de la administración tribal, habían oído rumores sobre lo que habían venido a ver, no estaban del todo preparados para ello.

Si la naturaleza se saliera con la suya, el arroyo Alamitos se fundiría con el Río Pueblo, que fluye a través de Picuris Pueblo. Pero un desvío del arroyo a 9,800 pies sobre el nivel del mar desvía su agua hacia una zanja y sobre un paso de montaña. El arroyo cae en el Valle de la Mora, cerca del pueblo de Cleveland, donde el ganado pasta en pintorescos pastos, se amontonan enormes pilas de leña junto a las casas y la abundancia de la antigua arquitectura de adobe crea la sensación de un lugar fuertemente conectado con su pasado. El agua de los Alamitos es absorbida por los campos y jardines del lugar.

En los últimos 12 años, los regantes de Cleveland han transfor-

mado el desvío, que ha pasado de ser un conjunto de tablas de madera agujereadas a un muro de sacos de arena apilados y a un terraplén de grandes rocas. A finales de septiembre, un mes antes de la visita del equipo de Picuris, la berma había sido enlucida con cemento. No había ninguna abertura, en dirección al Río Pueblo. Mientras el agua de los Alamitos corría por la zanja hacia Cleveland, el lecho del arroyo que va al río estaba seco.

Al ver la obra de cemento por primera vez, surgió un palpable sentimiento de indignación en el grupo. Era un insulto más a la tribu, una violación más de sus tierras sagradas, una medida unilateral más de los regantes para imponer un control permanente sobre el agua que, según los dirigentes del pueblo, les ha sido robada durante los últimos 200 años.

"Es hora de tomar las riendas", dijo Quanchello, es decir, destruir el desvío con maquinaria pesada y reconducir el Alamitos a su cauce natural. "Si Mora quiere luchar, que lo haga.

"Se va a ensuciar", añadió con sobriedad. "Alguien va a salir herido".

Unas semanas después, el 13 de noviembre o poco antes, la berma cementada se abrió de golpe. A unos cien metros de distancia, un enorme montículo de tierra y rocas había sido apilado frente a la compuerta de un desvío diferente, uno que envía agua a la comunidad de Holman, también en el Valle de Mora. Nadie se ha atribuido la responsabilidad del acto vandálico

potencialmente ilegal. "Todo el mundo sabe quién tiene el motivo", dijo John Romero, director de la división de derechos de agua de la Oficina del Ingeniero del Estado (OSE), que gestiona las aguas de Nuevo México. "Pero no voy a especular".

La abrupta divisoria

Hay tres desvíos que quitan el agua de la cuenca del Río Pueblo y la entregan al Valle del Mora. Todos ellos son anteriores a la creación del estado de Nuevo México, al igual que la oposición de Picuris Pueblo a ellos. El del Alamitos ali-

menta dos acequias en Cleveland y se construyó alrededor de 1820, tres décadas antes de que México cediera la zona a Estados Unidos. El segundo desvío, creado en 1865, traslada el agua del Rito la Presa, a través de una empinada divisoria, a dos acequias de la pequeña aldea de Chacón. El tercero, que entró en funcionamiento en 1882, capta el Rito Angostura y lo envía a Holman. En conjunto, riegan unas 1.900 hectáreas en el valle de Mora, rico en agricultura, y dan servicio a 143 usuarios o parcientes.

Picuris quiere que se desmantelen los tres desvíos y que los arroyos vuelvan a su cauce natural. Esto podría aumentar considerablemente el caudal del pueblo, donde unos 250 de los 385 miembros de la tribu viven en la misma tierra que sus antepasados han llamado hogar durante el último milenio. Sin embargo, esto podría tener un impacto crítico en los residentes del Valle de Mora que han dependido de estas aguas durante generaciones, hoy en día principalmente para cultivar heno.

"Sin esta agua suplementaria, no saldriamos adelante", dijo Eufracio Vigil, de 79 años, cuya familia ha estado en Chacón durante cuatro generaciones y que ha ayudado personalmente a mantener las acequias locales desde la década de 1950.

Aunque la disputa sobre los trasvases es emblemática de los conflictos por el agua que se están produciendo en todo el oeste de Estados Unidos, afectado por la sequía, así como de las conv-

ersaciones más amplias sobre la corrección de los errores históricos cometidos contra los pueblos indígenas, también es un caso único en Nuevo México. Las complejas e imprecisas leyes sobre el agua relativas a los pueblos, las acequias y los cursos de agua naturales hacen que la perspectiva de llegar a un acuerdo legal resulte monumentalmente desalentadora para todas las partes. La posibilidad de llegar a un acuerdo de reparto, en el que Mora recibiría menos agua pero Picuris no la recibiría toda, ha sido rechazada por el pueblo y algunos de los regantes.

El agua es vida

En los valles del alto desierto de Nuevo México, el dicho "el agua es vida" es una obviedad. Donde el agua fluye, las cosas crecen, creando cintas verdes que trazan los contornos de los ríos y arroyos. Estas fértiles llanuras aluviales suelen estar enmarcadas por colinas secas y rocosas y mesas salpicadas de piñones, enebros y cactus.

Desde finales del siglo XVI, los colonos españoles crearon un sistema de acequias alimentadas por gravedad en Nuevo México para cultivar alimentos y forraje. Según la Asociación de Acequias de Nuevo México, en la actualidad funcionan unas 700 acequias en el estado. En muchas comunidades, se consideran cruciales no sólo para la supervivencia de los campos y los huertos, sino también para las tradiciones locales

Vea **Picuris/Esp**, página 20



La intérprete tribal de Picuris Pueblo, Cecilia Shields, observa el lecho seco del arroyo Alamitos, justo debajo del desvío a Cleveland, New Mexico. / Picuris Pueblo Tribal Interpreter Cecilia Shields looks at the dry Alamitos Creek bed, just below the diversion to Cleveland.

State News / Noticias del Estado

Colorado Latinos Continue to Face Barriers to College Degrees

COLORADO

By Eric Galatas

The COVID health pandemic has blunted progress made in the number of Latino students graduating with a college certificate or degree, a development which could have long-term racial and economic impacts in Colorado. Wil Del Pilar, vice president of higher education policy with the Education Trust, said the primary barrier for Latino students is lack of financial resources compared with their white peers. Just 21% of Latino men have com-



Enrollment among first-time Latino college students dropped by nearly 20% during the height of the pandemic. / La matrícula entre los estudiantes universitarios hispanos por primera vez se redujo en casi un 20% durante el apogeo de la pandemia.

Photo: AdobeStock

pleted a college degree, compared with 47% for white adults. "The reason this is critical is because the jobs that are being created require some post-secondary education," said Del Pilar. "And so unless we educate this population of our state residents, we are actually going to leave them behind in the economy." Colorado ranks high nationally for its educated population; 61% of all Coloradans have some college credential. A recent Chalkbeat report found that just one in four Hispanic Coloradans has completed a certificate or degree. Less than half of Latino men attending four year

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"The reason this is critical is because the jobs that are being created require some post-secondary education. And so unless we educate this population of our state residents, we are actually going to leave them behind in the economy." Wil Del Pilar, Education Trust

colleges in Colorado, and fewer than a third at community colleges, make it to graduation.

See Latinos on page 17

Latinos de Colorado Siguen Enfrentando Barreras para Títulos Universitarios

COLORADO

Por Eric Galatas

La pandemia de salud de COVID ha reducido el progreso logrado en la cantidad de estudiantes latinos que se gradúan con un certificado o título universitario, un desarrollo que podría tener impactos raciales y económi-

cos a largo plazo en Colorado. Wil Del Pilar, de Education Trust, dice que la principal barrera para los estudiantes latinos es la falta de recursos financieros en comparación con sus compañeros blancos. Solo el 21 por ciento de los hombres latinos han obtenido un título universitario, en comparación con el 47 por ciento de los adultos blancos. "La razón por la que esto es crítico es porque los trabajos que se están creando requieren algo de educación postsecundaria," dice Del Pilar. "Por lo tanto, a menos que eduquemos a esta población de residentes en nuestro estado, en realidad los dejaremos atrás en la economía." Colorado ocupa un lugar destacado a nivel nacional por su población con estudios; El 61

por ciento de todos los habitantes de Colorado tienen alguna credencial universitaria. Un informe reciente de Chalkbeat encontró que en Colorado solo uno de cada cuatro hispanos han obtenido un certificado o título. En Colorado, menos de la mitad de los hombres latinos que asisten a universidades de cuatro años y menos de un tercio en universidades

comunitarias, logran graduarse. Del Pilar dice que incluso los apoyos más modestos pueden marcar una gran diferencia. Señala un programa de subsidios de emergencia que su grupo ha apoyado para ayudar a los estudiantes si necesitan comprar comida o reparar su automóvil, para evitar que los estudiantes dejen de asistir a la escuela. Dice que le sorprendió el tamaño promedio de los subsidios.

