

BURN BAN IN EFFECT, NO GROUND FIRES

by order of Presidio County

Brush fire prompts evacuations in Presidio

By STEPHEN PAULSEN
stephen@bigbendsentinel.com

PRESIDIO — A patch of brush on the south outskirts of Presidio went up in flames on Sunday, burning around five acres before firefighters were able to put it out.

The fire, which started around 2:30 p.m., burned for around two hours, prompting evacuations of an unknown number of houses in the area. Numerous agencies responded to the inferno, including U.S. Customs and Border Protection and Bomberos Ojinaga, the Ojinaga fire department.

The fire was initially discovered by some Border Patrol agents who were patrolling near the Rio Grande, said Greg Davis, a CBP spokesperson. The agency contacted the Presidio Volunteer Fire Department, who responded and took over scene command.

CBP weren't "active in the firefighting per se," Davis said, but they nonetheless helped respond to the incident, helping with traffic control in the area and evacuating residents in the fire exclusion zone.

Adrian Flores, a volunteer firefighter in Presidio, said that "due to the dry conditions," the fire went up in about 10 minutes, quickly ripping through thick brush of mesquite and river cane.

"We were just lucky that it wasn't really that windy," Flores said. Firefighters took defensive measures, helping to keep the fire from spreading to nearby homes. "Our main concern was the residents," Flores said.

Flores thanked other agencies for helping respond to the fire. The Presidio Volunteer Fire Department has around a dozen members, he said. But the firefighters have jobs or are in high school and can't always immediately respond to an incident.

It is "very rare" for a fire to get big enough to prompt calls to Ojinaga, Flores said. The last time the Bomberos Ojinaga responded to a fire in Presidio was in 2019, when a large grass fire started near Alamito Creek east of the city.

John Ferguson, the Presidio mayor, was getting ready for a bike ride with his wife Lucy when he first spotted the fire. He soon got a call from Saul Pardo, Presidio fire chief.

"He said, 'Hey, do you suppose we could get the Ojinaga fire department over?'" Ferguson recalled. Prado did not respond to a request for comment by press time.

By press time, it's unclear how exactly the fire started. Facing drought conditions, Presidio County is under a near-constant burn ban.

The Presidio Police Department, who also responded to the fire, currently has no criminal investigations into the fire's origin, Police Chief Jose "Cabby" Cabezuela said on Monday.

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Set to debut in March, new transmigrante route leaves Presidio preparing

By STEPHEN PAULSEN
stephen@bigbendsentinel.com
and
By ABBIE PERRAULT
abbie@bigbendsentinel.com

PRESIDIO — Once a major topic in Presidio, the issue of transmigrantes fell by the wayside last year as city officials scrambled to respond to coronavirus.

But now, as *The Big Bend Sentinel* reported last week, the topic is back on the radar after the Mexican government in December officially announced the new route in its *Diario Oficial de la Federación*, the Mexican equivalent of the federal register.

That announcement was short on details. But in a short section on "baggage and allowance" rules for transmigrantes, Mexican officials said that transmigrantes would now be processed by customs officials in Ojinaga.

The announcement said these rules would go into effect in three months, indicating that the route could debut as early as March. The Los Indios/Matamoros port — currently the only approved route for transmigrantes — would also remain open to the merchants, the announcement said.

Adain Gonzalez, a transmigrante, was making his way through West Texas last week. For the past three years, he's heard rumors but no confirmations about the route change.

In the past, Mexican officials have "changed the port where you can pass," said Gonzales, who's spent 23 years transporting goods between the United States and his home country of Belize. "But you always pass through just one." Adding Presidio without removing Los Indios will mark the first time Gonzales has a chance to choose which port to use.



Staff photo

Adain Gonzalez fills up his tank at a gas station in West Texas last week, as he made his way from California to Belize to sell used U.S. goods for a profit in his home country. Working as a transmigrante, he said he had long heard rumors about the Presidio/Ojinaga transmigrante route, which Mexican officials finally confirmed in December. But the transmigrante doubted whether the new port would be useful for his travels.

On both sides of the Presidio/Ojinaga border, brokers are preparing for a mix of new customers and new competition. Port officials are preparing for a potential influx in traffic. And city officials in Presidio are once again figuring out how to respond, in hopes of getting the new route delayed or canceled altogether.

At a city council meeting last week, when transmigrantes showed up on the agenda, people at the meeting could not hide their disappointment.

"Oh no," one person on an audio recording of the meeting

said, "here we go again." Another attendee opined that "I thought [the transmigrante issue] had gone away."

Transmigrantes are traveling merchants from Central America who purchase consumer goods in the United States and resell them back home. The merchants aren't allowed to sell those goods in Mexico, and the country tightly regulates the industry, funneling transmigrantes onto certain routes and cataloging their goods as they enter and leave the country.

Currently, the only transmigrante route runs through Los Indios,

a South Texas town where the traveling merchants dominate the local economy and civic life. At least 10 brokerage and depot businesses in tiny Los Indios (pop. 850) cater to transmigrantes. The city even celebrates a *Dia del Transmigrante*, or "Day of the Transmigrante."

Rick Cavazos, the mayor pro tem of Los Indios, told *The Big Bend Sentinel* in 2019 that transmigrantes were an important part of the local economy. A truck stop used by transmigrantes was "by far the [largest] sales-tax-driver for the city," he said. But transmigrantes

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Trial begins in case involving Terlingua man's allegedly obscene website

By STEPHEN PAULSEN
stephen@bigbendsentinel.com

TERLINGUA — A criminal trial has begun against Tom Arthur, a Terlingua-area man whom prosecutors accuse of running an obscene website focused on child sex abuse. After more than a year of legal filings, jury selection began this Tuesday at a federal courthouse in Pecos.

