

Payday Loan Nation

PAGE 8

A man with a beard and sunglasses, wearing a blue hoodie and a blue hat with 'Property Tax Services' written on it, is holding a yellow sign. The sign has the word 'LOANS' written in large, bold, black letters with a red outline. The background is a clear blue sky.

LOANS

How to Hold Your Government Accountable, Page 13

ABQ Free Press Pulp News

COMPILED BY ABQ FREE PRESS STAFF

New browser

Microsoft is preparing to launch its first new browser in 19 years. Code-named "Spartan," the new browser will be launched alongside Windows 10. News reports suggest that the browser could debut as early as late this month. It will not replace Internet Explorer 11 but will be packaged on desktop and mobile versions of Windows 10, ZDNet reported. Internet Explorer was launched in 1995 alongside Windows 95, which replaced Windows 3.1, launched in 1992.

Why Michael wore gloves

German hackers say they can duplicate a person's fingerprints from a photograph. The leader of the Chaos Computer Club said he was able to recreate the thumbprint of German Minister of Defense Ursula von der Leyen from several news photos. He printed the fingerprint from the photos onto tracing paper, copied it onto a plastic board, covered it in graphite and made a dummy print by coating the plastic in wood glue. Crude but concept-proving, ZDNet reported.

Attack of the DVDs

A South Korean activist says he plans to clandestinely deliver 100,000 copies of the Sony Pictures movie "The Interview" to North Korea using party balloons. The movie, contained on DVDs and thumb drives, would be carried from South Korea into North Korea by winds starting late this month and continuing through March, when the winds become most favorable. "North Korea's absolute leadership will crumble if the idolization of leader Kim breaks down," the activist, Park Sang-Hak, told the Associated Press. Park's partner is the Human Rights Foundation, which seeks \$250,000 in donations for what it is calling "Operation Hack Them Back."

The Un and only

After he succeeded his father, North Korea dictator Kim Jong Un ordered that no newborns could be named Kim Jong Un. Now, he's ordered that all pre-existing Kim Jong Uns

be "trained to voluntarily change their names," the BBC reported. The dictator is apparently following the tradition of the ancient dynasties of China and its Confucian neighbors in banning the use by others of a ruler's name.

Fries with that?

As if there weren't enough McDonald's, a Christian design consultancy is pushing – without much success – the idea of building McDonald's franchises into churches. The organizers argue that by running a McDonald's, struggling churches could attract new parishioners and give themselves a financial boost, the U.K.'s Daily Mail reported. Using the hashtag #Feast4Jesus, the movement tried to raise \$1 million. Before its Indiegogo page was taken down, Mcmass.com had raised only \$104, the price of a bagful of Big Mac meals.

Rotting from the head

The Iraqi army is reeling from revelations that it has been paying up to 50,000 "ghost soldiers." Iraqi officers are allowed up to five guards. They typically fire as many as three, then keep the money. Iraqi commanders also have inflated the number of men in their ranks, also to keep their pay. The pocketed salaries typically are used by officers to bribe their commanders to keep their jobs. Haider Al-Abadi, the new Iraqi prime minister, is trying to stamp out the wanton corruption that flourished under his predecessor, Nouri al-Malaki.

Hidden cities

United Airlines and Orbitz have sued the website skiplagged.com for revealing "hidden city" fares – fares that include a popular destination as a connection en route to another city. For instance, the fare for a flight from Los Angeles to New York that has a stop in Minneapolis might be cheaper than the published Los Angeles-Minneapolis fare. By traveling one-way and without luggage, a passenger could get off in Minneapolis and save money. United and Orbitz accused skiplagged.com of engaging in unfair competition.

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Charlie Hebdo

Bill Would Require Police Shootings to Be Independently Investigated

BY DENNIS DOMRZALSKI

New Mexico has joined a handful of states that are looking to take investigations of police shootings out of the hands of local prosecutors by setting up a process for more independent investigations.

State Sen. Mimi Stewart, an Albuquerque Democrat, has introduced a bill that would require cases of police shootings or other alleged felonies to be investigated by the New Mexico Attorney General's Office. The bill was crafted by Albuquerque City Councilor Diane Gibson who said local prosecutors are too close to police departments to properly investigate such cases.

The effort has the support of Bernalillo County District Attorney Kari Brandenburg, who on Jan. 12 announced that her office had filed murder charges against the two Albuquerque police officers who shot and killed homeless camper James Boyd in March 2014.

Brandenburg said she would take the case against the officers to a preliminary hearing where evidence would be presented in public – not in secret like a grand jury – and a judge would decide whether there is enough evidence to send the case to trial.

"I would love to be out of the business of officer-involved shootings," Brandenburg said during a news conference regarding the Boyd case. When asked if she would support legislation that would require the AG's office, or other independent investigators to handle police shooting cases, Brandenburg said, "I would be supportive of that process."

Lawmakers and officials in California, Colorado, Missouri, New Jersey and New York are considering handing police shooting cases to independent prosecutors. Most of the proposals are modeled after a Wisconsin law that took effect last year, The Wall Street Journal reported.

The Wisconsin law – the first of its kind in the U.S. – requires that any death that occurs while someone is in police custody be investigated by an outside agency. It means the outside agency gathers evidence and makes a determination about whether to press criminal charges.

Stewart said she introduced Senate Bill 147 at Gibson's request.

"We have 13 judicial districts [in New Mexico] and they all work with [local] police departments," Stewart said. "It makes sense to me to take it out of the local district attorneys. I think that is a better way to go."



Bernalillo County District Attorney Kari Brandenburg had come under fire for her office's failure to charge police involved in 27 fatal shootings since 2010. On Jan. 12, she announced that two officers who fatally shot James Boyd have been charged with murder.

Brandenburg's office filed murder charges in the form of criminal informations against the two officers involved in the Boyd shooting, Keith Sandy and Dominique Perez. Sandy retired from the Albuquerque Police Department last year. Both men are accused of open counts of murder.

"I would love to be out of the business of officer-involved shootings"

– District Attorney Kari Brandenburg

The preliminary hearing, as yet unscheduled, could take two weeks and will allow the officers' attorneys to publicly challenge evidence presented by prosecutors. Brandenburg said she believes her office has enough evidence to send the case to trial.

First APD officers to be charged with murder

Since 2010, APD officers have fatally shot 27 people. The Boyd case was the first in which any officer was charged with a crime. Brandenburg said the lack of charges in the cases were the result of two things: the fact that police officers have greater discretion in the use of deadly force than the public at large, and because her office didn't feel it could meet the legal standard of probable cause in those cases.

"We need to meet the standard of probable cause. The law gives police officers broader discretion in using deadly force than you or I," Brandenburg said.

The Boyd case doesn't necessarily represent a change in policy where all police shooting cases will be taken to preliminary hearings, as some activists and lawyers would like.

"If we have probable cause we will go forward [on police shooting cases]," Brandenburg added.

Not everyone buys Brandenburg's explanation. Albuquerque civil rights attorney Randi McGinn, who won a civil rights lawsuit against APD on behalf of Christopher Torres' family, said probable cause is a low standard that is easy to meet. Torres was killed in 2011 when he was shot three times in the back by an APD officer.

"Probable cause is a very low standard that rarely keeps the DA from taking a case on an ordinary person to a grand jury or a preliminary hearing," Brandenburg said. "It is the job of the grand jury or judge to decide if there is probable cause."

Brandenburg said she tried in 2012 to get district attorneys from around the state to investigate each other's police shooting cases. But there was no appetite for it because police shootings were viewed as a Bernalillo County problem, Brandenburg said.

And farming the APD cases out to a special prosecutor would be prohibitively expensive, Brandenburg added.

"We don't have the money to hire special prosecutors," Brandenburg said. "That would cost hundreds of thousands of thousands of dollars. We'd have to lay off 20 percent of our staff."

Gibson said she has been working on her bill for more than a year.

"I am not doing this out of any mistrust of any DA in the state of New Mexico," Gibson said. "I have a lot of respect for Kari Brandenburg. I know she looks at every case."

"But because of the inescapable relationship that any DA has with local law enforcement, it is easy to see a natural public perception of there being too close a relationship for a full investigation."

Dennis Domrzalski is an associate editor at ABQ Free Press.

Life on Albuquerque's Mean Streets

Editor's note: The Albuquerque Police Department issues email advisories throughout the day in anticipation of news media interest in crimes and accidents around the city. Here are a few, unedited except for the removal of suspects' names and ages:

On Friday night, 1/9/15, officers in the Southeast Area Command located a stolen vehicle. As officers attempted

to initiate a traffic stop the vehicle fled. Officers did not pursue, but Air 1 was in the area and followed the vehicle. Inside the vehicle was XXXXX and despite being a convicted felon, he was armed with a handgun.

After attempting to flee and lose Air 1, XXXXX finally abandoned the vehicle in the 1500 block of Wilmoore and fled on foot. As XXXXX attempted to climb a

wall to evade apprehension, the firearm he was concealing discharged and shot himself in the leg.

This injury did not prevent him from continuing his escape and eventually stopped running as he made his way between two houses. As soon as he concealed himself between the houses, he retrieved the gun from his pocket and waited, in an effort to ambush any officer

that came around the corner in pursuit.

You can clearly see XXXXX in the video from Air 1, bracing himself against the wall of the house, in order to provide a more stable shooting platform. Because of warning given by Air 1 and a K-9 officer on scene, officers did not blindly chase XXXXX, instead they set up behind cover and waited for XXXXX to surrender. XXXXX did eventually

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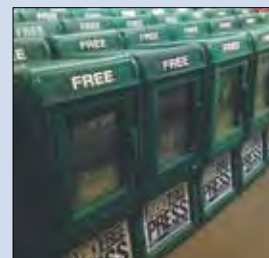
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Still FREE, thank goodness

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On the Cover: Gregg, who didn't want to give his last name, has worked for Liberty Tax Service for four years, flagging down cars along San Mateo Boulevard near Constitution Avenue Northeast.

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Is the City Throwing the Rail Yards Market Under the Bus?

BY FRANCESCA STEVENS

Albuquerque's wildly popular Rail Yards Market Downtown may be a victim of its own success. At the behest of other event organizers, the City of Albuquerque is pushing the market to agree to a scaled-back schedule.

Despite a unanimous citizen's advisory board vote on Jan. 6 to leave the current schedule alone, the city appears set on its course.

"We don't have any final decision as far as a contract with the city," says market manager Alaska Piper, following the meeting. "We're asking the public and the community to be patient as we reach a decision. There's a lot of other details [regarding] scheduling that we need to work out and it's a very long contract ... so it's going to take some time."

'We need city officials to agree that even if they remain reticent in their support that they will at least refrain from actively blocking the creative evolution of one of Albuquerque's most treasured sites'

— Alaska Piper,
Rail Yards Market manager

Albuquerque Mayor Richard Berry's Chief of Staff Gilbert Montañó has called the market a "cool event," but proposed the market operate only on three Sundays of each month, pay \$900 rent per Sunday, operate one additional weekday each week and extend its season during 2015.

The market's organizers counter that's not a farmers' market work. Both farmers and market goers need certainty. Alternate weeks could lead to confusion, they said.

Run by the Barelás Community Coalition, a nonprofit group of volunteers, the market debuted on Sunday, May 4, 2014. Since then it has attracted about 116,000 visitors on the 28 consecutive Sundays that it opened its doors to local farmers, musicians, artists, and



P.J. Reynolds

The Rail Yards Market drew 116,000 people in the 28 consecutive Sundays since its opening May 4, 2014. The city is pushing to scale back the market's schedule in 2015.

various nonprofit organizations. It has generated some \$400,000 in local business revenue, Piper said.

The market had a two-year verbal agreement with the city to operate every Sunday at the Rail Yards from 9 a.m. to 3 p.m. Now, it looks like that agreement wasn't worth the paper it wasn't written on.

A decision may have been made at City Hall as early as November, shortly before Piper posted a plea for help on the Rail Yards Market's Facebook page:

"We were informed that if RYM wished to operate a 2015 season, the city would be raising the weekly revenue rental costs by 25 percent, cutting the number of hours we could operate and only allowing us to operate the market two Sundays per month. We were informed that these were non-negotiable terms."

Piper said the ultimatum was a slap in the face to the volunteers who brought the market to life. "This came as a shock," she wrote. "The real issue, however, is that despite a phenomenal first season ... the Rail Yards Market needs to grow, not shrink, in order to be a continued success."

She reported frustrating encounters with city officials including failed or greatly delayed attempts to install "semi-permanent public art at the site for market goers to enjoy," on-site storage, and Wi-Fi connections.

"We need city officials to agree that even if they remain reticent in their support that they will at least refrain from actively blocking the creative evolution of one of Albuquerque's

most treasured sites," she wrote.

The city renovated the site at a cost of \$1 million three years ago, transforming it from a place inhabited by vagrants into one of the most sought-after event venues in town. Montañó stresses that the space was created as an "event space – not necessarily specifically for the Rail Yards Market, but it somehow evolved into that." The city wants to make sure that everyone has a chance to use it for special occasions, he said.

"I'm bending over backwards to help them succeed, but, you know, we have an obligation, frankly, to the entire citizens of Albuquerque to provide this as an event space. It's not a market space. It's an event space that anyone can have the free option to utilize or rent," Montañó said.

Organizers were shocked at the Jan. 6 meeting when Montañó raised the possibility that other organizations might run the market. Piper responded, "We are competent and exemplary stewards of such a valuable community asset."

City councilman Isaac Benton, who represents the Barelás area said the Rail Yards Market is "absolutely a good thing for the city and we don't want to do anything to harm the market." He does say, however, that he has received some emails from people who believe that to alleviate "burn-out" at the market it may be a good idea to skip one Sunday a month.

Francesca Stevens is an Albuquerque freelance writer.

Local iQ Publishes its Final Edition

BY DAN VUKELICH

Michael Henningsen, long-time Albuquerque alternative newspaper editor, died last year. This month, the paper he co-founded nearly nine years ago put out its final edition.

The Local iQ, designed to fill a void between the Weekly Alibi and the city's daily newspapers, announced in mid-January that it was closing its doors.

"After much deliberation, we have decided to discontinue publishing Local iQ magazine after close to nine years of printing stories about all the wonderful things our city and state have to offer," Publisher Fran Maher Hopper told advertisers in an email.

In a separate email to this newspaper, Hopper wrote, "Kevin and I have a lot of other things we want to do and just can't seem to make time to work on anything but the paper. We wanted to build in some time and breathe a little."

The newspaper published its final edition on Dec. 26. It positioned itself as Albuquerque's intelligent alternative.

Dan Mayfield, an Albuquerque Business First reporter and friend of Maher Hopper and her husband, Kevin Hopper, called the decision to start the paper audacious.

"It's incredibly ambitious to start a new publication, and it's rare that one succeeds. Fran and Kevin created jobs, festivals, and an entertaining read. They're an ambitious, passionate, team and I think

a lot of us can't wait to see what they do next."

Mike English, the iQ's last editor, now working at Albuquerque Business First, was at the iQ for four years. "I feel like we tried to cast the arts, entertainment and cultural events in Albuquerque in a positive light," he said. "That was our guiding principle, and so the loss is a little bit sad. The media landscape is completely in flux these days. It's not the end of the world, but it's a sad moment."

Steven Westman wrote for the paper since its inception. He wrote travel and other pieces, and most recently had a column called "The Curious Townie," which was a take on what old-school journalist George Baldwin did for The Albuquerque Tribune, highlighting performances and events. Westman is a former Alibi staffer and a native of Albuquerque.