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"Setenta y seis dólares podrían ser la diferencia entre un estudiante que obtiene un título, o un estudiante que se encuentra en una de estas estadísticas," enfatiza Del Pilar. "De las 36 millones de personas en este país que han ido a la universidad y no tienen un título." La matrícula hispana en educación superior cayó cinco por ciento el otoño pasado durante el apogeo de la pandemia. La matriculación entre los estudiantes universitarios hispanos por primera vez se

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El Semanario

State News / Noticias del Estado

State Sen. Pettersen Launches Congressional Campaign



Photo: Courtesy Brittany Pettersen for Colorado

State Sen. Brittany Pettersen, a Democrat from Lakewood, has announced her candidacy for the 7th Congressional District seat being vacated by Rep. Ed Perlmutter.

COLORADO

By Chase Woodruff

One day after longtime Rep. Ed Perlmutter's surprise retirement announcement, the first high-profile Democratic candidate has jumped into the race for the 7th District seat as the jockeying to replace the eight-term congressman begins.

State Sen. Brittany Pettersen of Lakewood formally declared her candidacy with a filing early Tuesday morning, according to the Federal Election Commission, making official a bid that had been widely speculated upon by state political observers in the wake of Perlmutter's announcement on Monday.

“

“Colorado is lucky to have benefitted from Ed's heart and dedication for so many years, and I am excited and ready to continue his legacy of fighting for the hardworking people of the new 7th District.”

State Sen. Brittany Pettersen

“I've spent the last decade fighting for working families, public schools, and small businesses,” Pettersen said in a press release. “Growing up, the odds were stacked against me, but thanks to the support of Jeffco public schools and teachers, I persevered. Now, I'm fighting to make sure future generations have that same chance.”

Pettersen has represented Colorado Senate District 22, encompassing parts of eastern Jefferson County, since 2019. She previously served three terms as a member of the state House of Representatives.

Her campaign launches with the support of many of her Democratic colleagues at the statehouse, including state Sens. Jessie Danielson, Kerry Donovan, Julie Gonzales and Faith Winter, as well as several local elected officials in the 7th District, according to a list of endorsements released by the campaign.

During her time in office, Pettersen has focused on issues including education, equal pay, behavioral health care and substance use disorder treatment; she's spoken often of her experiences helping her mother, Stacy, battle opioid addiction.

Pettersen previously launched a bid for the 7th District seat in 2018, when Perlmutter announced he wouldn't seek reelection before ultimately reversing course and running for a seventh term.

The 7th District is centered on Denver's western suburbs in Jefferson County. Its boundaries shifted significantly as a result of Colorado's once-a-decade redistricting process last year, expanding south to include several rural mountain counties. Though the new district is slightly more competitive, data released by the redistricting commission shows it still favors Democrats by roughly seven percentage points, based on the results of recent elections.

“Congressman Perlmutter's leadership embodies his love of our state and our country,” Pettersen said in a statement. “Colorado is lucky to have benefitted from Ed's heart and dedication for so many years, and I am excited and ready to continue his legacy of fighting for the hardworking people of the new 7th District.”

Chase Woodruff is a Reporter with Colorado Newsline. This article is republished from Colorado Newsline under a Creative Commons license. Read the original article [here](#).

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AG Phil Weiser Urges FCC to Block Illegal Robocalls From Other Countries

COLORADO

Colorado Attorney General Phil Weiser this week urged the Federal Communications Commission to help stem the tide of foreign-based illegal robocalls that attempt to scam Americans.

A bipartisan group of 51 attorneys general encouraged the FCC to adopt rules requiring gateway providers — the companies that allow foreign calls into the United States — to reduce how easily robocalls enter the U.S. telephone network, including implementing STIR/SHAKEN, a caller ID authentication technology that helps prevent spoofed calls.



Colorado Attorney General Phil Weiser

In 2020, the Colorado Attorney General's Office received 638 reports of fraudulent and unwanted

telephone calls, and Americans lost more than \$520 million through robocall scams.

"We consistently see robocalls in the top 10 consumer complaints reported to our office, and many of these calls come from outside the United States," Weiser said. "By taking action, the FCC can establish a new and necessary layer of protection for consumers who regularly receive deceptive phone calls and are in danger of being taken in by scammers. These robocalls are a scourge and we must act quickly to protect consumers."

In the letter, the attorneys general support the FCC's proposal which will require gateway providers to implement STIR/SHAKEN technol-

ogy within 30 days of it becoming a rule to help eliminate spoofed calls and to make sure that international calls that originate from U.S. telephone numbers are legitimate.

The attorneys general are also supporting the FCC's proposal to require gateway providers to take additional measures to reduce robocalls, including:

- Responding to requests from law enforcement, state attorneys general, or the FCC to trace back calls within 24 hours;
- Blocking calls when providers are aware of an illegal or likely fraudulent caller;
- Blocking calls that originate from numbers that are on a "do not originate" list — such as government

phone numbers that are for incoming calls only; and

- Ensuring that foreign telephone companies they partner with are ensuring that calls are being made from legitimate numbers.

Attorney General Weiser previously led a bipartisan effort to urge Congress to act against robocalls, and joined 50 other attorneys general in successfully calling on the FCC to shorten by a year the deadline for smaller telephone companies to implement STIR/SHAKEN.

Coloradans can report fraudulent or unwanted telephone calls to stopfraudcolorado.gov.

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Torres

very little about the possibility of turning the country into a failed state and, in that regard, vulnerable to the predation of a single man and his economic ambitions, undocumented immigrants continued with their minds fixed on their goals: to sustain their families as well as contribute to the efforts to save a society threatened by one of the most lethal pandemics

in the history of humankind—that of COVID-19 and its variants.

This pandemic, of course, is not the only concrete example of the commitment that immigrants of any origin, with or without documents, have to the nation that they have adopted to live in and continue to put down family roots, generation after generation, until their presence is accepted. They have

shown repeatedly and permanently, over the course of decades and centuries, that this country and its culture are the product of waves of immigrants who have given life, first economically and then demographically, as well as educationally, health-wise, politically and, of course, by building democracy, among other contributions. It is no longer rare to see lawmakers who

are the children of immigrants; making their way into the political sphere is not easy, but it does guarantee greater political and ideological diversity.

This first anniversary of the attack on the Capitol also reminds us that the development of industrial societies—that have so much—can become so unhinged that, in the blink of an eye, they can destroy

the badly-needed democracy in other parts of the world.

But today we also remember that immigration helps build democracy, too.

David Torres is a Spanish-language Advisor at [America's Voice](https://americasvoice.org).

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Museum of Natural History
UNIVERSITY OF COLORADO BOULDER

Torres/Esp

venido a reemplazar a nadie, sino a trabajar, y a trabajar duro para sostener a sus familias, en primera instancia.

En efecto, mientras Trump y sus huestes estuvieron a punto de echar por tierra todo lo que ha logrado Estados Unidos en cuanto a la praxis democrática se refiere, importándoles muy poco la posibilidad de convertir al país en un estado fallido y, por ende, vulnerable ante la rapacidad de un solo hombre y sus ambiciones económicas, los inmigrantes indocumentados continuaron con la mente fija en sus propósitos, tanto para sostener a sus familias, como para sumarse a los esfuerzos de salvar a una sociedad amenazada por una de las pandemias más letales en la historia de la humanidad, como ha sido la de Covid-19 y todas sus variantes.

No es esta pandemia, por supuesto, el único ejemplo concreto del compromiso que adquieren los inmigrantes de cualquier origen, documentados o sin documentos, con la nación que han adoptado para vivir y continuar su ramificación familiar hasta consolidar su presencia, generación tras generación. Ellos han dado mues-

tras permanentes a lo largo de las décadas y los siglos de que este país y su cultura han sido producto de las oleadas migratorias que le han dado vida, primero económica y luego demográfica, pero también educativa, sanitaria, política y, por supuesto, democrática, entre otras cosas. No es extraño ahora encontrar legisladores hijos de inmigrantes, abriéndose paso en un ámbito político nada fácil, pero que es garantía de una mayor diversidad política e ideológica.

Este primer aniversario del ataque al Capitolio nos recuerda también que el desarrollo de las sociedades industrializadas que lo tienen todo puede llegar a un nivel de desquiciamiento tal, que en un abrir y cerrar de ojos pueden destruir la democracia que hace tanta falta en otras partes del mundo.

Pero este día nos recuerda asimismo que la inmigración también ayuda a construir la democracia.

David Torres es Asesor en Español de [America's Voice](https://americasvoice.org).

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Mayor Nominates Armando Saldate as Exec. Director of Safety

COLORADO

Denver Mayor Michael B. Hancock recently nominated Armando Saldate III to be Executive Director of the Department of Safety. Saldate's nomination is subject to confirmation by Denver City Council. He will replace Murphy Robinson, who is stepping down at the end of this week after serving in the position for nearly two years.

"With Armando at the helm of this critical department as we enter this new year, we are going to sharpen our focus even more on improving public safety and reducing crime," Mayor Hancock said. "His mix of law enforcement experience, diversity of professional background and collaborative approach to problem-solving make him a natural fit for this important role."

Mayor Hancock also has tasked Saldate with reviewing the city's

public safety programs and initiatives to see what is working, what is not, what needs expanding and what more can be done to address crime and other public safety challenges.

Saldate currently serves as the department's Assistant Deputy Executive Director and is a highly decorated public safety officer with decades of experience. He helped develop Denver's Early Intervention and Street Enforcement teams, directed large-scale COVID-19 testing sites, and has overseen major events such as last summer's Major League Baseball All-Star Game. Through his extensive and diverse law enforcement, corrections, emergency response and public safety expertise, Saldate brings to the Executive Director position exemplary leadership, progressive practices and data-driven methods to effectively direct public safety resources, staff, operations and policies.

"It is an honor to have the opportunity to serve the Denver community as the Executive Director of Public Safety. Given my extensive background in public safety, I recognize the immense challenges that our agencies face each and every day," Saldate said. "I know many of you are concerned about crime in Denver. While we are seeing an uptick in crime across major cities in the United States, what matters is what is happening in our city. We need to restore order in our city while providing valuable resources to those who are struggling in our communities, and we can only do that if we work together. The Department of Safety will be at the table with you to work to make Denver safer for everyone."

Saldate joined the city in 2014 with the Denver Sheriff's Department, first serving as a senior investigator, then as Civilian Commander in the Internal Affairs Bureau and

later as a supervisor in the department's Data Science Unit.

He began his career in public safety in 1993 with the Phoenix Police Department, where he collaborated with local, state and federal law enforcement agencies to reduce gang violence and terrorism and increase public safety. In 1999, he was deputized and assigned as a Federal Task Force Officer to the FBI Phoenix Division, where he served on the FBI Joint Terrorism Task Force – National Security Squads, FBI Fusion Center/AZ Counter Terrorism Information Center, Organized Crime Bureau Intelligence Unit and FBI Violent Gang Task Force, among other assignments. After more than 20 years of exemplary service, he retired with honors from the Phoenix Police Department in 2014.

Saldate is an active member of the Society of St. Vincent de Paul and food pantry volunteer and previously held leadership positions



Armando Saldate III has been nominated by the Denver Mayor the Executive Director of the Department of Safety.

within his faith community, private elementary school board and parent club. Throughout his law enforcement career, he has earned more than a dozen awards of appreciation and recognition, most recently earning the Department of Safety's 2021 Meritorious Service Medal.

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Lee

According to the Trevor Project's study, LGBTQ youth who had at least one LGBTQ affirming space had a 35% reduced chance of a suicide attempt.

Kayla said that in 2019, the Seven Lakes High School principal required students who wanted to participate in the Pride Club and appear in the club's yearbook photo to have a permission slip signed by their parents. The ensuing fallout led to kids fighting with their parents, the club disbanding, and the yearbook advisor resigning, according to the U.S. Press Freedom Tracker.

"If their goal is to make sure that school is a learning environment for students, it is much easier for students to get by when they know that they are being supported, that they're not being targeted, not just by the students around them, but also not being targeted by the school administration," Kayla said.

A month before launching his book probe, Rep. Krause had announced his bid to run for state attorney general, but has since dropped out to run for Tarrant County's district attorney. Krause hasn't given details on how he compiled his book list. But he is a paid public speaker for the organization WallBuilders, whose stated goal is "educating the nation concerning the Godly foundation of our country and providing information to federal, state, and local officials as they develop public

policies which reflect Biblical values, and encouraging Christians to be involved in the civic arena." Wallbuilders' founder David Barton previously stated, "The Bible says the law is made to regulate sexual immorality, whether it's homosexual or whatever."

Other similar right-wing political action committees, such as the Act in Action, Cherry Tree Republicans, Recover America, the Conservative Coalition of Harris County, Houston Greater Public Schools, have financed the recent wins of conservative candidates for local school boards, including in Klein ISD, Cypress-Fairbanks ISD, and Houston ISD in Harris County.

The PAC Conservative Republicans of Harris County sent a mailer out to Cy-Fair and Houston ISD voters stating that their endorsed candidates "promote biblical marriage. 'God created them male and female'" and that their opponents "accept, affirm, and celebrate perverted sexual lifestyles and promote pedophilia."

Since students delivered their petitions, the Katy Independent School District still hasn't unblocked district internet access to LGBTQ resources such as the Trevor Project.

"The school board listened to those parents. But then refused to make a comment on our issue," Cameron said. "Knowledge is power, and ignorance is also power. It's

so important to have access to information and not block websites or pull books from libraries or censor information. It's inevitable that some people are going to open up and become part of the LGBTQ community or believe in certain political ideologies. Shutting off that information—that is how these elected officials are trying to protect their power. But they are not in the majority."

Cameron, Grace, and Kayla graduate from high school this year. Grace is looking forward to a more inclusive college environment and for the freedom to come out.

"I hope to live and love openly," Grace says.

To other LGBTQ teens in Texas who feel unable to come out, Grace says, "Know that you are loved, and there will be people in this world who will love you and accept you for who you are. I promise there will come a day where you'll be able to live as yourself."

Josephine Lee is an organizer with El Pueblo Primero workers organization in Houston, TX and the Break the Chains Alliance, which calls for equal rights for all workers. This oped is republished from Common Dreams under a Creative Commons license.

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State News / Noticias del Estado

Wallin Selected as Executive Director for New México Voices for Children

NEW MEXICO

By Susan Dunlap

Amber Wallin has replaced James Jiménez as Executive Director of New México Voices for Children, a nonprofit children's advocacy and research organization.

NMVC announced the change last week. Jiménez retired at the first of the year but will continue to serve as executive director for New México Pediatric Society, a role he acquired when the two organizations formed an alliance in 2017. He will also direct the NMVC Action Fund.

Wallin, who began working for NMVC on tax policy issues about ten years ago, said that she intends to continue the work that is the core mission of the organization – advocating for policy that creates opportunities for children and families.

The daughter of a single mother, Wallin said she is passionate about state policies that impact New México families, such as early childhood education.

She said finding good quality early childcare education can be

expensive for families, something she knows firsthand as a mother of two young children.

She said early childcare workers are so important because 95 percent of brain development occurs in the first five years of a child's life.

Wallin said the state's recent investments in early childcare education are positive signs and she is hopeful that similar policies will continue in the future. She also said she believes New México needs to continue to help families afford early childcare education.

At the same time, she said that while early childcare is "really expensive for families," early childcare workers are not "paid nearly enough for the work they're doing" and some early childcare centers are "barely getting by."

"New México needs really strong government support to help...especially to ensure parents can afford to go to work and know their kids are in really safe, nurturing environments," she said.

As a child growing up in New México, Wallin's family was the recipient of policies that benefited low-income families, she said.

The daughter of a single mom, Wallin cited the free and reduced

lunch program as one that helped her family afford a nutritious meal while at school because her mother struggled financially despite working in the public education system.

"We should be providing economic support for single mothers," Wallin said.



"My heart is in the intersection of policy and research and advocacy to make progress for kids and families."

Amber Wallin, New México Voices for Children

Wallin calls herself a "tax wonk" and a "data wonk" and is particularly interested in how taxes can impact families. Some of the work NMVC has done since that she is particularly proud of are changes the state made to the working families tax credit.

"That is policy Voices first proposed in 2007 and pushed for significant increases," she said.



Photo/Foto: NMVC

Amber Wallin is the new Executive Director of New México Voices for Children, a nonprofit children's advocacy and research organization. / Amber Wallin es la nueva directora ejecutiva de New Mexico Voices for Children, una organización sin ánimo de lucro dedicada a la defensa e investigación de los niños.