"It is a big bummer. I have been pretty proud of what we have been doing for the last eight and a



The Local iQ's final cover

half years. People keep telling me that print media is dying, but I keep telling them that it is not, and this is where we are.

"I was here when Fran started talking about it. Before they went into print, Kevin had an online magazine for about a year called The Dish, which was more food-related and he was putting in some of my travel stuff."

"Henny [Michael Henningsen] started the magazine with Fran, but within six months his heart wasn't in it and he got offered a job with the Fairgrounds and he left," Westman said. "But his stamp was always on it. Fran knew that when Crosswinds closed there was an opportunity for another magazine out there."

ABQ Free Press was in extended discussions with Henningsen, a former editor at

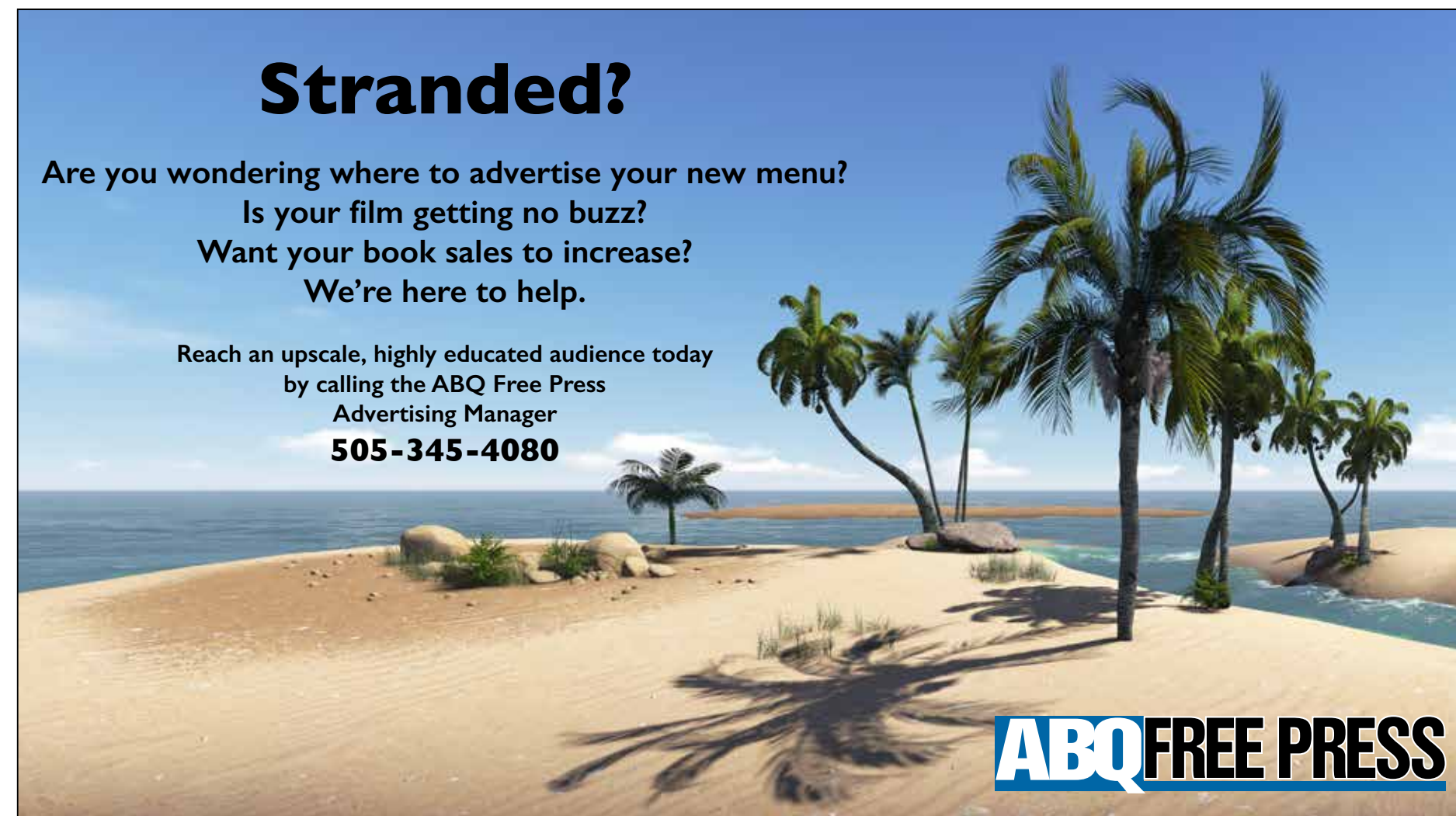
the Alibi, to become the editor of ABQ Free Press starting in the summer and fall of 2013, but he told us shortly before our first issue in last April that he could not take the risk of joining a start-up so late in life. He emphasized his need for healthcare. He eventually demurred and stayed at his job as marketing manager for Expo New Mexico. He died in May 2014, reportedly of heart failure.

ABQ Free Press Associate Editor Dennis Domrzalski contributed to this story.

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Battle over Payday Lending Looms at Legislature

BY DENNIS DOMRZALSKI

The opinions about New Mexico's storefront, low-dollar, high-interest-rate lending industry are about as opposite as can be.

To its critics, the industry is a vile business that preys on low-income, ill-informed and financially desperate people in an attempt to keep them in a long-term cycle of debt that brings the industry big profits – profits at the expense of society's weakest members.

To the industry and its defenders, it's a financial lifeline that helps keep individuals and families afloat by lending small amounts of money when no one else (banks and credit unions) will.

The issue is set for a knock-down, drag-out fight in the 2015 legislative session that starts Jan. 20, as critics try to rein it in and cap interest rates at 36 percent. Three pre-filed bills have already been introduced to do just that, and reform advocates say they'll be facing an army of lobbyists hired by the industry to stop them. The new political line-up at the Roundhouse is not on their side.

That 36 percent rate, industry supporters say, will drive it out of business and leave tens of thousands, if not hundreds of thousands, of New Mexicans in a credit desert without the ability to get short-term loans ranging to a couple of hundred to a couple of thousand dollars.

"If they cap it at 36 percent they might just as well outlaw small loans because nobody can do it," said Albuquerque attorney Donald Kochersberger, who represents FastBucks, an installment loan business in New Mexico. "There will be nobody in business, no question about it."

According to the New Mexico Financial Institutions Division, New Mexicans took out 369,000 short-term, high-interest loans in 2013. That's no surprise, considering there are more storefront loan offices than fast-food franchises in our state.

Expensive money

Short-term loans from storefront outfits are generically known as "payday loans" but that particular loan is just one of many types that come with annual interest rates of up to 1,147 percent. Included in the overall category are installment, car title, unsecured and tax refund loans.

All are marketed as short-term loans that help borrowers over a financial rough spot. Critics say the loan companies use deceptive practices that keep borrowers from knowing the true cost of loans that likely will keep them in a constant cycle of debt.

"There are a lot of lenders who say they are not payday lenders, but they are still lending at 500-700 percent per year," says attorney Karen Meyers, who until Dec. 31 headed the Consumer Protection Division of the New Mexico Attorney General's Office.

"There is a huge myth that it is good to give people loans if they don't have enough money to cover the loan," Meyers said. "The [truth] is that it helps people to be in debt when they don't have enough money to live on in the first place. People who take out these loans, by and large, the data



A Fast Bucks title loan store on Fourth Street Northwest, north of Griegos lies just doors from a Cash 4 Titles store. In all, there are more than a half dozen payday or title loan stores on Fourth between Menaul and Montaño.

show, live paycheck to paycheck.

"What happens to these people is they end up in long-term indebtedness; they have increased bankruptcies; they are unable to pay their bills because they are robbing Peter to pay Paul. You end up putting people into long-term debt."

The long-term indebtedness occurs when borrowers can't afford to pay back their original loan because of the high interest rates and then take out second, third or more loans in an effort to keep from defaulting, Meyers said. In general, 70 percent of those lenders' profits come from those additional loans, she said.

The loan companies generally don't do any financial underwriting or checking the ability of a person to repay the loan, Meyers said.

University of New Mexico law professor Nathalie Martin has studied the storefront lending business since 2008 and has written about it for national publications. She supports a 36 percent cap and says the storefront lenders deceive borrowers and want to keep them in long-term debt.

"They make it look so easy, and getting the loans is so easy because they don't check credit or otherwise determine your ability to pay," Martin said. "It seems like a dream come true, and then when you try to pay it back it becomes a real nightmare."

"If they want to help people, why don't they drop the rates to 100 percent or 80 percent? They can still make a profit. I don't think they are helping people; they are helping themselves."

Marvin Ginn is the executive director of Native Community Finance, a nonprofit that helps Native Americans get out of what Ginn openly calls predatory loans. Since 2007, the organization has helped

Who Takes Out Title Loans?

"The first group are folks that are either in small businesses or self-employed – carpenters, plumbers, drywall guys, landscapers – and they'll come to us and take out a loan on a truck for a couple of thousand dollars and use it until they get paid by customers," according to Bob Reich, president of Community Loans America. "They represent about 30 percent of our customers."

"The second group are people who have very low credit scores and who don't have access to credit at a depository institution," he said. "They don't even have access to credit at some of the smaller lenders," like traditional installment lenders.

"The third group," Reich said, "are people who are not homeowners. If you don't own a home the next largest asset you probably have is a free and clear vehicle."

around 400 people get out from under high-interest loans by paying off those loans and getting them into cheaper loans.

"This is a way that companies keep people in poverty," Ginn said. "The highest loan that we have refinanced was at 1,019 percent. We always have people coming in with predatory loans. It is almost constant."

Getting people out of those 1,000 percent loans

PAYDAY LOANS, PAGE 8

isn't always easy. Ginn recalls what happened about a year ago when he tried to pay off a loan for a customer at an Albuquerque storefront lender.

"I sent them a check to pay it off and they sent it back saying they did not accept checks as payoffs," Ginn explains. "Then I sent them a money order and they wouldn't accept that. I finally had to take cash in to pay off that account. Their whole business plan is to keep rolling these things over and to keep them in debt. They don't want people to pay them off."

Unconscionable practices and interest rates

In June 2014, the New Mexico Supreme Court, in a case against two storefront lenders – Cash Loans Now and American Cash Loans – ruled that their practices were "unconscionable" under state law.

One man took out a \$100 loan from the defendants and wound up paying a finance charge of \$991.71, or 1,147.14 annual percentage rate (APR), the court found. A woman had a loan of \$200 and wound up with a finance charge of \$2,160.04, also a 1,147 APR.

The court cited borrowers' ignorance and lenders' willingness to take advantage of that ignorance.

"There was substantial evidence that the borrowers lacked knowledge, ability, experience, or capacity in credit consumption," the Supreme Court said in a written opinion, adding that the signature loans the two borrowers received are primarily given to people who are unbanked or underbanked, terms for people without bank accounts and people with minimal interaction with banks – a checking or savings account only.

"Behaviorally and cognitively, unbanked and underbanked New Mexicans exhibit heuristic biases that work to their detriment," the court said. "They exhibit unrealistic optimism, or fundamental attribution error, meaning that they overestimate their ability to control future circumstances and underestimate their exposure to risk. Thus these borrowers have unrealistic expectations about their ability to repay these loans."

"There was substantial evidence that defendants took advantage of borrowers' deficits," the Supreme Court found. "Defendants directed their employees to describe the loan cost in terms of a misleading daily rate. Employees were instructed to tell customers that interest rates are typically 'between \$1 and \$1.50 per day, per \$100 you borrow.' Defendants also

instructed their employees to withhold amortization schedules from customers."

The interest rates were "unconscionable," a legal term of art, because the "loans are objectively low-value products and grossly disproportionate to their price," the court said.

The court rejected the defendants' argument that their loans increased in value in direct proportion to how desperate the borrowers were for cash, saying, "Hypothetically, a high-cost loan could violate the statute [Unfair Practices Act] if a person borrows money for betting on blackjack, whereas the same high-cost loan to a single mother who needs to feed her children could not violate the statute because the 'value' that mother receives would be high compared to the price of the loan."

"Under that erroneous reading of the statute, consumer exploitation would be legal in direct proportion to the extent of the consumer's desperation: the poorer the person, the more acceptable the exploitation," the court wrote.

A credit desert

Capping all small loans at 36 percent would simply force the small lending industry in New Mexico out of business, industry supporters argue. The demand for those loans wouldn't go away. Instead, the void would be filled by unlicensed, back-alley lenders, they say.

In simple terms, people who use storefront lenders, whether they be title or signature or installment lenders, usually can't get credit anywhere else, either because they don't have bank accounts or because their credit scores are bad, industry officials say. FDIC data show that about half of people between 18 and 24 are unbanked or underbanked. Ironically, the unbanked or underbanked population became so in order to flee fees and overdraft charges they incurred in bouncing checks.

Outlawing or driving off the storefront lending industry will leave these people marooned with no access to credit whatsoever, the industry says. "It will create a credit desert and that is not good for anybody," said Andrew Morrison, executive vice president of Brundage Management Co. Inc., which operates several Sun Loan Company stores in New Mexico.

"Do you want storefront lending that is licensed and regulated by the state, or would you rather have it in a back alley where they aren't regulated at all?"

Some in the banking industry agree. Even if banks wanted to make the type of small-dollar loans that the storefront lenders make, they really can't because federal banking regulators won't let them, said Jerry Walker, president and CEO of the Independent Community Bankers Association of New Mexico.

Storefront Lending in New Mexico in 2013; loans over 175 percent APR

Total dollars lent.....	\$242 million
Interest and fees paid	\$105 million
Average APR	350 percent
Vehicles repossessed	2,273
Total loans	369,000
Total stores	685
Out-of-state ownership	80 percent
are national chains	

Source: New Mexico Attorney General's Office, New Mexico Regulation and Licensing Department, Financial Institutions Division website.

Costs of Actual Loans from Storefront Lenders

Amount borrowed	\$100
APR	1,147.14
Total finance charge	\$999.71
Amount borrowed	\$200
APR	1,147.14
Total finance charge	\$2,160

"Our banks just don't make those kinds of loans, the regulators would be all over us," Walker said. "Unsecured credit is not looked kindly upon by regulators."

Nor are \$200 or \$300 loans, Walker said. "It costs as much to book a \$150 loan as to do a \$10,000 loan, and if you start adding up the costs and the fees to satisfy the regulators, it's just not there," Walker said.

Bob Reich, president of Community Loans of America, a title loan company with 18 stores in New Mexico, says his company closed 25 stores in Oregon in 2001 when that state capped small loan interest rates at 36 percent. It shuttered 60 stores in Florida for the same reason.

"Just because you take away the supply of money for loans, the demand does not go away," Reich said. "And if that demand is not satisfied by legal means, it will be satisfied by illegal means."

Not exactly money machines

While they charge high interest rates, storefront lenders say they're not making excessive profits.

FastBucks was sued in 2009 by the New Mexico Attorney General's office for making unconscionable loans. At trial, the firm's expert witness testified that in the two loans that were part of the lawsuit, the firm made an after-tax profit of around 11 and 13 percent.

In that case, Santa Fe District Court Judge Michael Vigil ruled that the firm's installment loans were unconscionable. Sun Loan's Morrison says the firm's profit margins weren't that high, although he did not give an exact figure.

"To break even in a payday loan office you need 150 accounts. In our office you need 750," Morrison said, reasoning that enough performing loans are needed to make up for losses from nonperforming loans.

PAYDAY LOANS, PAGE 8

Reich, the title loan executive, said the title loan industry makes between 18 and 22 percent return on investments. "Like banks, we make a little money on a lot of small loans," Reich said.