Since 2019, the tax credit increased from 10 percent to 25 percent, which has meant "hundreds of millions more that go to families," Wallin said.

Wallin also gave expert witness testimony in the Yazzie/Martinez lawsuit that challenged the way

See Wallin on page 17

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Amber Wallin Dirigirá New México Voices for Children

NEW MEXICO

Por Susan Dunlap

Amber Wallin ha sustituido a James Jiménez como Directora Ejecutiva de New México Voices for Children (NMVC), una organización sin ánimo de lucro de defensa e investigación de los niños.

NMVC anunció el cambio la semana pasada. Jiménez se retiró a principios de año, pero continuará sirviendo como director ejecutivo de la Sociedad Pediátrica de Nuevo México, un papel que adquirió cuando las dos organizaciones formaron una alianza en 2017. También dirigirá el Fondo de Acción de NMVC.

Wallin, que comenzó a trabajar para NMVC en cuestiones de política fiscal hace unos diez años, dijo que tiene la intención de continuar el trabajo que es la misión principal de la organización: abogar por una política que cree oportunidades para los niños y las familias.

Hija de una madre soltera, Wallin dijo que le apasionan las políticas estatales que afectan a las fa-

milias de Nuevo México, como la educación infantil.



"Mi corazón está en la intersección de la política y la investigación y la defensa para lograr el progreso de los niños y las familias".

Dijo que encontrar una educación infantil de buena calidad puede ser costoso para las familias, algo que conoce de primera mano como madre de dos niños pequeños.

Ella dijo que los trabajadores de la atención infantil temprana son tan importantes porque el 95 por ciento del desarrollo del cerebro ocurre en los primeros cinco años de la vida de un niño.

Wallin dijo que las recientes inversiones del estado en la educación infantil temprana son señales positivas y tiene la esperanza de que políticas similares

Vea Wallin/Esp, página 17

State Urges Awareness of Safe Haven for Infants Law

NEW MEXICO

The New Mexico Department of Health (DOH) is encouraging all New Mexicans to familiarize themselves with the protections offered for infants and parents, through its [Safe Haven for Infants Law](#). The legislation allows a parent to leave an infant, ninety days of age or less, at a safe haven site without prosecution. Designated safe haven sites include hospitals, law enforcement agencies, or fire stations that have staff on site at the time an infant is left.

The Safe Haven for Infants Act is intended to shield parents from

criminal prosecution when they choose to leave infants at safe havens, as long as the child has not been subject to child abuse or neglect prior to relinquishment.

According to DOH Acting Secretary Dr. David Scrase, "This rarely used but critical law saves lives. Increasing awareness about what can be done safely and without prosecution, offers a desperately needed alternative for parents who are unable to care for their infants, including giving them up for adoption."

According to the Centers for Disease Control and Prevention (CDC) the highest risk for infant homicide

is on the day of birth. As a result, all 50 states and Puerto Rico have enacted Safe Haven Laws to address infant abandonment and endangerment. The infant homicide rate on the day of birth decreased from 222.2 per 100,000 person-years during 1989-1998 to 74.0 during 2008-2017 (66.7% decline) but remains at least 5.4 times higher than the rate at any other time in life.

Nationally, Safe Haven Laws, which are sometimes known as "Baby Moses Laws", decriminalize the leaving of unharmed infants with statutorily designated entities, so that the child becomes a ward of the state. Texas was the first state to

enact a "Baby Moses Law" in 1999, in reaction to 13 incidents of child abandonment in the year, three of them involving infants discovered dead.

According to the National Safe Haven Alliance, 4422 babies have been "saved to date" in the US. The site also states that 1567 were illegally abandoned from 1999 through 2020, and that in 2020, 120 babies were saved, while 37 were illegally abandoned. For more information by state, please review the childwelfare.gov website.

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"This rarely used but critical law saves lives. Increasing awareness about what can be done safely and without prosecution, offers a desperately needed alternative for parents who are unable to care for their infants, including giving them up for adoption."

Dr. David Scrase

El Estado Promueve el Conocimiento de la Ley de Refugio Seguro para Bebés

NEW MEXICO

El Departamento de Salud de Nuevo México (DOH) está animando a todos los nuevomexicanos a familiarizarse con las protecciones ofrecidas a los bebés y a los padres, a través de la Ley de Refugio Seguro para Bebés. La legislación permite a los padres dejar a un bebé, de noventa días de edad o menos, en un sitio de refugio seguro sin ser penalizado. Los lugares designados como refugio seguro incluyen hospitales, instituciones policiales o estaciones de bomberos que tienen personal en el lugar en el momento en que se deja al bebé.

La Ley de Refugio Seguro para Bebés tiene por objetivo proteger a los padres de la acción penal cuando deciden dejar a los bebés en refugios seguros, siempre que el niño no haya sido objeto de maltrato o

“

"Esta ley, poco utilizada, pero fundamental, salva vidas. Aumentar la concienciación sobre lo que se puede hacer de forma segura y sin enjuiciamiento, ofrece una alternativa desesperadamente necesaria para los padres que no pueden cuidar de sus bebés, incluso darlos en adopción".

Dr. David Scrase

negligencia antes de su entrega.

Según el Dr. David Scrase, secretario del Departamento de Salud en funciones, "esta ley, poco utilizada pero fundamental, salva vidas.

Aumentar la concienciación sobre lo que se puede hacer de forma segura y sin enjuiciamiento, ofrece una alternativa desesperadamente necesaria para los padres que no pueden cuidar de sus bebés, incluso darlos en adopción."

Según los Centros para el Control y la Prevención de Enfermedades (CDC), el mayor riesgo de homicidio infantil se da el día del nacimiento. Por ello, los 50 estados y Puerto Rico han promulgado leyes de refugio seguro para abordar el abandono y el peligro de los bebés. La tasa de homicidio infantil en el día del nacimiento se redujo de 222.2 por cada 100,000 personas-año durante 1989-1998 a 74.0 durante 2008-2017 (66.7% de disminución) pero sigue siendo al menos 5.4 veces más alta que la tasa en cualquier otro momento de la vida.

A nivel nacional, las Leyes de Refugio Seguro, que a veces se

conocen como "Leyes del bebé Moisés", despenalizan el abandono de bebés ilesos en entidades designadas por ley, de modo que el niño pasa a estar bajo la tutela del Estado. Texas fue el primer estado en promulgar una "Ley Moisés para Bebés" en 1999, como reacción a 13 incidentes de abandono de niños en el año, tres de ellos con bebés descubiertos muertos.

Según la Alianza Nacional de Refugios Seguros, hasta la fecha

se han "salvado" 4,422 bebés en Estados Unidos. El sitio también afirma que 1567 fueron abandonados ilegalmente desde 1999 hasta 2020, y que, en 2020, 120 bebés fueron salvados, mientras que 37 fueron abandonados ilegalmente. Para obtener más información por estados, consulte el sitio web childwelfare.gov website.

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performed by a laboratory, such as PCR and antigen tests, with no beneficiary cost sharing when the test is ordered by a physician, non-physician practitioner, pharmacist, or other authorized health care professional. People enrolled in a Medicare Advantage plan should check with their plan to see if their plan offers coverage and payment for at-home over-the-counter COVID-19 tests.

This effort is in addition to a number of actions the Biden Administration is taking to expand access to testing for all Americans. The U.S. Department of Health and Human Services (HHS) is providing up to 50 million free, at-home tests to community health centers and Medicare-cer-

tified health clinics for distribution at no cost to patients and community members. The program is intended to ensure COVID-19 tests are made available to populations and settings in need of testing. HHS also has established more than 10,000 free community-based pharmacy testing sites around the country. To respond to the Omicron surge, HHS and FEMA are creating surge testing sites in states across the nation.

For more information, please see these Frequently Asked Questions, <https://www.cms.gov/how-to-get-your-at-home-OTC-COVID-19-test-for-free>.

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But to meet the demand and follow public health guidance recommending frequent testing throughout the country, the lawmakers said, "we would need roughly 2.3 billion tests per month—a figure several times the 500 million proposed by your administration."

"We respectfully urge that you utilize the full scope of your executive power under [the] Defense Production Act to manufacture enough rapid tests to ensure that each American can take at least one rapid test per week," they wrote.