"The loans have to cover enough to pay for losses, pay for operating expenses, the cost of the money, healthcare for employees and provide enough money for us to consider investing our money."

Not as simple as it sounds

Five years ago, Guadalupe Credit Union in Santa Fe decided to try to compete with storefront lenders by offering similar-sized loans at lower interest rates to help get people out of the grip of the high-interest lenders, said Guadalupe CEO Winona Nava.

So it offered short-term loans with an interest rate of \$12.50 for every \$100 borrowed. The deal, with generous repayment provisions, was offered on loans to anyone who walked in the door.

The results were just short of disastrous. Guadalupe's walk-in program had default rates in the high teens. In 2012 the credit union lost 47 cents for every \$100 it lent under the program. That was in contrast to a default rate for all of the credit union's loans of only about 1 percent. Guadalupe's default rate of between 5 and 6 percent for its credit-challenged traditional borrowers seemed like peanuts by comparison.

In May, the credit union changed the program so that only someone who signs up to be a member and

takes financial literacy counseling can qualify. The interest rate is 21.9 percent and \$500 is the maximum amount a person can borrow, Nava said.

It's too early to tell whether the new program will fare better than the failed experiment, but the experience taught Nava that it isn't easy or cheap to do short-term, low-dollar loans.

"I do agree in what they [storefront loan businesses] say is that someone has to do these loans," Nava said. "We are trying to do something about it but it is really difficult. I'm not entirely sure that 36 percent is enough."

"Ours are non-recourse loans, which means there is no personal liability. In the event of a default we look strictly at the collateral. There are no aggressive collection techniques. We don't take people to court, we don't garnish wages," Reich said.

"In well over half the cases we don't even do that;

The payday lending industry has grown dramatically in the past 25 years, but the growth has slowed recently.

Number of U.S. payday locations:

1990.....	500
2000.....	7,000 to 10,000
2006.....	24,000
2015.....	22,000

Number of Americans with payday loans.....	12 million
Amount of outstanding loans.....	\$27 billion
Number of New Mexicans with short-term loans, 2013.....	369,000
Number of high-cost lending offices in New Mexico.....	685
Number of chain fast food restaurants in New Mexico.....	405

Sources: Center for Responsible Lending; Manta; Steve Fischmann, New Mexico Fair Lending Coalition; New Mexico Financial Institutions Division

we just write it off, and the reason for that is that the average age of the cars we finance is in the 8- to 12-years-old range, and the single largest reason for default is the mechanical breakdown of the vehicle." Reich said the firm's national default rate is 15 to 17 loans for every 100 loans it makes.

"The actual taking of vehicles is six to eight vehicles for every 100 vehicles," he said.

COLUMNS

Like it or Not, Right-to-work Is on 2015 Roundhouse Menu

BY JOE MONAHAN



Why has the relatively obscure issue of right-to-work become the be-all and end-all of the 2015 legislative session? Several factors have pushed the anti-union measure to the fore, not the least of which is the need of her handlers for national political positioning of Republican Gov. Susana Martinez.

Soon after their historic November takeover of the state House, Republicans began fretting about their crazy aunt in the basement.

She's the one who wants to ban gay marriage, late-term abortion, loosen gun-control laws and who doesn't believe in climate change. All are positions that are entirely out of step with majority New Mexico opinion but are embraced by a strong majority of Republicans.

There would be no quicker way for the governor and the newly empowered GOP to alienate the state than to allow those crazy-aunt issues to dominate the prelegislative debate.

That was the cue for the governor's advisers. Among the first bills prominently filed by GOP legislators were right-to-work bills. They attracted plenty of news coverage and signaled to the public that this, not the divisive social issues, would be the premier issue of this session.

In a right-to-work state, you have the right to decline joining a union and you cannot be required to pay dues to the union unless you choose to join. For all its importance as a GOP rallying cry, experts in selecting locations for businesses say such a law is no longer relevant. Only a minuscule 4 percent of the state's private labor force belongs to a union.

But even Albuquerque Republican Mayor Berry, who has the same political adviser as the governor, got into the act by conducting a news conference with the Greater Albuquerque Chamber of Commerce to tout right-to-work as a cure for the state's economic ills.

So, the crazy aunt in the basement has been handcuffed. Longtime social conservative Republicans have been silenced – content to buy into the argument that if the lightning rod issues were unleashed, it would endanger the GOP's future grip on the state House as well as on Martinez's national reputation and hopes for higher office.

She won't be able to walk into the national limelight if she comes out of the 2015 session with nothing substantive.

Hollow as its effect will be in New Mexico, seizing on right-to-work strengthens her with base Republican voters even as she ignores their most emotional issues.

On this point, take note of how U.S. House Speaker John Boehner punished Tea Party Republicans who rebelled against him. Boehner can read the tea leaves. He knows legislative progress is the key for the GOP in 2015-2016, not shutting down the government, again.

As for the legislative history over right-to-work, it passed the Legislature twice in the early 1980s only to be vetoed by Democratic governors. This time it has a shot of getting to Martinez's desk for her signature. The Republican-controlled House is a no-brainer. The bill passes there, then heads to the Senate where the Republicans can be expected to vote unanimously for the bill. All they'll need is four conservative Democrats to join them to get the win.

The crazy aunt in the basement has been handcuffed. Longtime social conservative Republicans have been silenced

If Martinez prevails on right-to-work, it will be one of her few legislative accomplishments. If it fails, you can bet she'll blame the lack of economic progress on the Senate Democrats, all of whom face re-election in 2016.

Speaking of which, it seems the wind is completely out of the sails of the forlorn New Mexico Democratic Party after the disaster delivered to it by the gubernatorial candidacy of Gary King and its loss of the state House.

Even national labor unions so far have shown little interest in tangling over right-to-work here. They spent millions to try to keep the state House out of GOP hands and failed. They and other traditional Democratic interest groups seem spent, out of gas.

The governor and her political minions have been able to shape the prelegislative debate in a vacuum and to their liking, just as they did going into the general election. Going into the session, it is they who have the momentum.

Joe Monahan is a veteran of New Mexico politics whose daily blog can be found at joemonahan.com

Speaking the Language Of Hookers and Mongooses

BY EFRAIN VILLA



"Oh, go deep!" she moaned in ecstasy. The heavy African bass tones of her breathy voice reverberated in a crescendo of insatiable demands. "You must go deeper. Oh, yes! Deeper!!!"

I knew what was coming, so I jumped out of bed, straight through the mosquito net, and ran into the room next door to see if I could catch the best part. Four thin, dark men of the Kalenjin tribe sat transfixed in front of a television on the wall of the small hotel lobby.

On the screen, a Beyonce look-alike tightly shut her brightly colored eyelids and quivered her lower lip as she pumped her fists in the air. "That is how we must live in 2015," she proclaimed to a studio audience. "We pledge to go deeper in our lord and savior."

Surprise, both pleasant and unpleasant, has been an ever-present part of my travels here. Last week, while on a Nissan matatu stuck in the congested Nairobi traffic, my new friend looked out the window and asked, "Do you have hookers in the U.S., too?"

"We have tons," I replied. "Personally, I'm for legalization. Live and let live." I looked out the window to try to get a glimpse of the specimen prompting her question, but I missed my chance when an extremely rare incident occurred: Our matatu gained enough speed to shift to second gear, in mid-rush hour no less!

"It's illegal here, too," she told me. "Sometimes officials will raid their street corners and launch pepper spray." She paused, fidgeted with the matatu receipt in her hand, and whispered, "They even destroy their goods with sticks."

"No way!" I exclaimed in disbelief. My mind flashed to a slow-motion montage featuring scampering hoards of fishnet stocking-clad ladies of the night fleeing in a panic, trying to hide their "goods" lest they be "destroyed" by overzealous moralists.

"That's so sad," I said in earnest. "In my city, Albuquerque, we have problems with violent cops, too, but they don't destroy anyone's – ahem – goods. They do shoot people, though."

My friend's eyes opened wide, and she bowed her head and stared at her knees for a long time. "I'm sorry," she finally said. "We see how violent your country is on our news."

"It's not so bad," I assure her. "Cops in my city seem to mostly target mentally ill

people and the homeless, so for now, I think I'm in the clear."

She takes a moment to reflect. "I guess it is not so bad here now. When I was young, people could not congregate with friends or even family. The tribe in political power was paranoid of 'kuranda randa'; it means 'those walking with bad intentions.'"

"Like in the U.S.," I tell her. "The tribe who took control of our government this year in the midterm elections is also very paranoid. In their language, they refer to kuranda randa as 'people of color,' among other names."

In my city, Albuquerque, we have problems with violent cops, too, but they don't destroy anyone's – ahem – goods

Once we were out of Nairobi, the matatu driver stopped for a bathroom break and to gas up. "Are you hungry?" my friend asked me.

"Of course, I eat like a Luhya, remember?"

"Have you tried mongoose? The hookers here sell them," she said without a hint of irony.

Now, I am not a person to be easily shocked by foreign food or customs. In Vietnam, I swallowed a beating snake heart in a shot of rice wine. On the border of India and Bangladesh, I ate live beetles that tasted like chili. But to be able to one day begin a story with: "So there I was in Africa talking to the hooker serving us mongoose ... mongeees ... mongooses. ..." It was like I had died and gone to National Geographic.

"Yes!" I yelled. "I'll grab my camera!" My friend was visibly shocked by my enthusiasm.

She led me to an old man resting on a crate. He certainly did not look like any hooker I had ever seen, but I tried to not let that dampen my excitement over my first taste of mongoose.

They exchanged Swahili words and Kenyan shillings, and he handed her a black, lumpy, plastic bag.

I wondered how many were in there.

"The mongoose from old hookers are better," she said handing me a mango.

"Oh, mangoes ... and one who hocks ... or sells," I said, hiding my disappointment.

Accent-induced surprises are the worst.

Reach Efrain Villa through his website, wanderingvagabond.com

NEWS

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Four Issues Will Test Claims of Bipartisanship

BY JERRY ORTIZ Y PINO



Judging from comments each made during their respective inauguration ceremonies, Gov. Susana Martinez and Attorney General Hector Balderas are calling for setting aside partisan divisiveness during the 2015 legislative session. The serious problems facing the state, they say, require stopping the party bickering if we are to have any chance of effectively confronting them.

This is, by my reckoning, the fifth annual call for bipartisanship from our governor, though the first to occur when her own party controls one of the legislative houses. None of the previous such calls proved to be anything more than words.

Actual bipartisanship requires both parties to work on a joint agenda – not for one side or the other to cave in. In the past, the governor has not shown much interest (beyond the rhetoric of her State of the State addresses) at sitting down and working on compromise. What worked as a prosecutor in Doña Ana County hasn't proven fruitful in the Capitol.

Nor will bipartisanship be found in Martinez's familiar agenda of "education reforms," drivers' license elimination for undocumented workers, finding new ways to keep additional prison cells filled and yet more tax reductions and incentives for big businesses.

And because the Republican-controlled House of Representatives effectively inoculates Martinez from having to deal directly with any legislation based on progressive or Democratic values, 2015 could prove to be yet another barren year in the search for bipartisanship.

But there is hope on four specific issues. It would be hard to imagine a governor who calls for bipartisan approaches deciding to veto any of these measures if they have broad support in both houses.

First, put a cap on predatory loans. Neither political party has a stake in continuing the awful exploitation of our poorest citizens by out-of-state moneylenders. The high interest rates they charge hold people in indentured servitude for years – until bankruptcy or death offer mercy. The bottom line impact on our state of this industry is that profits sent to loan companies' headquarters are unavailable to buy goods and services right here at home, where it could stimulate local business. Second, stop jailing so many young

people. Even far-more conservative states than ours (Texas, for one, believe it or not!) have realized the insanity of building prisons and filling them with young people guilty of relatively minor and frequently victimless offenses. Diverting petty offenders from jail or prison is both socially reasonable and fiscally sound.

An interim task force, one with strong bipartisan support, has been working on ways to keep our youth out of jail. Its recommendations ought to be acted on quickly by both houses.

Neither political party has a stake in continuing the awful exploitation of our poorest citizens by out-of-state moneylenders

Third, get more students into college, and graduate them. Forget all the talk about our "unfriendly business" policies being the reason why companies skip over New Mexico. The biggest hurdle we face is our underprepared workforce, which makes us unattractive to high-tech and manufacturing companies. Without those companies, when our young people do graduate, far too many must leave the state to find work in their fields.

On this point, both parties agreed on a temporary fix to the lottery scholarship issue. It needs to be stabilized permanently. The cooperation it took last year to find an answer could make a permanent fix easier now.

Fourth, overhaul the behavioral health system. We are spending more on behavioral health and getting less benefit now than ever. How we got here is best left to the courts and history. The job at hand is to meet the needs of our now-underserved population of mentally ill, alcoholic and addicted people. A package of measures endorsed by the Legislature's Interim Health and Human Services Committee, with support from Democratic and Republican legislators, and shepherded through the legislative process by Las Cruces Democratic Sen. Mary Kay Papen, a leading reform advocate, would be a good first step.

After the 60-day session convenes, let's see how the four issues I've highlighted are doing by the third week of March, as the session draws to a close. That will be the measure of bipartisanship. Actions will speak louder than words.

Jerry Ortiz y Pino is a Democratic state senator from Albuquerque.

Say No to Secrecy in Government

BY THE LAS VEGAS OPTIC EDITORIAL BOARD

Editor's Note:

In this issue, independent journalist Peter St. Cyr lays out how New Mexico's Inspection of Public Records Act can be a powerful tool for regular folks who want to know how their tax dollars are spent, how their communities are policed and how elected officials make those decisions.

Which is why we were concerned when we came across this Jan. 4 editorial in the Las Vegas Optic. The newspaper lays out an effort being led by New Mexico Highlands University to roll back the law during the 2015 Legislature to allow secrecy in the hiring of university personnel.

– Dan Vukelich, Editor, ABQ Free Press

When the Legislature convenes for a new session in a few short weeks, New Mexico Highlands University and the state's other universities will likely be lobbying lawmakers to pass a new exemption to the New Mexico Inspection of Public Records Act.

Under current state law, applications submitted for public jobs are public records, meaning that if you want to know who applied for the superintendent's job in your school district, you need only submit a request in writing to the school district and the district is required to show you the applications.

In a state like New Mexico where high-paying jobs are tough to come by, exempting job applications from disclosure could open the door to cronyism

The only applications currently exempted from disclosure relate to those submitted for college and university president jobs in New Mexico. And even then, state law mandates that colleges and universities disclose the names and resumes of no fewer than five finalists at least 21 days before a new president is hired.

At a regents' meeting in December, Highlands President Jim Fries told the board that the Council of University Presidents would be pushing for a change to the state's open records law

to limit public access to applicant files.

Fries told the board that there have been instances where "highly competitive candidates" have backed out because institutions haven't been able to promise confidentiality. Fries alluded to such positions as the all-important athletic director jobs. Limiting the public's access to applications for taxpayer-funded jobs is a bad idea. We are appalled by President Fries and the other university presidents who are pushing for the change.

This is an outright assault on the public's right to know, and we urge state lawmakers and the governor to reject the proposal.

Why should you, as a taxpayer, care about this issue? Because if the



Council of University Presidents succeeds in limiting your access to applications, there will be no way for us to know whether the best person got the job. What's to stop university officials from hiring their

friends and relatives for high-paying jobs and telling us that they were the best candidates?

If applications are exempted from disclosure, accountability will go out the window. Even if there's a mandate for the applications of finalists to be disclosed, there is no way to ensure that university officials wouldn't weed out the best candidates and place their preferred candidate up against duds in the finalist round to make it look as if the highest qualified individual was hired.

In a state like New Mexico where high-paying jobs are tough to come by, exempting job applications from disclosure could open the door to cronyism, and that is simply a problem we do not need.

We have a proposal of our own for President Fries and the state's other university presidents:

When they start using their own money to pay the salaries of the people they are hiring, then they can keep the names and resumes of applicants secret. Until then, we, the taxpayers, deserve to know who is applying for these jobs and whether the person hired truly was the best qualified.

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How to: File an IPRA to Get Public Information from Local, State Governments

BY PETER ST. CYR

For decades, people have relied on ink-stained wretches of the press to provide them with information about their government. News stories have swayed popular opinion and impacted public policy. Information revealed in secret recordings even led to the resignation of a U.S. president.

But increasingly, advocacy groups, neighborhood groups and individual citizens are getting the same information on the inner workings of government, thanks to robust public-records laws that put the public's right to know over government's desire to operate away from the glare of the public spotlight.

Getting to the heart of an issue in your neighborhood – say, the number of complaints filed against a property owner, pollution enforcement records, police reports – using government data is something any person in New Mexico is empowered by law to do, thanks to our state's especially strong public-records act.

'Without access to public records and public meetings, the First Amendment has no meaning'

– Susan Boe, executive director of the New Mexico Foundation for Open Government

The New Mexico Inspection of Public Records Act (IPRA) requires that the public have access to most records in government files. Only specific, narrowly worded exemptions in the law allow withholding of some types of records, such as health records, personnel evaluations, terrorism response plans, and matters that would reveal confidential police sources, for example.

Outside of those and a few other exceptions, courts have found that New Mexico's records act applies to government officials' emails, police lapel camera and dash camera video, and – in one notable case – to the records of a district attorney's investigative records into the death of Billie the Kid and whether he actually is buried in Fort Sumner.

But there are reams of data that allow citizens to find out what's going on inside government affecting local neighborhoods, including records that might alert citizens to unsafe schools or nursing homes in their community. Much, if not most, of the state's public records are available in digital form.

Medical reporter Bryant Furlow relies on provisions in the New Mexico's IPRA to help him get stories, especially when bureaucrats are reluctant to discuss specifics because they fear job retaliation.

Public documents, Furlow said, help him



A bill expected to be introduced during the 2015 Legislature would weaken the state's Inspection of Public Records Act to allow state universities more confidentiality during hiring. An op-ed on that effort appears on Page 12 of this issue.

distinguish political rhetoric from reality. Internal emails, for instance, can reveal discrepancies in public statements and the actual record.

"IPRA is the most valuable tool in my kit. It's a lock pick, a lie detector, a shield for my sources," Furlow said. "Sometimes you obtain a smoking-gun memo or email showing that an official did precisely the opposite of what he or she has publicly claimed or testified."

The New Mexico Foundation for Open Government is an aggressive advocate of public records. Executive Director Susan Boe said government secrecy is "the hallmark of a totalitarian society." "Without access to public records and public meetings, the First Amendment has no meaning. The original purpose of the First Amendment was to allow criticism and oversight of government and our public officials," Boe said.

Without access to information, Boe wonders how citizens can seek redress from their government and challenge what government is doing in their name.

Tom Johnson, regional director of the Society of Professional Journalists, agrees. He said it's "sad and surprising that more citizens don't request public records."

Government employees, Johnson said, often don't have the time to analyze all the information they have on hand. He spends months traveling around the globe each year training people how to leverage information to build better communities.

"When people know how to access information, they become watchdogs and have more influence on policy," Johnson said. "It shouldn't just be journalists doing this."

It's simple: The more access the public has to government records, the more accountable it becomes to its citizens. After all, in America, we are supposed to have a "government of, for and by the people."

We already own the information. So go get it.

Peter St. Cyr is an independent journalist in Albuquerque. Reach him at peter.stcyr@gmail.com

Here are five steps to help you navigate the bureaucracy and get the information you want.

- Start with a review of the New Mexico Inspection of Records Act compliance guide. It's provided online at the New Mexico attorney general's website. It's good to know what you can and can't ask for, including exemptions for items protected by privacy statutes, such as individuals' medical records. If a record isn't specifically exempted from disclosure, the presumption under the law is that it must be disclosed.

- Before you write your request, conduct an online search. Most agencies have a good description of the records they keep and some are already available on the Internet. An advance search can reveal sample forms that agencies use to collect information. Knowing what type of data is collected allows you to better define your search. Keep in mind, agencies are allowed more than 15 days to process records requests once they determine your request is too broad or burdensome.

- Determine the name and address or email address of the public records custodian at the agency you want to request information from, and then give that person a call. The City of Albuquerque, for example, has all custodians listed by department on the city's website. Many custodians will provide helpful advice and suggest records that may be readily available. Also, ask what they charge to process your request. Many agencies charge between 25 cents and \$1 per page. If you don't have a big budget, state law allows you to schedule a meeting and to inspect the records at no cost. Many electronic records are available on CD-ROM or DVD, which can reduce the cost further and allow efficient review using keyword searches, for example.

- Visit New Mexico Foundation for Open Government's website to download a sample records request letter, and then customize it for your needs.

- Be prepared to pursue your records if your request is denied. Public records custodians must reveal who made the decision to withhold information and must provide a legitimate reason for the exclusion. Some records will be redacted. If you find big black marks across the information you get, demand to know what was blacked out and why. If you believe the records should be made available as is, unredacted, you can contact the Attorney General's Office for assistance. Enforcement of IPRA is usually up to individuals, so be prepared to hire an attorney to file a legal complaint. If a court rules in your favor, the judge will order the documents released and often award attorney fees. The judge also can impose up to a \$100 per day penalty for each request going back to the date of your original request. If your request is rejected, also contact the New Mexico Foundation for Open Government. The staff there cannot offer legal advice but is willing to discuss individual scenarios.

NEWS

Meet the Legislative Council Service, the People Who Write Our Laws

BY DEDE FELDMAN

Tucked away on the top floor of the Roundhouse in Santa Fe is a warren of offices humming with activity familiar to every legislator but largely unknown to the general public. It is the home of the Legislative Council Service (LCS), the year-round staff of New Mexico's citizen Legislature. There, lawyers, researchers, proofreaders and others draft bills, memorials, resolutions, and capital outlay requests for the coming legislative session.

Until 1951, part-time legislators, who had no staff and no salary, relied on lobbyists, lawyers, advocates or sometimes the attorney general to write their bills

The days right before the 2015 session convenes on Jan. 20 are especially busy for the LCS. Interim committees on water, education, health, human services and other subjects have just wrapped up, and there are summaries to write. Bills endorsed by various committees must be finalized for introduction. Training for temporary staff and new legislators must be completed. Drafters are in constant meetings with individual legislators, on the phone or in person, helping them to shape their ideas – big or small – into proposed laws.

"The LCS is completely indispensable," said Fred Nathan, lobbyist and director of Think New Mexico. "They are very professional and do an excellent job." Albuquerque Democratic Sen. Cisco McSorley, a veteran of both the Senate and the House, calls them "critical" to the process. Santa Fe Democratic Sen. Peter Wirth says they have become "the de facto support system for the whole process."

In New Mexico, as in other states, only legislators can introduce bills. Until 1951, part-time legislators, who had no staff and no salary, relied on lobbyists, lawyers, advocates or sometimes the attorney general to write their bills. Then, as part of a national wave of legislative reform, the LCS was created as an independent, nonpartisan, centralized agency to serve both the House and the Senate.

"Larger states have full-time staff for both the Senate and the House, and often it's partisan staff, but in the West, where we have part-time legislatures, we are different," said Paula Tackett, who served as director of the LCS for 23 years.

Tackett believes that two of the most important features of the LCS are that it is nonpartisan – and confidential. Both Tackett and Raul Burciaga, who has been LCS director for four years, say staffers are trained to leave partisan feelings at the door.

"We work for everyone, all parties, all factions, regardless of their leadership or nonleadership posts," Tackett said. "We are required by law not to disclose (bill) requestors to other legislators, or anyone."

Burciaga says that staffers at the LCS have gained valuable experience over the years in how proposals might fit in or conflict with New Mexico law and the New Mexico Constitution.

Staffers will open a file and draft any bill a legislator requests. They try to make the best bill possible from any request. Conversations between legislators and staff are confidential, which leaves lots of room for give and take.

For example, Burciaga said, someone might want to regulate a commercial activity that actually is the purview of Congress. The LCS would point that out. But legislators are free to take their advice or leave it.

Sometimes, legislators choose to leave it. National groups such as the National Conference of Insurance Legislators (NCOIL) or the American Legislative Exchange Council (ALEC) regularly provide their members with model bills to introduce in their state legislatures. Often, these bills are driven by an ideological one-size-fits-all approach and may conflict with or duplicate existing state law. Lobbyists or advocates also may insist that "their" legislation remain intact.

The LCS marks unmodified bills with the initials A.I. for "As Is" at the bottom of the first page. Bills that have been left substantially the same but have been cleaned up to meet New Mexico style are marked M.S. ("Minimal Style"). In recent years, fewer than half a dozen bills, out of more than 2,000, have born either set of initials, Burciaga said.

"The council service really saves legislators from themselves, from ALEC and other out-of-state groups," McSorley said. Think New Mexico has lawyers who draft a bill for a legislative sponsor to introduce, but the LCS always finds things and improves the bills, Nathan said. "They have a simple and straightforward style that many states don't," he said.

"The LCS is a backstop," Wirth said. "When you have 112 part-time legislators introducing bills addressing the same section of the law, you have to have an entity to ensure that the changes proposed are constitutional and consistent." Wirth is one of the 112-member Legislature's 15 lawyers.

"As long as it remains a voluntary, unpaid legislature, LCS will remain very important," Burciaga said. The LCS's stability and consistency during its 63-year history have made a big difference, too, he said. The group has had only three directors during that time – Clay Buchanan, Tackett and now Burciaga.

Each director has made a lasting contribution outside of the drafting of bills and keeping the committees humming. Buchanan personally planted the landscaping surrounding the Roundhouse, and Tackett focused on showcasing the state's culture and art there, starting the Capitol art collection.

Conversations between legislators and staff are confidential, which leaves lots of room for give and take

Burciaga said he hopes he'll be remembered for protecting the institution and ensuring that legislative power is not ceded to a strong executive. "The Legislature is the only thing standing in the way of totalitarianism," Burciaga said, quoting another renowned LCS staffer, Dick Folmer.

Dede Feldman is a former state senator and author of the book, "Inside the New Mexico Senate: Boots, Suits and Citizens."

Martinez Stakes Out Legislative Priorities

ABQ FREE PRESS STAFF

Right-to-work, a \$50-million economic development closing fund and continued education reform will drive her agenda in the coming legislative session, Gov. Susana Martinez said.

All three are keys to diversifying the state's economy away from its dependency on the federal government, Martinez said during a speech in Albuquerque.

"Every person should be able to choose for themselves whether they want to belong to a union," Martinez told the audience Jan. 8 at the Greater Albuquerque Chamber of Commerce luncheon. "We need to make New Mexico as open to new business and job creation as possible."

Martinez also said she will push to increase the state's economic development closing fund from \$15 million to \$50 million.

"This is a bipartisan recommendation from lawmakers earlier this year," she told the crowd.

The governor also said she would work to increase the size of the state's job training fund, although she did not specify a dollar amount.

'It is fundamentally wrong to require membership [in a union] to get a job or work'

– Martinez

Calling infrastructure "the foundation of commerce," Martinez said the state needs to invest in major highway

projects in every corner of the state. But educational reform and teaching children how to read is the key to economic development, she said.

"The underpinning of an economy is how well we educate our children," Martinez said, adding that once again she will push for an end to social promotion, the policy of passing students to the next grade even though they can't read at grade level.

"We must have an unyielding commitment to educating our children," Martinez added.

In speaking with reporters after her speech, the governor reiterated her commitment to passing right-to-work legislation.

"No individual should be forced to be a member of an organization in order to work," Martinez said.

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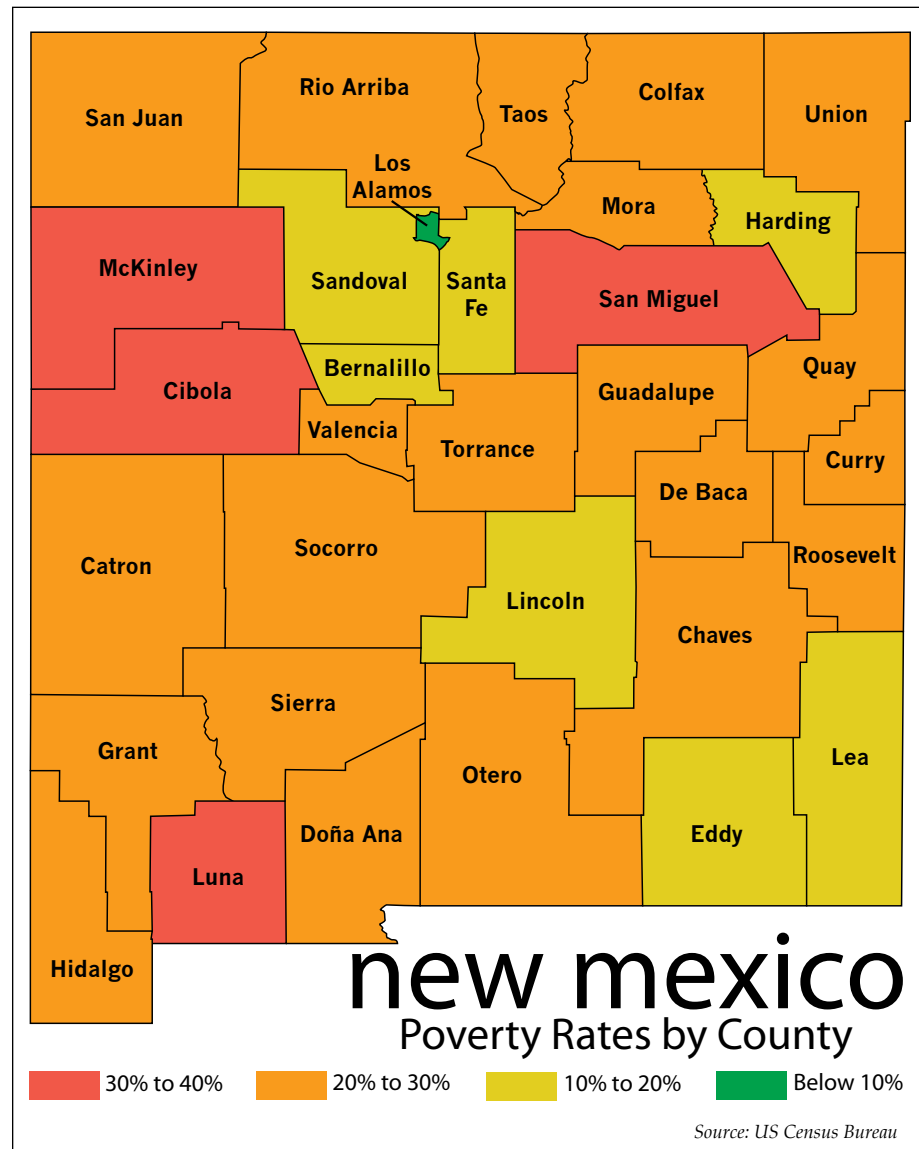


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North Valley Opposition Mounts To Garbage Transfer Station

BY JOSEPH SORRENTINO

Opposition from a neighborhood group is mounting against a proposed North Valley garbage transfer station – a single collection point for all the city’s trash – in advance of a Jan. 20 public hearing.