Additionally, the lawmakers called for:

- Additional steps, such as a national hotline, to make sure home test delivery is accessible to all, to supplement the White House plan to set up a website where people will be able to order free tests in the coming days;

- A plan to make free rapid tests widely available in pharmacies, grocery stores, post offices, and other local businesses to meet "individuals where they already are"; and

- A strategy to make it easier for private health plan enrollees to be reimbursed for over-the-counter tests.

"While the administration's new requirements that insurers re-

imburse individuals for at-home tests are critical, at-home kits cost approximately \$14 to \$34 and the reimbursement process can be time-consuming, which together may dissuade individuals or families who are struggling financially from purchasing these tests," wrote the lawmakers.

The letter was sent ahead of the administration's announcement of a new plan requiring insurance companies to reimburse their members for up to eight at-home tests per month, a proposal which could help some of the approximately 150 million Americans who have health insurance obtain tests for free at certain pharmacies.

But under the proposal, some companies will still be able to require members to file claims to get reimbursed, and in some cases people may still be charged the full price of a rapid test "if the test was purchased at an out-of-network site," according to the *New York Times*.

"We could be sending tests directly to every home in America, but we're forcing people to jump through bureaucratic hoops instead," tweeted healthcare advocate Kendall Brown.

The plan also leaves out more than 28 million Americans who do not have health insurance.

"The rapid spread of the Omicron variant over the past weeks suggests that Americans are in a dramatically more vulnerable position than we had anticipated being just last month," said Sanders, Khanna, and Schiff. "There is no time to waste, and widespread and affordable access to rapid tests will be an integral part of our country's public health response to the Omicron variant and through the duration of the pandemic."

Julia Conley is a Staff Writer with Common Dreams. This article is republished from Common Dreams under a Creative Commons license.

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Beyond the denial of bond hearings, there is another way in which the Biden administration has picked the wrong side of this fight. The administration argues that a provision of the immigration laws prevents federal courts from entering a standard form of relief in civil rights cases — a class-wide injunction — in cases challenging the government's detention and deportation practices. Practically, this is a systemic attack on immigrants' rights.

The overwhelming majority of detained immigrants do not have lawyers, are unfamiliar with U.S. law, and often lack English language proficiency. These barriers to entry mean that most immigrants have no idea what legal claims they may have when their rights are abused, much less the resources to file individual lawsuits. Class actions and class-wide injunctions have thus been essential tools for advocates and courts to ensure that the government follows the law in its treatment of immigrants — tools that the Biden administration now wants eliminated. An administration that's committed to fairness has no business trying to strip immigrant communities of one of the primary bulwarks for their rights. To say that the Biden administration is punching down is an understatement.

After the horrors of the prior administration, we had hoped for a Biden administration that would choose the right side of history and be serious about protecting immigrant communities. Instead, *Gonzalez* is yet another disappointment. But no matter what, the American Civil Liberties Union (ACLU) stands ready to fight for a future America where immigrants have the same rights, dignity, and freedom as everyone else — especially when their government fails them.

Michael Tan is the Deputy Director for the American Civil Liberties Union Immigrants' Rights Project. Originally posted at ACLU.org.

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A free bird leaps on the back of the wind and floats downstream till the current ends and dips his wing in the orange sun rays and dares to claim the sky.

But a bird that stalks down his narrow cage can seldom see through his bars of rage his wings are clipped and his feet are tied so he opens his throat to sing.

The caged bird sings with a fearful trill of things unknown but longed for still and his tune is heard on the distant hill for the caged bird sings of freedom.

The free bird thinks of another breeze and the trade winds soft through the sighing trees and the fat worms waiting on a dawn bright lawn and he names the sky his own.

But a caged bird stands on the grave of dreams his shadow shouts on a nightmare scream his wings are clipped and his feet are tied so he opens his throat to sing.

The caged bird sings with a fearful trill of things unknown but longed for still and his tune is heard on the distant hill for the caged bird sings of freedom.

Abby Zimet has written Common Dream's Further column since 2008. This oped is republished from Common Dreams under a Creative Commons license.

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Latinos/Esp

redujo en casi un 20 por ciento. Del Pilar dice que los estudiantes que ingresan a un entorno en el que no ven a muchas personas que se parecen a ellos enfrentan barreras adicionales si son los primeros en su familia en asistir a la universidad. "Cuando ves a muchos estudiantes de primera generación, especialmente entre los estudiantes latinos, el estudiante tiene que re-

solverlo por su cuenta," dice Del Pilar. "No tienen lo que llamamos "conocimiento universitario", de lo que se necesita saber para ingresar, para pagar y lo que se necesita para terminar la universidad."

Eric Galatas es productor de Public News Service.

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Latinos

Del Pilar said even modest supports can make a big difference. He points to an emergency grant program his group helped launch to help students if they needed to purchase food or repair their car, in order to keep students from stopping out of school. He says he was surprised by the average grant size. "Seventy-six dollars could be the difference between a student earning their degree or a student being one of these statistics," said Del Pilar, "of the 36 million people in this country who have some college and no degree." Hispanic enrollment in higher education fell by 5% last fall during the height of the pandemic. Enrollment among first-time Hispanic college students dropped by nearly 20%.

Wallin

the state is educating the state's Latino and Native American children. She said the outcome of that lawsuit "led to important progress," and that she is "really proud to have been able to support efforts on data and research on why we need to better by our kids."

Before working for NMVC, Wallin worked for state and federal agencies in different capacities. She received a Master's in Public Administration degree from New Mexico State University and worked in the City of Las Cruces Budget Department.

"My heart is in the intersection of policy and research and advocacy to make progress for kids and families," she said.

One issue NMVC will be focused on during the upcoming legislative session is to "ensure the infusion of federal funding and oil and gas revenue from the boom we're seeing, that that infusion of money will ensure all families will be part of the robust economic recovery," she said.

She said she hopes to see further investments in early childcare education and she would like to see more relief to help families of mixed legal status, particularly since many undocumented individuals are front line workers in the COVID-19 pandemic.

She said she would also like to see Medicaid programs fully funded and the infant mortality crisis, driven by systemic racism, addressed by the legislature.

NMVC Board Chair Kenneth Martinez said the board was pleased to promote Wallin to the position.

"Amber not only has the experience, skills, and leadership talent this role requires, but she also

Del Pilar said students entering an environment where they don't see many people who look like them face additional barriers if they are the first in their family to attend college. "When you're seeing a lot of first-generation, especially first-generation Latino students, is the student having to figure it out on their own," said Del Pilar. "They don't have what we call 'college knowledge,' of what it takes to get in, what it takes to pay, and then what it takes to get through college."

Eric Galatas is a Producer with Public News Service.

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brings passion, determination, and heart to our work on behalf of New Mexico's children and families. She and James worked closely to prepare for this transition, and we have no doubt that the organization is in very capable hands," he said through a news release.

Wallin said she believes New Mexico is at a "really unique point and time," and she is hopeful for the future.

"Before the pandemic, we saw some policy making that prioritized children and families. In my time at Voices, I'd never seen that real commitment from policy members to really center family and do some people-centered family policy making. Then the pandemic hit," she said.

Despite the various setbacks the pandemic created in education and economic stability for many families across the state, Wallin said she is "hopeful New Mexico has a really bright future."

"The pandemic revealed a lot of structural challenges, especially for communities of color and women. We face a real opportunity to build a better future for that space ensuring families can be part of an equitable and robust recovery and invest in infrastructure which includes childcare and health programs, centering kids and families so they can really thrive in this state in the future," she said.

Susan Dunlap is a Reporter with New Mexico Political Report. This story was originally published by New Mexico Political Report.

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Wallin/Esp

continúen en el futuro. También dijo que cree que Nuevo México necesita seguir ayudando a las familias a costear la educación infantil temprana.

Al mismo tiempo, dijo que mientras que el cuidado de los niños en edad temprana es "realmente caro para las familias", los trabajadores de cuidado de niños en edad temprana no son "pagados lo suficiente para el trabajo que están haciendo" y algunos centros de cuidado de niños en edad temprana están "apenas sobreviviendo".

"Nuevo México necesita un apoyo gubernamental realmente fuerte para ayudar... especialmente para asegurar que los padres puedan permitirse ir a trabajar y saber que sus hijos están en ambientes realmente seguros y nutritivos", dijo.

Como niña que creció en Nuevo México, la familia de Wallin se benefició de las políticas que favorecen a las familias de bajos ingresos, dijo. Hija de una madre soltera, Wallin citó el programa de almuerzos gratuitos y reducidos como uno de los que ayudó a su familia a permitirse una comida nutritiva mientras estaba en la escuela, ya que su madre tenía problemas económicos a pesar de trabajar en el sistema de educación pública.