According to the Solid Waste Management Department, residents can learn more about the transfer station and express their concerns, which appear to be many; the project is strongly opposed by the Greater Gardner Neighborhood Association (GGNA), the residential area closest to the proposed site.

“This is an overburdened area,” said David Wood, the GGNA’s president. “Within a quarter mile we have a cement transfer station, a recycling plant that’s for all the city’s recycling and an asphalt company.” Wood, who is also vice-president of the North Valley Coalition, an organization representing several neighborhoods, said the coalition is “greatly concerned” about the project.

Bobby Sisneros, the Solid Waste Management Department’s marketing manager, said two other sites were considered before a decision was made to build the transfer station at the corner of Edith Boulevard and Griegos Road Northwest.

“The Edith location is more advantageous ... because of its central location, access to the freeway and City ownership of the property,” he wrote in an email. The site currently houses Solid Waste Management’s administrative offices and vehicle maintenance facility. A fleet of city

garbage trucks is already based there.

Currently, city garbage trucks haul trash – almost three million pounds daily – to the Cerro Colorado landfill. If the transfer station is built, trash will be brought to the transfer station first, then shipped out. The city believes the central location will save fuel costs and reduce pollution.

A hearing on the City of Albuquerque’s proposal to build a central garbage transfer station in the **Greater Gardner Neighborhood** at the intersection of Edith Boulevard and Griegos Road Northwest will be held at **5:30 p.m. Jan. 20** at the **North Valley Senior Center** 3825 Fourth St. NW

Wood said he recognizes the motivation, but said, “The transfer station ... is all about cost savings, with no regard for other aspects of a project of this magnitude.” Those other aspects include how increased truck traffic, air pollution and noise will affect residents’ health, safety

and quality of life.

Wood is hoping for a large turnout at the meeting. “We’re doing our damndest to promote it,” he said. “We’ll have as many

‘We’ll have as many pissed-off people there as possible’

– David Wood, president of the Greater Gardner Neighborhood Association

pissed-off people there as possible.”

The hearing will be January 20, 5:30-7:30pm at the North Valley Senior Center, 3825 Fourth St. NW.

Joseph Sorrentino is a freelance writer in Albuquerque.

Grocery Coming to Downtown

ABQ FREE PRESS STAFF REPORT

The City of Albuquerque has commenced the transfer of ownership of city-owned land to build a mixed-use development, including a grocery store, on Silver Avenue between Second and Third streets Southwest.

The Imperial Building project will include a 12,000-square-foot grocery store with about 10,000 square feet of additional retail/commercial space, 74 rental apartments, and approximately 90 parking spaces, including one level of underground parking.

The building’s rooftop will house an urban garden, operated in cooperation with the Veteran Farmers Project.

Previous efforts to revitalize Downtown from an entertainment district to a viable neighborhood have been hampered by the lack of a grocery store. Past efforts

to build one have fallen short.

“The grocery store will be one of the great catalysts for Downtown,” said Mayor Richard Berry. “That’s good for everyone who wants to live in the heart of our city.”

The Imperial Building project is a cooperative effort between Geltmore, LLC, which is owned by developer Paul Silverman and his son David, and YES Housing, Inc., a nonprofit, low-income housing agency. Of the 74 housing units, 54 will be low-income.

Rob and Kelly Ortmann, who have each spent more than 20 years working for the John Brooks grocery store company, will own the Silver Street Market. The Silver Street Market will have fresh meat and produce, a bakery and deli, liquor and prepared foods, the Ortman said.

Senator Calls for American Red Cross to Explain Finances

BY JUSTIN ELLIOTT AND JESSE EISINGER
PROPUBLICA

Citing an investigation by ProPublica and NPR, Sen. Charles Grassley is asking the American Red Cross to explain more clearly how it uses public donations, specifically how much money goes to services and how much to overhead.

“The public’s expectation for an important, well-known organization like the Red Cross is complete, accurate fundraising and spending information,” Grassley, R-Iowa, said in a statement. “In reaction to the news reports on this topic, I’m asking the Red Cross to elaborate on how it calculates the facts and figures given to the donating public.”

The Government Accountability Office, the investigative arm of Congress, is looking into the charity’s troubled response to Superstorm Sandy, which hit New York and New Jersey in late 2012

Americans typically look to the Red Cross whenever disaster strikes, giving generously. The iconic charity took in more than \$1 billion in donations in 2013.

In response to Grassley’s request, the Red Cross said it is setting up a briefing for the senator’s staff that will take place later this month. “We welcome and look forward to the opportunity,” Red Cross spokeswoman Suzy DeFrancis said.

Grassley’s request first was reported by the Chronicle of Philanthropy.

At issue are statements made by Red Cross CEO Gail McGovern and echoed on the charity’s website and in other published materials that “91 cents of every dollar that’s donated goes to our services.”

But that oft-repeated figure is not borne out by the charity’s statements in annual reports and tax filings. Those documents show that fundraising expenses alone have eaten up as much as 26 cents of every dollar donated in recent years.

After our inquiries in December, the Red Cross removed the statement from its website. The Red Cross said at the time that the claim was not “as clear as it could have been, and we are clarifying the language.”

Grassley has long pushed for tougher regulations of nonprofits and has a history with the Red Cross. In 2007, he pushed through legislation that overhauled the governance structure of the charity, which was chartered by Congress more than a century ago.

Grassley isn’t the only one nosing into the Red Cross’ operations. The Government Accountability Office, the investigative arm of Congress, is looking into the charity’s troubled response to Superstorm Sandy, which hit New York and New Jersey in late 2012.

The GAO’s inquiry, first reported by the Chronicle of Philanthropy, began this past February after a request from the staff of Rep. Bennie Thompson,



An American Red Cross ambulance navigates rubble on Long Island, N.Y., left behind by Superstorm Sandy.

D-Miss., the ranking member of the Homeland Security Committee. Since then, the GAO and the Red Cross have been discussing the parameters of the study. The GAO says it plans to finalize its methodology “within the next couple of weeks” and then begin working on the inquiry itself.

The scope of the GAO’s probe is expected to encompass more institutional questions, including, “What are the nature and extent of the oversight to which the organization is subject, and is it sufficient?”

ProPublica is an independent, nonprofit newsroom that produces investigative journalism in the public interest.

Beware of Drivers Who Would Charge for Free ‘Tavern Taxi’

BY SABRINA AUTRY

You can go out in Albuquerque and toss back a few without drinking and driving.

That’s what Tavern Taxi is for – a free ride home. The program operates in Bernalillo County under a \$200,000 contract with the county and provides free rides home to the tipsy on weekends and most holidays.

Last year, the service, which is run by the Albuquerque Cab Co., operated 110 nights and gave 14,000 rides, said Katrina Hotrum, director of Bernalillo County’s Department of Substance Abuse Programs. On New Year’s Eve, the service gave 243 rides to 291 passengers, she said.

Rides are available from 10 p.m. through 2 a.m. on Friday and Saturday nights, and a bartender should make the call for a pickup, Hotrum said.

“We are really focusing on trying to get there within 30 minutes,” she said.

To expedite pickup times, Tavern Taxi is now calling patrons before the cab arrives so that patrons can pay their tabs and be ready for their ride.

Tavern Taxi is a free service, and customers should be aware that there are rogue and informed drivers who try to charge for the rides.

On Dec. 13, Domenic Patrone had an experience

The number for the free Tavern Taxi ride home program run by Bernalillo County is (505) 999-1400.

with a driver from Tavern Taxi who demanded that he pay for his ride.

He had received a ride after the doorman at Effex Nightclub near Fourth Street and Central Avenue called the service for him. Patrone said the driver picked up another couple, with his permission, and took them to their destination. The driver charged the couple \$6 because they weren’t using the Tavern Taxi service.

But when they arrived at Patrone’s home, the driver tried to charge him as well, Patrone said. He refused.

“They shouldn’t have asked for my money at all,” Patrone said. “I felt that by his tone of voice and the way he was acting that he was trying to get money from me.”

Patrone had used the service once before and without a problem.

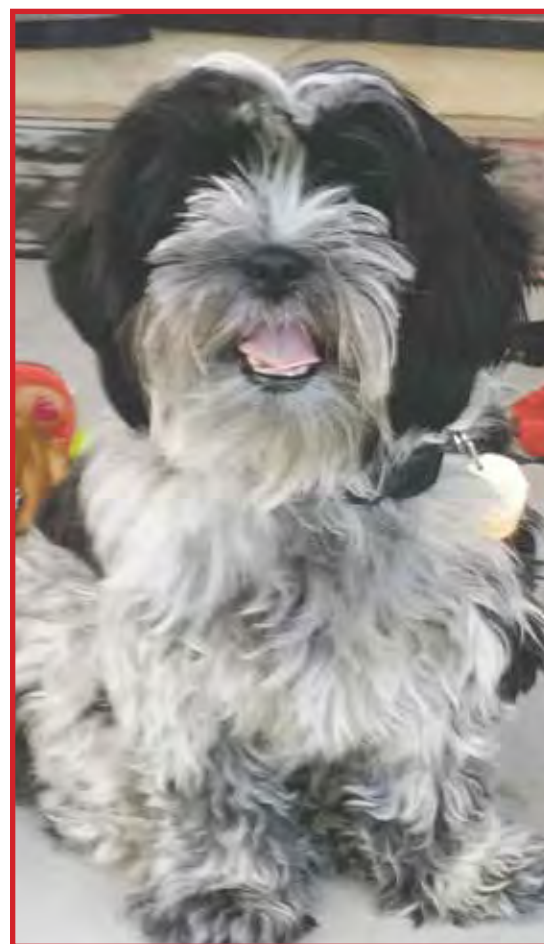
There has been at least one other instance where Tavern Taxi drivers have asked patrons to pay for their ride, Hotrum said. If that happens, don’t pay, contact Tavern Taxi, and file a complaint on Bernalillo County’s website, Hotrum said.

‘They shouldn’t have asked for my money at all. I felt that by his tone of voice and the way he was acting that he was trying to get money from me’

– Tavern Taxi patron

Tavern Taxi started shortly after the county took over the program in 2006 from the City of Albuquerque, Hotrum said. At the time, Tavern Taxi was known as Safe Ride, but because of a conflict of names with another company, the DWI Planning Council helped the county coin the name Tavern Taxi.

Sabrina Autry is a journalism intern at ABQ Free Press.



CALLING ALL PETS

“Oreo is a one-year-old bundle of joy,” writes his 9-year-old owner Christopher Said. Oreo, named for his color, was a rescue dog.

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MEAN STREETS, PAGE 4

surrender and was taken into custody. He was transported to a local hospital for the gunshot wound he suffered and was subsequently released and booked. XXXXX told detectives, that his plan was to wait for a pursuing officers to come around the corner so that he could in fact shoot them.

Last night at approximately 4:00 a.m., deputies with the Bernalillo County Sheriffs Office located and apprehended, without incident, XXXXX. XXXXX was wanted for the shooting of APD officer Lou Golson. There will be a press conference today at 12:00 p.m., Chiefs Conference Room at the Main Police Station, where we will be providing more details. We expect to be booking Cook into the PTC within the next 2 hours.

Please advise your viewers not to leave their cars started/warming up in the morning. On November 21 vehicles were stolen in this manner. December had 36 cars stolen while warming up. This is 57 vehicles that were stolen while being warmed up in the victims' driveway. These numbers are up substantially from the 7 taken in October. This is a very easy way for criminals to steal your vehicle and in most cases, insurance companies will not pay on the claim. If you must warm your car up in the morning, we highly suggest that you invest in The Club or a remote start system.

Officers are currently on scene of a rollover accident, I-25 SB at Ellison. Early reports indicate that the vehicle was heading South on I-25 prior to the accident. During the collision, a male subject was ejected from the vehicle and was propelled off of the overpass and onto Ellison below. The subject's injuries are unknown at this time. This is

an active investigation and information is limited. Eastbound Ellison and the two right lanes of I-25 SB are closed at this time. I will provide further information as I am updated.

This morning at approximately 2:30 a.m., an APD officer was attempting to conduct a traffic stop at San Mateo/San Mateo Ln. The unknown driver of the vehicle exited his car and began to shoot at the officer. The officer was shot 2 times. He is expected to survive. The officer was able to return fire. It is unknown if the offender was struck. The offender fled the scene on foot. Police are actively trying to locate the offender. More information will be released as it becomes available.

Earlier today Homicide Detectives, with the assistance of the Gang Unit, located and arrested XXXXX who has been identified as the offender from Tuesday's homicide at 4001 Montgomery NE. He will be charged with 1st Degree Murder, Assault w/ Intent to Commit a Violent Felony, and Tampering with Evidence. At this time Detectives are trying to establish a motive but early indications suggest the shooting was gang-related.

On 12-23-2014, a male subject was captured on video surveillance slashing tires and etching offensive words on numerous vehicles. Multiple victims reported over \$15,000 dollars of damage. The surveillance video of the incident was released to the media and NW Impact Detectives received information that identified the offender as XXXXX. Detectives contacted Mr. XXXXX and arrested him. During the interview, Mr. XXXXX admitted to over five cases involving the vandalism. Mr. XXXXX was arrested and transported to MDC.

Dear Editor:

The Albuquerque Public Schools' administrators operate a lot like those of Rio Rancho who so shamefully treated education in the Guarascio and Nevins matters. ("Parents, Ex-students Rally Around Ousted RRPS Teacher," Dec. 31, 2014.)

While a substitute teacher in the Albuquerque system, I was disciplined for telling a class at Taylor Middle School what lynching is. Then I was fired for telling a Marine Corps Junior ROTC class at Atrisco Heritage High School of a news report that the Department of Defense had announced that the military is rife with sexual assault and that it was worst in the Marines.

It took almost a year, three hearings (two of them shams because they were conducted by the administrators who had disciplined and fired me) to get reinstated. APS incurred thousands of dollars in lawyers' fees and expenses, too.

The regular teacher, a retired Marine colonel, debriefed the students when he got back. He reported my remarks to the principal, calling them "highly inappropriate behavior," "harmful and wrong," and "a disservice ... to those who hold dear our country's principles and ideals." He asked that I be fired and the principal sent it on up the APS line, also asking for firing. I've heard JROTC instructors express appreciation for the support they get (much of it is financial) from administrators.

The APS administrators gave, as a reason for the firing, "You also stated that the JROTC students had a right to know about sexual assaults in the military because this was a topic reported in the news."

Education is anathema to these education administrators. That's an attitude reflected in students' declining to engage, discuss, or debate issues. The excellent letter from a Rio Rancho parent is, though, naive in its assumption that the administrators would want "a vibrant, topical classroom." Ignorance and misinformation are values propagated in this JROTC class and the remarks of the administrators.

The class had students who believe the original official version of the Gulf of Tonkin matter and that Iraq hid its weapons of mass destruction by trucking them to Iran. Classroom materials lauded the founder of the Ku Klux Klan.

— Reber Boulton, Albuquerque

Dear Editors,

Thank you for shining a light onto what has been going on with Rio Rancho Public Schools in your recent article "Parents, Ex-students Rally Around Ousted RRPS Teacher," written by Rene Thompson. As a friend of Ms. Guarascio's, I was heartened to see that what has been done to her has been exposed in the local media. However, I remain saddened that we still do not know the name of the student (or the names of her parents) who complained to the RRPS Administration.

Time and again, in various news articles in the general media over the past several years, where other good teachers have been raked over the coals and then publicly sacrificed for doing a good job, we hear of anonymous complaints being the source of the problem: "another student who peer-reviewed the story in a group complained to her parents about the story, and they called the school."

Note the lack of actual names there. I would suggest that since an anonymous pair of parents were the cause of the regrettable loss of this excellent teacher, maybe the time has come to reconsider the "benefits" of such anonymity.

Maybe it is time to stop shielding corrupt students and their parents under the misguided notion of "protections of privacy" when this same protection gives bad people the power to destroy a good person's career.

— Rich Boucher, Albuquerque

Teacher Katrina Guarascio will be a featured speaker along with other poets, musicians and authors at a free "Resolana Heartfire" performance at 7 p.m. on Wednesday, Jan. 21 at the South Broadway Cultural Center, 1025 Broadway Blvd. S.E.

The event will feature Guarascio and honor her years of work as a teacher, author and publisher of Swimming With Elephants Publications. Other featured performers will include: Albuquerque Poet Laureate Jessica Helen Lopez, Margaret Randall, Greg Candela, Mike 360, Alisa Valdes, Don McIver, Sarita Gonzalez, Bill Nevins, Eric Sirotkin, Rich Boucher, Carlos Contreras, Jim Burbank, Mimi Leland, Erin Northern, Natachee Momaday Gray, Gary Stewart Chorre, and other New Mexico authors. The event will be hosted by poet Manuel Gonzalez.

The evening also will include a concert performance by Saoirse (Freedom), New Mexico's Celtic-Eclectic band.

Insider Trading, Not Talent, is Why CEOs Rake in Millions

BY ROBERT REICH



A few years ago, hedge fund Level Global Investors made \$54 million, based on insider information from a Dell Computer employee, selling Dell stock. When charged with illegal insider trading, Global Investors' co-founder Anthony Chiasson claimed he didn't know where the tip came from. Chiasson argued that few traders on Wall Street ever know where the inside tips they use come from because confidential information is, in his words, the "coin of the realm in securities markets."

Last week, the U.S. Court of Appeals for the Second Circuit, which oversees federal prosecutions of Wall Street, agreed. It overturned Chiasson's conviction, citing lack of evidence that Chiasson received the tip directly or knew insiders were leaking confidential information in exchange for personal benefit.

The Securities and Exchange Act of 1934 banned insider trading but left it up to the Securities and Exchange Commission and the courts to define it. Which they have – in recent decades so narrowly that confidential information is indeed the coin of the realm.

Major players on Wall Street have been making tons of money – not because they're particularly clever but because they happen to be in the realm where a lot of coins come their way

If a CEO tells his golf buddy that his company is being taken over, and his buddy makes a killing on that information, no problem. If his buddy leaks the information to a hedge-fund manager such as Chiasson and doesn't tell Chiasson where it comes from Chiasson also can use the information to make a bundle.

Major players on Wall Street have been making tons of money – not because they're particularly clever but because they happen to be in the realm where a lot of coins come their way.

Last year, the top 25 hedge-fund managers took home, on average,

almost one billion dollars each. Even run-of-the-mill portfolio managers at large hedge funds averaged \$2.2 million each.

Another person likely to be exonerated by the court's ruling is Michael Steinberg, of the hedge fund SAC Capital Advisors, headed by Stephen A. Cohen.

In recent years, several of Cohen's lieutenants have been convicted of illegal insider trading. Last year, Cohen himself had to pay a stiff penalty and close down SAC because of the charges, after making many billions.

SAC managed so much money that it handed over large commissions to bankers on Wall Street. Those banks possessed lots of inside information of potential value to SAC Capital. This generated possibilities for lucrative deals.

According to a Bloomberg Businessweek article from 2003, SAC's commissions "grease the super-powerful information machine that Cohen has built up" and "wins Cohen the clout that often makes him privy to trading and analyst information ahead of rivals."

One analyst was quoted as saying, "I call Stevie personally when I have any insight or news tidbit on a company. I know he'll put the info to use and actually trade off it."

SAC's credo, according to one of its former traders, was always to "get the information before anyone else."

Insider trading also has become commonplace in corporate suites, which is one reason CEO pay has skyrocketed.

CEOs and other top executives, whose compensation includes piles of company stock, routinely use their own inside knowledge of when their companies will buy back large numbers of shares of stock from the public – thereby pumping up share prices – in order to time their own personal stock transactions.

That didn't used to be legal. Until 1981, the Securities and Exchange



Commission required companies to publicly disclose the amount and timing of their buybacks. But Ronald Reagan's SEC removed these restrictions.

Then George W. Bush's SEC allowed top executives, even though technically company "insiders" with knowledge of the timing of their company's stock buybacks, to quietly cash in their stock options without public disclosure.

But now it's normal practice. According to research by professor William Lazonic of the University of Massachusetts, between 2003 and 2012, the chief executives of the 10 companies that repurchased the most stock (totaling \$859 billion) received 58 percent of their total pay in stock options or stock awards.

Until 1981, the Securities and Exchange Commission required companies to publicly disclose the amount and timing of their buybacks. But Ronald Reagan's SEC removed these restrictions

In other words, many CEOs are making vast fortunes not because they're good at managing their corporations but because they're good at using insider information. It's the coin of their realm, too.

None of this would be a problem if the only goal were economic efficiency. The faster financial markets adjust to all available information, confidential or not, the more efficient they become.

But profiting off inside information that's not available to average investors strikes many as unfair. The coin of the realm on Wall Street and in corporate boardrooms is contributing to the savage inequalities of American life.

If Congress and the Securities and Exchange Commission wanted to reverse this and remove one of the largest privileges of the realm, they could. But they won't, because those who utilize those coins also have a great deal of political power.

Robert B. Reich, chancellor's professor of public policy at the University of California at Berkeley and senior fellow at the Blum Center for Developing Economies, was secretary of labor in the Clinton administration. Time magazine named him one of the 10 most effective cabinet secretaries of the 20th century. He has written 13 books, including the bestsellers "Aftershock" and "The Work of Nations." His latest, "Beyond Outrage," is now out in paperback. He is also a founding editor of the American Prospect magazine and chairman of Common Cause. His new film, "Inequality for All," is available on Netflix, iTunes, DVD and On Demand. His blog is robertreich.org

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Go Solar and Save

BY JIM MOORE

With an average of between 320 and 340 sunny days per year, New Mexico is ripe for using the sun to get free electricity. So is it a good idea to invest in solar energy for your home?

A recent report from the North Carolina Clean Energy Technology Center seems to think so, as do local companies and homeowners who have installed a system on their roof.

"In our case, it's tremendously worthwhile," said Albuquerque homeowner Chip Stone, who recently had a system installed on his house. "We have a system that provides all electricity, including cooling the house with refrigerated air in summer and a hot tub every day of the year. Part of the house has radiant floor heating as well. Nine months of the year, we create more than we use."

Stone doesn't use backup batteries for storage. "It didn't make sense for us. Whatever we don't use, the (electric) meter runs in the backyard during the heat of day."

Because he doesn't have a battery storage unit, at night Stone uses power from the grid generated by the Public Service Company of New Mexico.

And the incentives from PNM, as well as state and federal taxes, made it more attractive to move to solar, Stone said.

"We have a 12-year contract with PNM, who pays us for extra electricity," he said.

PNM pays 2.5 cents per kilowatt hour of electricity generated from rooftop panels and, with tax breaks offered by the state, an average-sized rooftop system of 5,000 watts will pay for itself in six to eight years, said Michelle Davis, a solar consultant with Affordable Solar in Albuquerque.

That average-sized system includes about 20 solar panels and an inverter and costs between \$18,000 and \$24,000, Davis said. Federal and

state tax incentives can trim about 30 percent off the installation price.

"I've explained this to people, and when I do, they almost always want solar," Davis said.

Albuquerque is an ideal place for solar. According to the North Carolina Clean Energy Technology Center, Albuquerque is the third-best large city in the United States in terms of value for solar systems.

"There are a wide variety of factors that determine how good a deal solar is in your city: upfront cost, solar resource, electricity rates, availability of net metering, incentives, to name a few," said Autumn Proudlove, who co-authored the technology center's report.

Going solar might be one of the better investments you can make, according to the Going Solar in America project.

"Right now, buying an average-sized, fully financed solar PV system costs less than electricity from their local utility for 93 percent of single-family homeowners in America's 50 largest cities and, in most places, is a better investment than many of the stocks that are in their 401(k)," said Jim Kennerly, project manager for Going Solar in America. "Nevertheless, most people are unaware that solar is this affordable for people of all walks of life. We hope that this report will help to close this critical information gap and reduce soft costs."

You can go solar, but can you really get off the grid and stick it to the electric company?

You can, said Lucas Herndon, board president of the Las Cruces Green Chamber of Commerce.

"You only need batteries if you want to rid yourself of the grid," Herndon said. "You will always save money over a 10-year period."

Jim Moore is The Answer Guy for ABQ Free Press.

GREEN GUIDES FOR CONSUMERS

FOOD

Environmental Working Group reports online about foods and other products: ewg.org/consumer-guides. Also, check out their food scores under "Rate Your Plate."

Environmental Defense Fund lists from best to worst seafood; sign up for pocket guides: Seafood.edf.org.

Monterey Bay Aquarium has a downloadable guide by state: Seafoodwatch.org.

FoodInsight.org offers "A Consumer's Guide to Food Safety Risks," with printable tips and a video from the International Food Information Council Foundation.

Greener Choices Food Safety and Sustainability Center from Consumer Reports tells you what food labels really mean. Go to: Greener-Choices.org/eco-label.

HOUSEKEEPING

The **U.S. Environmental Protection Agency** offers guidance on indoor air quality and radon: epa.gov/radon.

Get tips on how to reduce your household's energy footprint from **Environmental Consumer**: enviroconsumer.org.

Energy.gov/energysaver has lots of information on how to save money by reducing your energy consumption.

ACEEE.org/consumer (American Council for an Energy-Efficient Economy) provides home energy savings and appliance recycling information.

GreenConsumerGuide.com has news on how the U.S. and the rest of the world are handling ecological challenges and day-to-day practices. To check on the eco-friendliness of toilet paper and other tissue products you are using, download a free document from **Greenpeace.org**.

Green Guide for Everyday Living has interesting short articles on green practices and products: TheGreenGuide.com.

AUTOMOBILES

ConsumerGuide.com/Automotive comprehensively rates every single car on the American market, including MPG.

GreenerChoices.org includes automobiles in their best products categories.

BEST PRACTICES

Download "**A Consumer's Guide to Environmental Myths and Realities**" from National Center for Policy Analysis: ncpa.org.

BetterWorldShopper.org includes environmental concerns in their recommendations for consumers, along with human rights, animal protection, community involvement and social justice.

To identify the "six sins of greenwashing" in the marketing of North American products, read the report at SinsOfGreenwashing.org so you won't be taken in by false claims of being "green."

BOOKS

"**The Consumer's Guide to Effective Environmental Choices: Practical Advice from the Union of Concerned Scientists**" by Michael Brower and Warren Leon

"**The Virtuous Consumer**" by Leslie Garrett and Peter Greenberg

"**Consumer Guide to Solar Energy**" by Scott Sklar

"**My Office is Killing Me! The Sick Building Survival Guide**" by Jeffrey C. May

"**The Sick House Survival Guide: Simple Steps to Healthier Homes**" by Angela Hobbs

"**365 Ways to Live Green: Your Everyday Guide to Saving the Environment**" By Diane Gow McDilda



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Gayle Souter-Brown (l.) is a landscape designer and entrepreneur who has researched the many ways that green spaces (r.) can improve our health and quality of life, no matter where we live. Photos courtesy of the author.



British Author Offers Universal Design for Outdoor Spaces

BY SABRINA AUTRY

Overwhelming evidence points to the link between health and the amount of time spent outside, according to Gayle Souter-Brown, author of "Landscape and Urban Design for Health and Well-Being: Using Healing, Sensory and Therapeutic Gardens."

Green spaces are accessible, free, bio-diverse areas that are planted for the benefit of people, animals and the environment. They can come in the form of vines growing alongside a building or trees in a verge along an intersection. Green spaces can be sited almost anywhere from rooftops, apartment balconies, parks or a tiny backyard.

Souter-Brown said that many lessons can be learned from nature, and one of them is nature's ability to aid in recovery from illness and disease.

"Lifestyle-related health conditions are cost effectively prevented and mitigated through effective green space design," said Souter-Brown. "Coronary artery disease, diabetes, obesity, depression and anxiety are all expensive to treat and their social cost on the individual, their family, and [the] wider community is huge."

The health implications of adding green spaces can even extend to improving educational goals for coming generations. Souter-Brown argues that it is important for children to have time to experience nature with their body's senses. She explained that part of the developmental process for children is interacting with the world around them and creating connections to get a better sense of themselves.

Hand-eye coordination, problem solving, reading, writing and balance can be shaped by time spent

in green spaces where children are able to swing, jump, crawl and create a connection with the plants and animals around them.

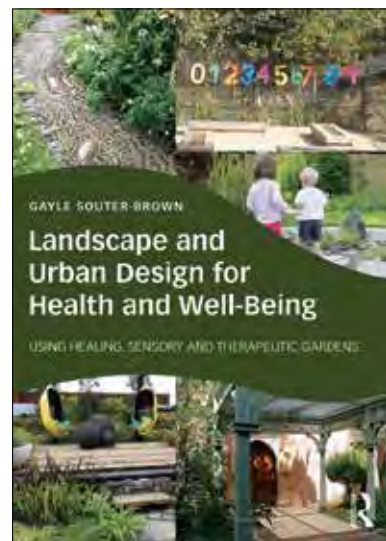
Adults are also in need of nature connections to sustain their well-being. There are many generations today that have no access to parks or simple green space areas said Souter-Brown. This means that countless adults are missing out on potential health-giving benefits.

Creating green spaces to help more people utilize these health benefits is an easier feat than most people realize.

There are no special limitations for creating a green space and people don't have to dig deep in their pockets to create one, she said. Her design team was able to create a garden in a 10-square-meter space by building vertically instead of horizontally.

The key to green spaces is sustainability. "A healthy green space development needs no more input than an annual application of composted mulch to retain soil fertility and soil moisture levels," the author said. "What is important is that designers create a space designed to fulfill its widest possible, cost-effective, health-giving potential."

Each geographic area poses its own problems and opportunities said Souter-Brown, who has traveled with her husband across most of the world's climate zones.



In New Mexico, she suggests using designs from walled Islamic gardens for a sensory-rich experience in the desert climate of the state and to conserve water use. Adding appropriately designed green spaces in New Mexico could improve health and species biodiversity.

Souter-Brown's life experiences with disability paved the way for her career in green space design.

Her mother fostered five-year-old Gayle's "love affair" with the environment and gardens by giving her seeds and space to plant them; by age seven, she had begun experimenting with design. By 15, issues over mental health grabbed

her interest, but it wasn't until 10 years later, when she broke her back while riding a horse, that she delved into accessible and universal design research.

"Good things do come from bad and it has been a privilege to meet less able and active people and to share personal stories," said Souter-Brown.

Now, 30 years later, she continues to educate people on the health benefits of green space design and leads two research design practices in New Zealand and the U.K. Across the world, people are learning to view green spaces as a fundamental need.

Sabrina Autry is an intern for ABQ Free Press.

Thirsty Gardener: Houseplants Wanted, Dead or Alive?

BY STEPHANIE HAINSFURTH

My husband bought a houseplant once, a lovely jade (*Crassula argentea*) that he kept in ideal light conditions (bright but indirect). The florist told him it didn't need much watering. So he didn't.

Jade plants don't look much different for a long time after they die — I know, because Hubby insisted it wasn't dead and kept it for two years. He watered it occasionally. I began referring to it as Lazarus. When all the leaves shriveled up and fell off (from the snark, he said), we finally threw it out.