"Deberíamos proporcionar apoyo económico a las madres solteras", dijo Wallin.

Wallin se define a sí misma como una "fanática de los impuestos" y una "fanática de los datos" y está especialmente interesada en cómo los impuestos pueden afectar a las familias. Algunos de los trabajos que NMVC ha realizado desde entonces y de los que se siente especialmente orgullosa son los cambios que el estado hizo en el crédito fiscal para familias trabajadoras.

"Esa es la política que Voices propuso por primera vez en 2007 e impulsó aumentos significativos", dijo.

Desde 2019, el crédito fiscal aumentó del 10 por ciento al 25 por ciento, lo que ha significado "cientos de millones más que van a las familias", dijo Wallin.

Wallin también dio testimonio como testigo experto en la demanda de Yazzie/Martinez que desafió la forma en que el estado está educando a los niños latinos y nativos

americanos del estado. Ella dijo que el resultado de esa demanda "condujo a un progreso importante", y que ella está "realmente orgullosa de haber sido capaz de apoyar los esfuerzos sobre los datos y la investigación sobre por qué tenemos que mejorar por nuestros hijos."

Antes de trabajar para el NMVC, Wallin trabajó para agencias estatales y federales en diferentes puestos. Recibió una Maestría en Administración Pública de la Universidad Estatal de Nuevo México y trabajó en el Departamento de Presupuesto de la Ciudad de Las Cruces.

"Mi corazón está en la intersección de la política y la investigación y la defensa para lograr el progreso de los niños y las familias", dijo.

Susan Dunlap es una Reportera de Justicia Reproductiva de New Mexico Political Report. Esta historia fue publicada originalmente por New Mexico Political Report.

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dialogues about water-sharing arrangements in times of drought; the sight of water flowing like capillaries through towns, around farm plots — or in the case of Las Trampas, down a flume carved from tree trunks — are all part of what makes New México New México, especially in its small villages.

Typically, each acequia operates within a single watershed: water is channeled from a river to fields that lie alongside it. All of the water remains within the same hydrological system. But the three diversions at the heart of the dispute between Picuris and irrigators in the Mora Valley are different. The irrigators take water that belongs to the Rio Pueblo — which is part of the Rio Grande Basin — and move it to the Mora River, in the Arkansas River Basin. This strikes Picuris as ecologically and spiritually criminal.

"They're killing the land, killing the environment," Quanchello said at Alamitos Creek. He made a sweeping gesture to indicate the entirety of the landscape: "This is our homeland. It's all significant to us," he said. "Our herbs and traditional medicines and spiritual plants are being depleted because they need water. You can't just replace this stuff."

"Water is vital from a spiritual perspective," said Picuris Tribal Interpreter Cecilia Shields, one of the group at the creek with Quanchello. "And these waters, which flow from around Serpent Lake, are particularly sacred. It's a place of prayer, a place where our people pilgrimage, our center place," she explained. "The whole of Jicarita Peak and what the mountain holds are all sacred, and to remove things from it" — as the diversions do — "is to cut off the balance. The people of Mora taking the water, it's a desecration. It's heartbreaking."

"We have no issues with anyone on our same watershed," Shields added. "Of course we'll share with them, but not with users taking the water where it wouldn't naturally go."

Long battles, harsh betrayals

Picuris first lodged protests against the diversions to Cleveland and Chacon as early as the late 1860s. They were summarily ignored. When the Holman ditch became operational in 1882, the pueblo, with the help of Indian Agent Benjamin Thomas, promptly pursued a lawsuit in district court.

In a betrayal that stings to this day, the attorney assigned by the Department of Justice to represent Picuris in the suit simply never showed up in court. This was a "dis-

saster" for Picuris, Malcolm Ebright — a lawyer who has worked with pueblos and acequias — wrote in a 2017 article for the New Mexico Historical Review. Unable to find anyone willing to take their case, it was ultimately dismissed in 1885.

Records from the lawsuit contribute both clarity and confusion to the history of the diversions. While filings in the case clearly stated Picuris' objections to all three ditches and the harm they were causing the pueblo, the remedy they sought specifically requested an injunction only against the one to Holman. Additionally, the Indian agent wrote that Antonio Olguin, who founded the community of Cleveland, "was allowed [by Picuris] to take this water" when he masterminded the first diversion. Irrigators in Cleveland today take those words as proof that they did not steal the water. It is a position with which Ebright, a noted author of books on pueblo history, tends to agree. "There doesn't appear to have been any protest against it at the time of construction," he said in an interview.

Picuris flatly rejects this conclusion, pointing out that there is nothing in the historical record that corroborates Thomas' statement. "There is no documentation showing that we gave them any water," Quanchello said. "And even if so, we would never have given them permission to take an entire stream! Our elders tell us that their elders had told them that our people have always wanted the water back."

Complicated cases

There are no simple paths forward for Picuris. Pressing their claims in court today would require filing for an adjudication to determine how much water they are legally entitled to. It's a process that can cost millions of dollars and take decades to resolve. "Most adjudication cases outlive the judges and lawyers on them," said Richard Hughes, a lawyer and water-rights expert who has represented several pueblos. He is currently working on cases that were first filed in the 1960s.

"Complicated cases like this one require lots of expert work — from the historical to the hydrological. It gets very expensive," Hughes said. But, he noted, voluntary water-sharing agreements aren't easily reached, either. "If you don't have legal proceedings ongoing, it's difficult to convince non-Indians that you have any leverage against them. It's difficult to convince people who have been using this water for over a century to give up some



Antonio Medina, 83, a long-time officer on Acequia Encinal, in Cleveland, holds a cane carved by his grandfather in 1920. / Antonio Medina, de 83 años, un antiguo funcionario de la Acequia Encinal, en Cleveland, sostiene un bastón tallado por su abuelo en 1920.



Eufrazio Vigil of Chacón is secretary treasurer of Acequia del Rito y la Sierra. / Eufrazio Vigil, de Chacón, es secretario tesorero de la Acequia del Rito y la Sierra.

of what they have."

Official statistics that accurately convey just how much water is being diverted from the Rio Pueblo to the Mora River don't exist. One former president of the Embudo Valley Regional Acequia Association, however, has pored over the available data, comparing flows on the Rio Pueblo with flows into the diversions. "Fifteen to 20 percent of all the water that should be going into the Rio Pueblo is going to Mora," Robert Templeton concluded. But the reality is worse than those numbers imply: "In drought years, over 50 percent of the water goes to Mora during the peak irrigating season of June and July — and climate change means more

drought years." He estimates that "more than half a million acre-feet of water" has been diverted over the years — which could fill a lake the size of the Santa Fe Plaza to a depth of 94 miles.

Templeton's assessment is not without its critics. Among them is Romero of the OSE. "Robert Templeton interpreted the flow data incorrectly," Romero said in an interview, though he couldn't point to any specific errors in Templeton's calculations.

What matters, Romero said, is not what percentage of the Rio Pueblo's natural flow is being diverted, but how much water Picuris is actually receiving, and whether that's sufficient to meet the pueb-

lo's needs. To create a fair solution, "You have to look at the whole system," which would include all of the water in all the tributaries feeding the river, he said. "We need more streamflow data over a longer period of time. We're trying to find out how much boost the [diverted] streams would provide if added to the Rio Pueblo. Right now, I really have no idea."

First come, first served

When there's not enough water to go around, rights to it are allocated on a first come, first served basis: Whoever has been using it the longest has a stronger claim than

those who began using it later. In times of drought, the "senior" can make a priority call, and the "juniors" may then have to cut their usual allotment.

Paula García, executive director of the New México Acequia Association, whose family has lived in the Mora Valley since the 1860s, put it bluntly: "There is no debate. Picuris has senior water rights. They've been here since time immemorial." As García sees it, "The people on the acequias don't understand water law — that you can't fight with the pueblos the way you can fight with other acequias."

The president of Acequia Encinal, in Cleveland, acknowledges that Picuris has senior rights, while staunchly defending the diversions. From his home overlooking a sweep of fields irrigated by the ditch, 83-year-old Antonio Medina said, "I believe that Mora is pretty conscious of pueblo rights. And they've always been very respectful of our rights, and very kind." As proof, he said that Picuris has not once made a priority call. (Respect has nothing to do with it, according to tribal interpreter Shields: If Picuris made a priority call, it would legitimize Mora's claim to the water, and the pueblo would rather struggle with less water than validate the diversions.)

There was an attempt in recent years to create a task force to explore the possibility of soothing tensions with the pueblo, comprised of representatives from all the Mora acequias fed by the diversions, García noted. But it collapsed due to infighting, amid accusations that they were stealing water from each other. "It was a hot mess," she said.

The Cleveland diversion, which feeds the Cañoncito and Encinal acequias, now blocks water from flowing not only into the Rio Pueblo, but also into Holman's ditch, the Acequia de la Sierra. Parciantes in Holman are furious. "Cañoncito and Encinal are robbing the ecosystem, the wetlands, Picuris and la Sierra," said Jimmy Sanchez, a fifth-generation *mayordomo* (watermaster) on the Holman acequia. "They reinforced their diversion so it now takes the entire Alamitos, with nothing going to us or Picuris. Our acequia declaration, which was filed in 1935, says that la Sierra is partly fed by Alamitos. They're taking more than their share. Picuris' fight should be with them, not with us."

The Cañoncito acequia leadership is unapologetic. Barbara Bradshaw, a retired nurse, has been its treasurer since 2013, the year after she moved to Cleveland with

her husband Larry, a retired insurance salesman who is Cañoncito's *mayordomo*. When asked how a fair resolution to the dispute might look, Barbara replied in an email, "I would say that the resolution needs to be legal and follow established New México water law. Fair, like beauty, may be in the eyes of the beholder." She added: "We are legally entitled to divert all of the water that our culvert will carry."

Romero of the OSE disagrees. "Barbara is wrong," he said. "They can't just take the whole stream. Holman and the Rio Pueblo have a right to some of that water." The OSE is going to take action, Romero continued. "We're getting our legal team together. We're going to do something. It's the right thing to do."

The OSE's intentions, however, have not been communicated to Picuris, where official inaction has instilled a sense that the Mora diversions can act with impunity. "Who does enforcement?" Quanchello asked, rhetorically. "What's going on is blatantly wrong and no one is willing to make it right. We're going to have to take it into our own hands."

Everyone involved assumes that Picuris did just that when the diversions were damaged in November.

While assessing the towering mound of earth and rock recently pushed in front of his acequia's headgate, Sánchez shook his head and spoke with a combination of anger, sadness, and bewilderment. "I don't know why they did this to us," he said. "I've said that I want to share the waters. I want peace and stability. There's enough water to share, but Cañoncito-Encinal isn't letting it through."

Sharing the water, most outside observers agree, is the only way to untangle this knot. "There has to be some middle ground," said Ebright. "That's the traditional way of doing things in New México, going back hundreds of years."

To that end, Romero said the OSE is hoping to hold a meeting before the end of the year, to bring all of the parties together and discuss taking steps toward sharing the water equitably.

Picuris, however, is in no mood to pursue sharing agreements at the moment. "Mora got the water for the last 200 years. We'll take it for the next 200," said Quanchello. "Then maybe we'll talk about sharing."

For now, Picuris still has nothing to share. Within days of the breach of the berm, the damage was repaired, forcing Alamitos Creek toward Cleveland once again, leaving the streambed dry.

Michael Benanav is a writer, photographer and digital storyteller based in northern New México.

This article was originally published by Searchlight New Mexico, a non-partisan, nonprofit news organization dedicated to investigative reporting in New México.

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COLORADO'S POWER PATHWAY PUBLIC OPEN HOUSES



Please join us to provide input on transmission line routes and substation locations

Xcel Energy continues to make progress identifying potential locations for Colorado's Power Pathway. Please join us at one of our upcoming in-person public open houses to provide input about our revised transmission line routes and substation site options. We want to hear from you about this important project and any topics we should consider in your area.

No formal presentation is planned, so please attend at any time during the open house. If you are unable to attend, meeting materials and an electronic comment form will be posted at ColoradosPowerPathway.com.

Project staff will be available to provide information about transmission line routing activities and answer questions about the new transmission line project, including the overall timeline, route options, construction processes and topics related to easements and right-of-way.

Note about COVID-19: If local, state or corporate guidance prevents in-person meetings or affects venue capacity, these open houses may be rescheduled or moved to an online format. Please check ColoradosPowerPathway.com or call the project hotline at **855-858-9037** for up-to-date information.

FOR MORE INFORMATION



Visit ColoradosPowerPathway.com or contact us at **855-858-9037** or ColoradosPowerPathway@xcelenergy.com

Si necesita asistencia o información en español, por favor contáctenos directamente al **855-858-9037** o ColoradosPowerPathway@xcelenergy.com.

ABOUT THE PROJECT

Colorado's Power Pathway is a \$1.7 to \$2 billion investment proposed by Xcel Energy to improve the state's electric grid and enable future renewable energy development around the state. This project will increase electric reliability, boost the regional economy and create jobs during construction. We estimate the system will cross more than a dozen counties and include:

- Approximately 560-650 miles of new high-voltage transmission line
- Four new and four expanded substations

If approved, construction could begin in 2023 and the first transmission segments could be in service in 2025, with other segments completed in 2026 and 2027.

OPEN HOUSE SCHEDULE

Additional meetings are planned for early March. View the full meeting schedule on our website.

Monday, Jan. 24
4-7 p.m.
Platteville Community Center
508 Reynolds Ave., Platteville, CO 80651

Tuesday, Jan. 25
4-7 p.m.
Fort Morgan Field House, Gym 3
1239 E Kiowa Ave., Fort Morgan, CO 80701

Wednesday, Jan. 26
4-7 p.m.
Washington County Event Center, Large Room
551 W 2nd St., Akron, CO 80720

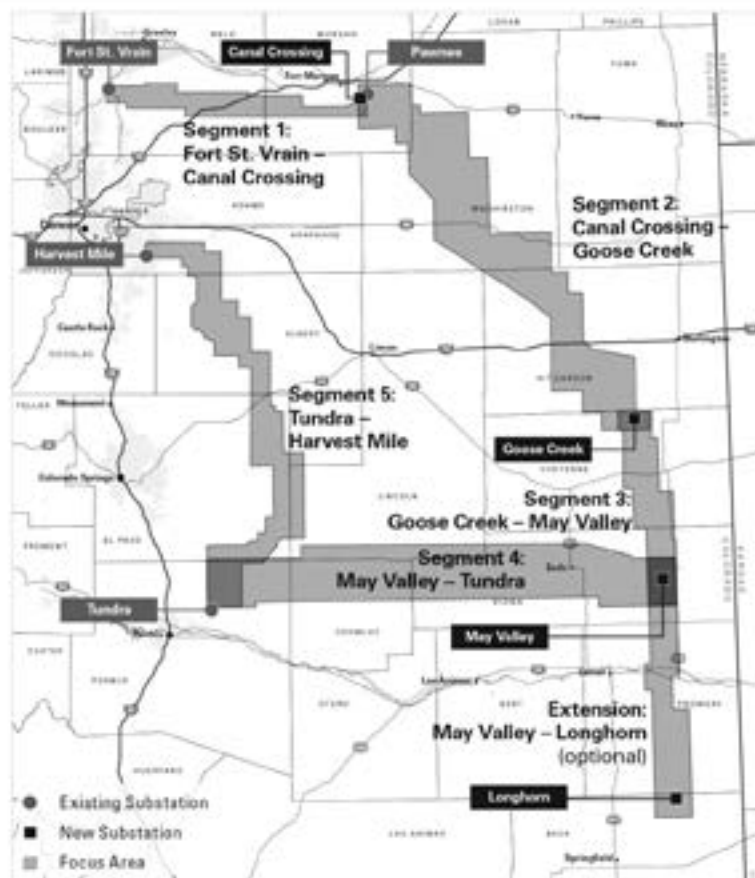
Thursday, Jan. 27
9-11 a.m.
Grassroots Community Center
6671 US Highway 38, Jules, CO 80622
4-6 p.m.
Seibert Community Center
504 4th St., Seibert, CO 80634

Monday, Jan. 31
4-6 p.m.
Pueblo Community College, Fortino Ballroom
900 W Orman Ave., Pueblo, CO 81004

Tuesday, Feb. 1
9-11 a.m.
The Heritage Center
Corner of 3rd and Main, Crowley, CO 81033
4-7 p.m.
Kiowa County Fairgrounds, Community Building
Fairground Rd., Eads, CO 81038

Wednesday, Feb. 2
9-10:11:30 a.m.
Cheyenne County Fairgrounds, Auditorium
W 6th St S, Cheyenne Wells, CO 80810
4-6 p.m.
Lamar Community Building, Dance Room
610 S 6th St., Lamar, CO 81052

Thursday, Feb. 3
9-10:11:30 a.m.
Baca County Resource Center
1260 Main Street, Springfield, CO 81073





Photo/Foto: Michael Benanav

El Lago de la Serpiente, con una altitud de 11.750 pies, es sagrado para el pueblo de Picuris, al igual que los manantiales que se encuentran debajo, que alimentan el arroyo Alamitos y el Rito Angostura. / *Serpent Lake, elevation 11,750 feet, is sacred to Picuris Pueblo, as are the springs below it, which feed Alamitos Creek and Rito Angostura.*

centenarias, para el alma misma de un lugar. La limpieza anual de primavera, la apertura de las acequias, los diálogos sobre el reparto del agua en tiempos de sequía, la visión del agua que fluye como un capilar a través de los pueblos, alrededor de las parcelas agrícolas o, en el caso de Las Trampas, por un canal tallado en los troncos de los árboles, todo ello forma parte de lo que hace que Nuevo México sea Nuevo México, especialmente en sus pequeños pueblos.