"Having houseplants just takes a commitment to watering," said my friend, Connie Williams at In Bloom Florist in Albuquerque. Connie grew up having gardens, in Colorado, another tough place to raise plants, inside or out. "Know the watering requirements for each plant and everything will be fine."

She showed me their hanging "donor fern" as an example. The florists use its leaves in arrangements so they are always cutting it into pieces. You'd never know this lush, green plant is under stress.

"We water this plant in a bucket," Connie said. "Submerging the pot in a few inches of water is the best way to water a houseplant." Plants that can benefit from this tip are Peace Lily (*Spathiphyllum*), Dumb Cane (*Dffenbachia*, poisonous to dogs and cats) and Spider Plant (*Chlorophytum comosum*, also called Airplane Plant), to name a few. Make sure the pot you are submerging has drainage holes to allow the water in.

The technique works for orchids, too. In fact, it might be the better way to water them, as orchids like to draw water up from their roots. Again, make sure the pot has drainage holes; place a little water on a plate and set it beneath the plant.

Here is more of Connie's best advice for thriving indoor plants:

- Misting is a "real treat" for houseplants. Put some water in a clean spray bottle and mist to your heart's content.
- Insects, such as spider mites and mealy bugs, can harm indoor plants. Misting is a good way to keep them off the leaves; they like dry conditions. If you see any evidence of insect damage, mix one part alcohol to two parts water in a separate spray bottle, and mist it onto the leaves until the bugs move out. If the leaves start to turn brown, you're using too much alcohol.

• If the plant you buy is root bound, with roots growing outside the container, repot it into a slightly larger one. "Growers sometimes make the plants look

lush by overgrowing too many plants in a too-small pot," Connie told me. Split them into separate pots that accommodate the size of each specimen.

• Be careful of heat sources. A plant can be placed close to a heat vent or baseboard heater, but then you must give it more water. Most plants like a cooler overnight atmosphere, even in winter.

• Know the light needs of your plants. Flowering plants need more light than nonblooming plants: *Kalanchoe*, for instance, requires a sunny windowsill to sustain it through the winter months; *Cyclamen* can get away with bright but indirect light. Variegated foliage (white and green, or yellow and green, typically) needs more light than leaves that are totally green—so they need more water as well. For example, the Nephthytis or Arrowhead plant (*Syngonium podophyllum*), with its heart-shaped leaves, needs bright light and a more humid atmosphere (mist!).



• If your home or office needs a low-light, low-water plant, grab a *Pothos*. Benign neglect is its middle name.

That sly Connie has yet another tip for houseplant growers. Her home-grown orchid collection is calibrated to always have something in bloom. As houseplant lovers know, the best laid schemes of mice and men oft go totally off the rails. When there is nothing in bloom among her orchids, Connie sticks a high-quality silk orchid bloom in among the real ones. No one else can tell, and she fools her eye into believing beauty has no season.

So perhaps denial is the very best remedy for drooping houseplants. I know it worked for my husband.

Stephanie Hainsfurther is an associate editor for ABQ Free Press. Send your gardening questions to her at Stephanie@freeabq.com

Dying Trees Being Replaced by Next Generations

BY STEPHANIE HAINSFURTH

Urban Designer C. David Day just can't leave his work at the office. "Fernando [Delgado] and I purchased a house in the Huning Highlands Historic District," Day said. "I immediately was distressed by the missing, dying and aging street trees in the neighborhood."

In his work as president of Terra Designs LLC, Day visits western U.S. communities and is part of a team that creates Urban Master Plans for downtowns and nearby neighborhoods. Street tree plans are part of those designs. Street trees are those that grow in the public strip between the sidewalk and the road.

"Trees are integral to creation of any great place but especially within a neighborhood," he said. And so Day and Delgado, a photographer with an international rep, decided to improve the Huning Highlands street trees.

Day secured a \$4,000 Bernalillo County Neighborhood Outreach Grant for additional trees in the city's Lead and Coal streetscape improvements this past summer. Current funding of \$50,000 comes equally from the efforts of City Councilor Ike Benton and State Rep. Rick Miera to be used for trees mainly on the north-south residential streets in the Huning area. The parameters stretch from north to south from Martin Luther King Jr. to Hazeldine, and east to west along 1-25 to Broadway.

Day gathered information on

appropriate species from City Forester Joran Viers and several local landscape architects. Types of trees include Raywood ash, elm (Chinese and frontier cultivars), box elder, honey locust, hackberry, Kentucky coffee tree and Japanese zelkova, a tall, deciduous, low-water use specimen.

"Each street will be planted with just one species to produce a consistent tree canopy," Day said.

Phase 1 will cover about 35 percent of the neighborhood, and trees are expected to be planted by the end of March. Restoring all of the affected street trees will take another three years.

Volunteers such as neighborhood association President Bonnie Anderson, board members Greg Bloom and Elaine McGivern, and residents Amy Sturge, Lee Splitter and Sam Kochansky are on board. After all, homeowners will be responsible for watering trees in the strips in front of their houses. As of now, more than 50 households are signed up to participate.

"I hope with this project to create a template that can be easily replicated in other neighborhoods in town," Day said. He and Viers are discussing plans to be used by other interested parties. Lovers of leafy, green streets can get in touch with Day at Terra Designs, cdauiday@terradesigns.org.

Stephanie Hainsfurther is an associate



Neighborhood activists plant the first of many replacement trees in the Huning Highlands Historic District. From left to right: Judith Wong, Barbara Baca, C. David Day, Isaac Benton, Bonnie Anderson and Ann Carson.

Eco Fashion: Look Good, Do Good

BY ABBY FELDMAN

With recycled, upcycled, deconstructed and embellished materials, designers are able to make new what once was trash. Sustainable retail is a new way of getting fashion forward recycled clothing and accessories to market.

At Hyperclash, a self-proclaimed Eco Boutique off of Baca St. in Santa Fe, owner and designer Paloma Navarette uses discarded T-shirts, sweatshirts and other found textiles to create unique tops, dresses and skirts.

"There are so many goods and fabrics out there getting thrown away!" she said.

Navarette's custom garments often feature embellished and upcycled designs, which she says are "adding to something that is pre-existing, whether it is a stitch or a ruffle or some sort of texture added to a pre-made article of clothing. Upcycle is sort of the general concept where you're taking a pre-existing garment and modifying it."

The result is striking, colorful and unique. The store also features recycled and found-material jewelry, handbags and accessories, both from local artists and designers as far away as London and Bangladesh. Walking around the store, a customer might see hair clips made from aluminum cans, handbags woven from plastic bags, and scarves made of found objects like antique doilies, buttons and

vintage fabric scraps.

Navarette started Hyperclash in August 2013 as a way to expand her own brand and bring other artists' work to Santa Fe. "There's definitely plenty of craft to be sold. It's just a matter of curating the style of the store and more public awareness of repurposing."

In Albuquerque, The Octopus and The Fox is a retail store stocked with locally handmade art and vintage clothing. The principle behind the retail space was to replicate the craft shows the owners frequented, but in a brick-and-mortar store.

Owners Jessi Campbell and Belita Orner, both of whom create upcycled and deconstructed fashions, always meant it to be a sustainable venture.

"We use LED lights, we try to turn off heat and air conditioning when we don't need it. We have almost no packaging because everything is handmade locally so people bring us their artwork as it is. Nothing is mass-produced — so I think that's helping being green," Campbell says. This also makes for a cost-efficient business model. Think about how much overhead goes into a more traditional retail space.

The store's shelves are filled with eccentric, upcycled and repurposed



Abby Feldman



housewares, organic lotions and soaps, handmade aprons, vintage clothing, earrings and a multitude of other crafts. Orner creates mittens and hair accessories from old sweaters, often using more than one color or type of knit.

"I was taking baby clothes from thrift stores, taking them apart, and then re-sewing them into different things doing upcycled fashion," Campbell said of her own work.

Orner and Campbell aren't the only contributors to their eclectic collection. "We have roughly 60 artists on any given day," Campbell said.

One of The Octopus and The Fox contributing artists, Alaska Piper, has more ideas on how to get green fashion and sustainable practices to the people traditional craft shows, and farmers markets. As Market Coordinator of the successful Railyards Market, she sees sustainable retail as something that doesn't need to be constrained by the four walls of a brick-and-mortar establishment.

"I feel like tradeshows are a really sustainable endeavor and that you can also have them in really creative formats. You can do tradeshows outside, in a park, in a warehouse, in the Railyards," she said. Piper sets up a vending booth under her Roustabout Arts company name at indoor and outdoor markets all around Albuquerque and Santa Fe



CLOCKWISE FROM TOP LEFT: This collage scarf is by Apricot Circus (Japan) and the basic long-sleeve T-shirt is by Hyperclash; The hat is by Phoenix Echo, and the shrug and basic T-shirt are by Hyperclash, both from New Mexico, intermixed with other upcycled clothing from around the world.; Designer and Owner of Hyperclash, Paloma Navarette (pictured) sells this crocheted bag made from used plastic. The beaded turtle necklace is by Leigh Cleveland and the hand-dyed ikat scarf by Karim Jaekel, both New Mexico designers.

RECYCLED: Used and vintage fashion that is worn as is, saving it from the landfill.

UPCYCLED: Existing garments or discarded materials that are modified and made into something new.

DECONSTRUCTED: A garment that is dismantled and then remade, often featuring unusual seams, frayed edges and exposed linings or zippers.

EMBELLISHED: A preexisting garment that is not taken apart but added to with features such as ruffles, appliqué, beading or textured stitches.

throughout the year. You can find her regularly featured at the Railyards Market in Downtown Albuquerque.

Aside from promoting this alternative retail space, Piper creates bracelets using recycled aluminum cans, hairpieces using discarded circuit boards and vintage buttons, and deconstructed shrugs/hoods made from natural fiber vintage sweaters. Her interest in green practices in fashion and personal adornment has consistently influenced her creations.

"It's just always made sense," Piper said. "Crafting and creating anything, you can always incorporate new materials, but incorporating older materials or antique findings makes it that much more of a unique experience for the customer, but it's also sustainable. Trying to reuse what you already have is really important and I think it's an important thing to pass on to our children, too."

Just tell the kids they can look snappy and have a clear conscience, too.

Abby Feldman is an upcycling maven with a passion for sustainability and design.

Deep Dish

BY SAFFRON TOMATO

Color Saffron sad. My favorite tea place in Albuquerque has closed. Kung Fu Cowboy has gone dark and the furniture is gone. There are just some empty shelves and a lonely faux orchid in a pot. Even the phone is disconnected. The Kung Fu Café had the best selection of teas in the city. Sob.

Take the Asian Train

On a happier note, fans of Thai in Santa Fe (or those in Albuquerque who yearn to have a reason to drive up to Santa Fe) should note that Sweetwater Harvest Kitchen will shortly resume its Thai Nights. Sweetwater had been working with Chef Nou Kimnath to create these very popular "nights" since the summer of 2013, but had to suspend them while Nou was traveling in Cambodia. But Nou and her nights will return by the middle of February with a mix of Cambodian, Vietnamese and Thai dishes.

Sweetwater Harvest Kitchen, 1512 Pacheco St., Pacheco Park, Santa Fe, (505) 795-7383, sweetwatersf.com

One of the great side-effects of Albuquerque's multiethnic population is the abundance of food markets that are scattered throughout the city.



Riley Stevens

Try Talin Market for international food with an Asian angle.

My favorite approach is to wander up and down the aisles selecting products that look intriguing. This doesn't mean I have any idea what to do with them. Once I get them home, I try some and reject others. But many lead me to sublime tastes and a lot of fun. There are plenty of smaller markets, but the two below are Asian food magnets in their range of offerings. The third is just a personal favorite.

If you haven't been to Talin Market, you haven't been paying attention. With two locations, one in Santa Fe and one here, they are remaking the concept of Asian markets. They've already broadened their products to suit a worldwide palate, but clearly

their heart is in Asia.

It always brightens Saffron's mood to cover the world, one aisle at a time.

The divisions by city and country give a somewhat false impression since the same foods can show up in different places. But the place is huge, filled with unique tastes from all over the world. Their produce and their fish are fresh and well priced. Since Kung Fu Cowboy has closed, I'll be checking out their large selection of teas.

Want more? There's a dumpling station on Thurs. and Fri. in ABQ, and a Japanese-style ramen bar at the Santa Fe location. The Albuquerque location is open 7 days a week.

Talin Market, 88 Louisiana Blvd. SE, Albuquerque, 268-0206, talinmarket.com

Talin Market, 505 Cerrillos Rd., Santa Fe, (505) 780-5073, talinmarket.com

99 Banh Oriental Supermarket is an Asian-focused mart with enough aisles to wander through intriguing ingredients, some of which are not labeled in English and leave the epicurious ... curious. With Talin in the northeast and 99 Banh in the southeast there are definitely unique tastes and ingredients covering the east side.

99 Banh Oriental Supermarket, 5315 Gibson Blvd. SE, Siesta Hills Shopping Center, Albuquerque, 268-2422

Although tiny, Bombay Spice definitely provides India staples. You'll

find more kinds of rice, legumes, and seasonings than you ever suspected could fit on the shelves. Don't want to blend your own seasonings? They also carry combinations as well as commercially prepared "just add chicken" types of packages. You'll want to try the few but flavorful recipes online.

Bombay Spice, 6514 Central Ave. SE, Albuquerque, 232-6661, bombayspiceabq.com

A Little to the West

Saffron loves Los Altos (formerly Pro's) Ranch Market. The feeling starts in the parking lot filled with Latin music, continues inside and sends me dancing down the aisles. It's a true supermarket with a Mexican/Latin flavor. You can find all your mainstream products, so if you're in the northwest you can use it as your Smith's. But you'll also find a cafeteria-type eatery with fresh-made foods, a full meat shop, and fish, bakery and produce departments.

What do I bring home? Chorizo, cheeses, and thin-sliced beef I haven't found in food stores anywhere else in the city, along with some things I will figure out what to do with later.

If you want to see what's on sale before you go, their multi-page circular is online.

Los Altos Ranch Market, 4201 Central Ave. NW, Atrisco Plaza, Albuquerque, 831-8739, losaltosranchmarket.com

It's Wild Like a Zoo

BY STEPHANIE HAINSFURTHER

Species Survival Programs at the ABQ BioPark have had quite an impact on certain animals and fish. Using in part guidelines written by the Association of Zoos and Aquariums (AZA), the Rio Grande zoo and aquarium have helped struggling species expand their numbers, including snow leopards and silvery minnows. Plant species, too, have had a boost from the BioPark Botanic Gardens and Heritage Farm, keeping alive New Mexico beardtongue and El Paso prickly pear, among others.

"Every AZA-certified facility has animals they concentrate on," said Rick Janser, director of the ABQ BioPark. "We focus on a lot of local species."

Socorro doves and the New Mexican gray wolf are two success stories. The BioPark has bred more than 30 Socorro doves, enough to lend a few to Europe and Mexico for their breeding efforts. Gray wolves are bred at the zoo and released into the wild to counteract the measures taken by settlers here in the 1920s to eliminate them as predators. Four gray wolves live at the zoo.

Another happy ending is the zoo's efforts to breed the snow leopard with mother and father Kachina



LEFT: The BioPark now must curb their breeding of snow leopards, formerly on the endangered species list. RIGHT: 25,000 silvery minnows bred at the BioPark were released into the Rio Grande this past summer.



and Azeo; the now-older couple has had six litters. In fact, because of this proliferation, there are no further plans to breed them at the BioPark. There are only about 4,000 to 6,500 of these mountain dwellers living, according to the Snow Leopard Trust.