Normalmente, cada acequia funciona dentro de una única cuenca hidrográfica: el agua se canaliza desde un río hasta los campos que se encuentran a su lado. Toda el agua permanece dentro del mismo sistema hidrológico. Pero los tres trasvases que están en el centro de la disputa entre los picuris y los regantes del valle del Mora son diferentes. Los regantes toman el agua que pertenece al Río Pueblo -que forma parte de la cuenca del Río Grande- y la trasladan al Río Mora, en la cuenca del Río Arkansas. Esto le parece a Picuris un crimen ecológico y espiritual.

"Están matando la tierra, matando el medio ambiente", dijo Quanchello en Alamitos Creek.

Hizo un gesto amplio para indicar la totalidad del paisaje: "Esta es nuestra patria. Todo es importante para nosotros", dijo. "Nuestras hierbas y medicinas tradicionales y plantas espirituales se están agotando porque necesitan agua. No se puede sustituir todo esto".

Largas batallas, duras traiciones

Los picuris presentaron por primera vez protestas contra los desvíos a Cleveland y Chacón ya a finales de la década de 1860. Fueron ignoradas sumariamente. Cuando la zanja de Holman entró en funcionamiento en 1882, el pueblo, con la ayuda del agente indio Benjamin Thomas, interpuso rápidamente una demanda en el tribunal de distrito.

En una traición que aún hoy escuece, el abogado asignado por el Departamento de Justicia para representar a Picuris en la demanda simplemente no se presentó en el tribunal. Esto fue un "desastre" para Picuris, escribió Malcolm Ebright -un abogado que ha trabajado con pueblos y acequias- en un artículo de 2017 para la *New Mexico Historical Review*. Al no poder encontrar a nadie dispuesto a aceptar su caso, éste fue finalmente desestimado en 1885.

Los registros de la demanda aportan tanto claridad como confusión a la historia de las desviaciones. Si bien los expedientes del caso indicaban claramente las objeciones de los picuris a las tres zanjas y el daño que estaban causando al pueblo, el recurso que buscaban solicitaba específicamente una orden judicial sólo contra la de Holman. Además, el agente indio escribió que a Antonio Olguin, que fundó la comunidad de Cleveland, "se le permitió [por parte de los picuris] tomar esta agua" cuando organizó el primer desvío. Los regantes de Cleveland toman hoy esas palabras como prueba de que no robaron el agua. Es una postura con la que Ebright, un destacado autor de libros sobre la historia de los pueblos, tiende a estar de acuerdo. "No parece que hubiera ninguna protesta en contra en el momento de la construcción", dijo en una entrevista.

Picuris rechaza de plano esta conclusión, señalando que no hay nada en el registro histórico que corrobore la afirmación de Thomas. "No hay ninguna documentación que demuestre que les dimos agua", dijo Quanchello. "Y aunque así fuera, inunca les hab-

ríamos dado permiso para tomar un arroyo entero! Nuestros ancianos nos dicen que los suyos les han dicho que nuestro pueblo siempre ha querido recuperar el agua".

El primero que llega es el primero que se sirve

Cuando no hay suficiente agua para todos, los derechos sobre ella se asignan por orden de llegada: El que lleva más tiempo utilizándola tiene más derecho que los que empezaron a utilizarla más tarde. En épocas de sequía, el "senior" puede hacer una petición prioritaria, y los "juniors" pueden entonces tener que reducir su asignación habitual.

Paula García, directora ejecutiva de la Asociación de Acequias de Nuevo México, cuya familia ha vivido en el Valle de Mora desde la década de 1860, lo expresó sin rodeos: "No hay debate. Los Picuris tienen derechos de agua preferentes. Han estado aquí desde tiempos inmemoriales". En opinión de García, "la gente de las acequias no entiende la ley del agua: que no se puede pelear con los pueblos como se puede pelear con otras acequias".

El presidente de la Acequia Encinal, en Cleveland, reconoce que los Picuris tienen derechos superiores, aunque defiende firmemente los trasvases. Desde su casa, con vistas a una serie de campos regados por la acequia, Antonio Medina, de 83 años, dijo: "Creo que Mora es muy consciente de los derechos del pueblo. Y siempre han sido muy respetuosos con nuestros derechos, y muy amables".

El desvío de Cleveland, que alimenta las acequias de Cañoncito y Encinal, impide ahora que el agua fluya no sólo hacia el Río Pueblo, sino también hacia la acequia de Holman, la Acequia de la Sierra. Los parcientes de Holman están furiosos. "Cañoncito y Encinal están robando el ecosistema, los humedales, Picuris y la Sierra", dijo Jimmy Sánchez, mayordomo de quinta generación de la acequia de Holman. "Reforzaron su desvío para que ahora se lleve todo el Alamitos, sin que nada vaya a nosotros o a Picuris. Nuestra declaración de ace-

quia, que se presentó en 1935, dice que la Sierra se alimenta en parte del Alamitos. Se están llevando más que su parte. La lucha de Picuris debería ser con ellos, no con nosotros".

Los dirigentes de la acequia de Cañoncito no se disculpan. Barbara Bradshaw, una enfermera jubilada, ha sido su tesorera desde 2013, el año después de mudarse a Cleveland con su marido Larry, un vendedor de seguros jubilado que es el mayordomo de Cañoncito. Cuando se le preguntó cómo podría ser una resolución justa de la disputa, Barbara respondió en un correo electrónico: "Yo diría que la resolución tiene que ser legal y seguir la ley de aguas establecida en Nuevo México. Lo justo, como la belleza, puede estar en los ojos del que mira". Y añadió: "Tenemos derecho legal a desviar toda el agua que nuestra alcantarilla pueda transportar".

Romero, de la OSE, no está de acuerdo. "Bárbara se equivoca", dijo. "No pueden quedarse con todo el arroyo. Holman y el Río Pueblo tienen derecho a parte de esa agua". La OSE va a tomar medidas, continuó Romero. "Estamos reuniendo a nuestro equipo legal. Vamos a hacer algo. Es lo que hay que hacer".

Sin embargo, las intenciones de la OSE no han sido comunicadas a Picuris, donde la inacción oficial ha infundido la sensación de que los desviadores de Mora pueden actuar con impunidad. "¿Quién hace cumplir la ley?" preguntó Quanchello, retóricamente. "Lo que está ocurriendo es flagrantemente incorrecto y nadie está dispuesto a corregirlo. Vamos a tener que tomarnos la justicia por nuestra mano".

Michael Benanav es escritor, fotógrafo y narrador digital en el norte de Nuevo México. Searchlight New Mexico es una organización de noticias no partidista y sin fines de lucro dedicada al reportaje de investigación en Nuevo México.

Traducido por Juan Carlos Uribe-The Weekly Issue/El Semanario.

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El Concejo de la Ciudad de Denver adoptó medidas audaces para proteger a nuestros niños de la adicción al tabaco, fomentar la equidad en la salud y para salvar vidas votando para poner fin a la venta de productos saborizados de tabaco - incluyendo los cigarrillos electrónicos con sabor y los cigarrillos de mentol. Si bien agradecemos a los miembros del Concejo que se enfrentaron a las grandes tabacaleras, estamos decepcionados que el alcalde Hancock vetó esta ordenanza que salva vidas y anuló la acción atrevida que tomó el Concejo para proteger a los niños. El alcalde Hancock estaba dispuesto a poner las ganancias de las compañías tabacaleras por encima de la salud de la niñez de Denver.

GRACIAS POR VOTAR POR PROTEGER A NUESTRA JUVENTUD.



*Pagado por Tobacco-Free Kids Action Fund