The folks at each member zoo must go with the flow, so to speak, when it comes to the propagation of any species. The AZA does provide books of best practices and procedures. Are the stud books and breeding guidelines provided by the AZA very racy? "No, they're pretty boring," Janser said. "The

animals make it interesting, though. If they get along, we have success. It's not all scientific, though. There's still the chemistry element, just like people."

Not as cute as snow leopards but definitely endangered with only about 100 left in the world, two denizens of the zoo's Reptile House, Chinese alligators, are expected to breed this spring. Let's hope they like each other.

Stephanie Hainsfurther is an associate editor for ABQ Free Press.

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The Enigma of Alan Turing

BY BARRY GAINES

I feel surprisingly well prepared to review the film “The Imitation Game” because of what I have seen on stage. Morten Tyldum’s movie focuses on the mathematical genius and eccentric homosexual Alan Turing and the work he and his colleagues did to break the German Enigma cipher machine and gain access to its coded messages — an accomplishment that saved countless Allied lives and shortened World War II by at least two years.

I first learned of Turing and the forerunner of the modern computer he built to crack Enigma when I saw him acted by Derek Jacobi in Hugh Whitmore’s play “Breaking the Code” in London in 1986. I remember the debilitating stutter Jacobi gave his representation of Turing (a stutter Jacobi mastered in his “I, Claudius” portrayal a decade earlier) and his conventionalized signals of homosexuality. Whitmore’s play ends with Turing’s cyanide suicide after a year of chemical castration to avoid prison when convicted of the “gross indecency” of homosexuality. Whitmore and Jacobi presented Turing as a martyr to his sexuality.

It is another play, one I saw just a few weeks ago in New York,

which added dimension to my understanding and appreciation of Turing. “The Curious Incident of the Dog in the Night-Time” is a novel by Mark Haddon about a mathematically gifted teenage boy who suffers from autism and is the narrator. Simon Stephens has adapted the novel into a prize-winning play of the same title. In that play, one learns a lot about the inner workings of the autistic mind of an algorithmic prodigy.

In “The Imitation Game” Benedict Cumberbatch plays Turing as affected by an autistic syndrome, perhaps Asperger’s. Cumberbatch’s Turing reacts to life with mathematical precision. He doesn’t understand or tell jokes, expects people to say exactly what they mean, has difficulty reacting to figurative or ironic language, and can’t read situations or faces. He comes across as haughty and off-putting, yet he has unique perceptions and skills to complete the decoding task.

Graham Moore based the screenplay on Andrew Hodges’s excellent Turing biography “The Enigma.” The film moves back and forth in time, including Turing’s uneasy days at public school (the sensitive young

Turing is played by Alex Lawther); his days breaking the code at Bletchley Park, and his arrest for his homosexuality a decade later. Moore’s screenplay is at times heavy-handed in sprinkling the clues necessary for the film’s code to be cracked, and Turing is presented as penetrating Enigma almost single-handedly. Turing’s shameful treatment in his later years casts a pall over his earlier accomplishments but his death is not shown. The subject matter and the acting hold our interest.

Among the supporting cast, my favorites are Charles Dance and Mark Strong. Dance plays Turing’s boss at Bletchley, Commander Alastair Denniston, as the latest in a long line of pompous, insensitive British officers who just ask to be deflated. Strong plays Major General Stewart Menzies; unlike Denniston, Menzies is canny, discerning, and helpful.

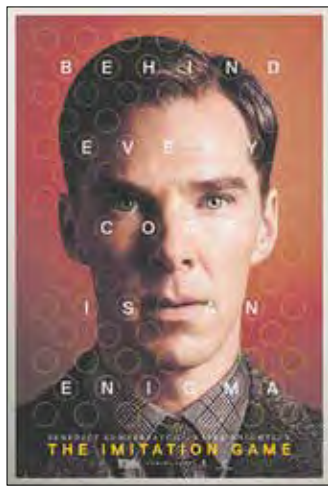
Keira Knightley provides the picture’s glamour as maths wizard Joan

Clarke, the member of the code team closest to Turing. Her character’s warmth balances and humanizes Cumberbatch’s Turing, who seems to personify the computational machine that bears his name. Their asexual friendship is an interesting bonus in the film.

Cumberbatch plays Turing with eccentric intensity. His shock of sandy hair, his crooked near-smile and his inquisitive eyes are well known to his fans. His character’s stutter is only occasional, as though he has trouble putting his teeming thoughts into words, and he displays no clichéd “gay” mannerisms.

Cumberbatch presents a complex and troubled man in Alan Turing, a man whose remarkable mind and pioneering work on the Automatic Computing Engine did not save him from persecution for his sexuality.

Barry Gaines reviews theater and film for ABQ Free Press.



Who Needs Prince Charming?

BY SHARON NIEDERMAN

Confession No. 1: I saw the movie before I read the book. Confession No. 2: I haven’t read the book.

So, purely from the movie-watching perspective, Reese Witherspoon may have made a Hollywood movie that is an honest depiction of women’s experience, at last. Despite the rah-rah around faux feminist breakthroughs of the past, they were until now dramas of conformity or failures of conformity to gender-role expectations.

In “An Unmarried Woman,” fledgling divorcee Jill Clayburgh claimed Alan Bates as the prize. In “Thelma & Louise,” we got the young Brad Pitt for an appetizer before the heavy main course (note that we still have no word for a female “bromance”). And the courageous “Julia,” which tried to fool us into thinking Jane Fonda could pass for Jewish, turned out to be fiction, not memoir.

Witherspoon, beyond her perky “Legally Blonde” days, quested for substantial roles. When she found Cheryl Strayed’s adventure memoir of hiking the 2,663-mile Pacific Crest Trail, she immediately bought the rights for her Pacific Standard production company. Reviewers lack the vocabulary to make the story sound interesting, but Witherspoon takes the plot of a woman’s inner journey manifested through overcoming and surviving immense physical and psychological



challenges and inhabits a story you can’t turn away from. You’re with her every step of the way.

The actress gives this role far more heart than her Oscar-winning performance as June Carter Cash in “Walk the Line,” where the Nashville native actually sang and played the autoharp. In “Wild”’s galvanizing performance, Witherspoon is even more deserving of the gold.

It is the loss of her spunky single mother, played by Laura Dern, that triggers Cheryl’s downward spiral into hard drugs and random sex. To heal her grief — and guilt? — or at least scar it over, she naively takes to the road on her monumental walkabout.

This movie has no love interest. Zero. Zip. Yes, a casual fling, but no relationship drama. No reweaving of archetypal fairy tales. No man to tempt, dodge

and fall into the arms of happily ever after. Male encounters along the trail only raise the question, “Friend or foe?”

Coping with the fear embodied in those encounters with males, the trepidation and triumph of crossing a creek over a shaky log bridge, and the life-saving friendships struck up with women along the trail ring absolutely true.

The film has earned 13 Oscar nominations, among them Best Picture, Best Supporting Actress for Dern, Best Cinematography and Best Film Editing.

The fast-cutting pioneered by avant-garde filmmaker Stan Brakhage in the 1960s has gone mainstream. Indeed, we view it weekly now in addictive TV junk food like “Scandal.” Here, John Mac McMurphy and Martin Pensa exploit their medium in a flashing lyrical stream-of-consciousness, and Cheryl’s free-association memories act as an alternative character, bulleting explanations of her motivations and reactions.

See this movie if you’re woman — or man — enough to imagine going through this journey.

Sharon Niederman is former arts editor for the Santa Fe Reporter. Her award-winning novel, “Return to Abo,” contains several roles for strong women.

Bringing Back That Ol’ Swing

BY RENE THOMPSON

Micky Patten has started playing again after 33 years as the owner of Grandma’s Music and Sound, and can be heard in Albuquerque, with the period-specific, swing-tribute band called the Charlie Christian Project, dedicated to the legendary guitarist who passed away in 1942.

Patten said he decided to learn to play the upright bass about six years ago and is now playing at gigs with musicians such as Grammy-Award-winning trumpet player Bobby Shew, Los Angeles session guitarist Michael Anthony, and New York native John Trentacosta, a drummer and co-founder of Straight Up and jazz radio host on KSFR FM 101.1.

“I love playing. It’s why I got into this business — and I was into rock when I was young — but as soon as I discovered jazz and swing, I liked it more,” Patten said.

His fondness for Big Band comes from Charlie Christian himself, who Patten said brought guitar to the forefront of swing music in the 1940s. “Big Band was driven originally by tuba and banjo, and the guitar just wasn’t loud enough to get through all that sound, but this guy came along with his Gibson and a tiny five-watt amp, and when he plugged that guitar in he changed the world,” Patten said.

Patten can also be seen in other local groups like the LabCats jazz band, No Exit, and Latin Jazz band Saudade.

Patten said he’s having fun working with local jazz and swing bands, but does not plan to get too serious, as he likes to do live shows.

“I have no plans to record unless it’s a live gig, but then again, maybe someday,” he said.

Being the owner of one of the most successful local music stores in Albuquerque has given him experience and nurtured his ongoing appreciation of jazz. But he had to take time out from playing to focus on his business first.

“I took literally 25 years off to get the store running, but before I moved here and opened the store, I taught and played and that’s all I did. The store took so much energy to get going the first couple of decades there, and when Patty [his wife] took over on a lot of it, I figured since I had the extra time I would start to play again,” Patten said.

At Grandma’s, it’s been a bit of a rough road to compete with online options now that some music consumers prefer convenience over quality.

“We could never compete with the Internet selection; you can compete



Micky Patten, owner of Grandma’s Music, has more time to play.

with price or customer service, but it’s becoming convenient to just get it on your phone and have it delivered to your door,” he said.

Although newbies tend to get burned when buying an instrument for the first time online, Patten believes that many people are loyal when it comes to shopping locally. Then there are certain types of musicians who will always buy an instrument in person.

“The real musician won’t buy something they haven’t heard, because all instruments are going to sound different; for instance, guitars are made out of wood, so no two really sound exactly the same. One’s got to talk to you, if you know what I mean, and that can only happen in person,” he said.

Since the decline of musical instruction in schools, Patten set up an area of his store dedicated to music lessons, with seven instructors who teach more than 150 students. Grandma’s also hosts lesson clinics for local and out-of-town musicians.

Grandma’s has five departments: Pro Audio, Drums, Keyboards, Guitar, and a Service department to help musicians get their gear fixed locally.

The guitar department also has a climate-controlled acoustic room and amp room, where Grandma’s is proud and happy to let customers check out products before buying. This practice sets them apart from competitors.

To hear Patten play, you can catch No Exit at St. Clair Winery on Saturday, January 31, and the LabCats on Saturday, February 21; both shows start at 6 p.m.

Rene Thompson is an intern for ABQ Free Press.

Music Brief: Charles McPherson’s ‘The Journey’

BY BARRY GAINES

The science of bebop was cooked up in labs like Minton’s Playhouse in Harlem in the mid-20th century. That qualifies it as American classical music. “The Journey” testifies to bebop’s enduring legacy and its extension.

Alto saxophonist Charles McPherson directly honors the tradition with Charlie Parker’s “Au Private.” He displays a Bird-like fluency and speed without being imitative. But this excellent group — McPherson; Keith Oxman, tenor; Chip Stephens, piano; Ken Walker, bass; and Todd Reid, drums — is remarkably tight and cohesive on up-tempo numbers like “Au Private” or ballads such as “I Should Care” when McPherson has the chance to unfurl his flag of glorious romanticism.

All of this music is exquisitely played. In jazz that means the players are intently listening — to themselves, and others. Which sounds like a pretty good working definition of what democracy in America should be. And these musicians are creating art and architecture on the spot.

You try it. McPherson has a warm, gorgeous tone. His own compositions like “Manhattan Nocturne” have an urbane sophistication. He and Oxman make beautiful harmonies.

McPherson met Oxman at a jazz club

in Denver. Encounters with other local musicians followed. That was the genesis of this group. That alone gives me hope that there’s still creative space out there.

There are fewer and fewer venues like Outpost Performance Space for live jazz in the country of its birth, its market share shrinking. I’d venture to suggest that this music’s continued existence is as vital as preserving our language. Because, no



lie, jazz is its own complex language with grammar, syntax and idiom.

McPherson is a supreme master of that language and his simpatico group was born to bop with him. The alto saxophonist can be heard on the soundtrack of Clint Eastwood’s Charlie Parker bio-pic. If you can imagine — or better yet,

ask Colleen Corrie or Dave Chapman at Charley’s 33s and CDs on Menaul to order it for you — “The Journey” has alchemized bebop’s postwar agitation into something even more sublime and reflective for our late cultural moment.

Bird, after all, lives.

Richard Oyama’s first novel is entitled “A Riot Goin’ On.”

Order “The Journey” from: CAPRI Records Ltd., P.O. Box 892, Bailey, CO 80421-0892, caprirecords.com.

Enter our Flash Fiction Contest



Submission Deadline:

Friday, February 27, 2015

Write short, and write fast. Enter the ABQ Free Press Flash Fiction Contest for a chance to win \$75 and publication in our March 11, 2015 issue.

Only unpublished short stories no longer than 650 words submitted by email or snail mail will be accepted. Any subject matter, but keep the words clean. No matter how short, your submission should be a complete story, with a beginning, middle and end.

No entry fee. Multiple entries OK. Include your name, email and phone number. Entries will be judged by a panel of professional writers whose decisions are final.

DEADLINE: Entries must be emailed or snail mailed by midnight Mountain time, Friday, February 27, 2015. No exceptions. Email to stephanie@freeabq.com or snail mail to Flash Fiction Contest, ABQ Free Press, PO Box 6070, 87197-6070. Winners will be notified by Friday, March 6. No phone calls, please.



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Waiting room distractions

by Sally York and Myles Mellor

Across

1. Cores
6. Tacky chic
10. Enhances
14. Courtyards
15. Sea position
16. Hawaiian tuber
17. Mags
20. Increase, with "up"
21. Poetic palindrome
22. WWII battle site
23. Crackers
26. Mandela's org.
27. Stimulant ingredients
29. Kuwaiti, e.g.
31. Land of leprechauns
35. Profits
37. Indonesian roamer
39. Australian runner
40. Rags?
43. Addition
44. Affectation
45. Cow fuel
46. Some beans
48. Campaigns
50. Some bays
51. Family dog, for short
53. Psychoanalyzed?
55. Cooling-off periods?

59. Bit in a horse's mouth
60. Ripen
63. Mags
66. Algonquian Indian
67. Brown shade
68. Fat units?
69. Frau's partner
70. Blabs
71. Nobel, for one

19. Time div.
24. Catch
25. Alain Robbe-Grillet novel, with "The"
27. "Who ___?"
28. Kind of molding
30. Aardvark's tidbit
32. Worthy of comment
33. Candidate's concern
34. Certain posers
36. Quail food
38. Disney workers
41. Fed. construction overseer
42. Brio
47. Sirhan Sirhan, e.g.
49. Fuse mishaps
52. Back when
54. Churchill's "so few," (abbr.)
55. Creep
56. Bird beak part
57. The America's Cup trophy, e.g.
58. Gull-like bird
61. Neuter
62. To be, to Tiberius
64. Paranormal ability
65. Line

Down

1. Perry Como's "___ Loves Mambo"
2. Any thing
3. In Aruban fashion?
4. Cool
5. Vendor's mistake?
6. Linked series of writings
7. "Aladdin" prince
8. Exec's note
9. Gotcha moments
10. Immediately
11. "Two Years Before the Mast" writer
12. Attracted
13. Bean used to make miso
18. Time piece?

Answers on page 31



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