Arthur, who faces charges for allegedly possessing, transporting and distributing obscene materials through his website, was first arrested during an FBI raid at his house in 2019. But the case has dragged on for a number of reasons, including disruptions from the coronavirus pandemic and the unusual nature of the case.

The charges against Arthur focus on allegedly obscene texts and drawings hosted on Arthur's for-profit website. Users contributed written and drawn content to the website, the name of which *The Big Bend Sentinel* is not printing. Prosecutors alleged Arthur was earning up to \$14,000 a month.

At a bail hearing last November, prosecutors

said they'd also allegedly recovered actual child pornography while searching Arthur's home and electronic devices. For reasons that are not yet entirely clear, those allegations do not appear to be part of the charges against him. The government's case instead focuses on three drawings and five stories which appeared on Arthur's website and which the government alleges are obscene. The five stories are accounts of sexual abuse of children. Prosecutors allege that the drawings also depict children in an obscene manner.

The trial against Arthur could prove a test case on federal obscenity law. Federal law clearly bars child pornography or visual depictions of it, but the laws around similar text-based content are more convoluted.

Prosecutors argue that Arthur's website, which was started around 1996, violated obscenity laws. They say Arthur and users of his website were "members of a deviant sexual group" with a "morbid, degrading or unhealthy interest in sex" with children. They say the drawings and stories hosted on his website "lack serious literary,

artistic and scientific value."

Arthur's lawyers argue that the stories qualify as art and are protected by the First Amendment. They've made similar arguments for the visual materials, including questioning whether all three drawings depict minors.

Arthur's lead lawyer, Houston-based Mark Bennett, did not respond to a request for comment for this story. But in court filings as well in previous interviews with *The Big Bend Sentinel*, Bennett has argued the case against Arthur is baseless.

In one filing from April, Bennett dug into the complex and shifting rules on obscene content. "Federal law does not even purport to forbid the mere possession of text obscenity, whether in the home or out," he wrote. He also argued that — because Arthur's website contained content that was "allegedly obscene, but not child pornography" — it was "Congress's job to impose rules on it, not prosecutors."

Bennett argued that Arthur's website was not focused on child sex abuse and instead had

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Lawsuit against Presidio County gets court date after mediation fails

By ABBIE PERRAULT
abbie@bigbendsentinel.com

PRESIDIO COUNTY — At Presidio County Commissioners Court last week, Judge Cinderela Guevara updated elected officials, county staff and the public about the ongoing civil case brought by Mary Catherine "Katie" Sanchez against Presidio County, Texas, and current County Treasurer Frances Garcia.

Guevara said that in October, Sanchez, defendants and a few other witnesses were deposed as part of regular discovery in the case. It was another step in the ongoing federal suit that began in July 2019, when Sanchez alleged in court filings that the elimination of the county's Office of Management and Budget — and thus, her role as the department's director — came about because of political retaliation.

"I didn't understand why they said they were getting rid of OMB to save money and then turned around and gave everybody raises."

Sanchez had sought office as treasurer of the county in 2018, but lost to Garcia, the incumbent, who is named in her own capacity as a defendant in the case.

The suit alleges that after losing to Garcia, Sanchez's constitutionally protected candidacy for office turned into "a motivating factor in the elimination of the Office of Management and Budget, and her position as its director." Sanchez had worked for the county since 2011 as a contract employee and as a permanent employee since November 2014.

Two months after her election loss, Sanchez's office was eliminated when then-Commissioner Loretto Vasquez put it on the agenda as a money saving endeavor, and commissioners voted 4-1 to get rid of the department. Vasquez, along with current commissioners Eloy Aranda, Jose Cabezuela and Brenda Bentley, approved the cutting of the office.

Only Judge Guevara dissented. Buddy

(Continued on page 3)

FACE COVERING ORDINANCE IN EFFECT

by order of the State of Texas

After warning, Texas continues use of Curative tests

By STEPHEN PAULSEN
stephen@bigbendsentinel.com

TEXAS — The Texas Division of Emergency Management, a state agency tasked with coordinating public coronavirus testing sites, is standing behind the Curative-brand mouth-swab test, at least for now.

Curative, whose tests were used for months at public testing sites in the tri-county, is facing scrutiny after the U.S. Food and Drug Administration warned of the risk of false negatives with the test. *The Big Bend Sentinel* reported on that warning last week.

In emails to *The Big Bend Sentinel*, a TDEM spokesperson said the agency would "continue working with vendors who utilize Curative tests to ensure that Texans have access to a wide variety of COVID-19 testing options." The agency would also "monitor any findings and data released by Curative and the FDA," the spokesperson said.

The FDA's warning, the spokesperson said, "does not recommend discontinuing use of these tests." The spokesperson also included a statement from Curative, which stressed that "a negative result does not exclude the possibility of COVID-19" and that "potential inaccuracies such as increased false negatives can occur."

The news comes as government agencies across the country have grappled with how to best respond to the FDA's warning about false negatives, particularly among asymptomatic people being tested. Some governmental organizations, including Los Angeles County, have cut ties with the company. Many others, including TDEM, have said they will keep using the test. The Big Bend region relied on Curative tests for months, but recently, state-run testing sites in the area have used a different test supplied by DOCS Health.

The "emergency use authorization" (EUA) that Curative received from the FDA last year says the proven efficacy of Curative's tests is "limited to symptomatic individuals within 14 days of COVID-19 symptom onset." But officials across the country have also offered the test to people without symptoms, including at public testing sites in the tri-county last year. That discrepancy is apparently what prompted the FDA's warning — though the agency has not responded to questions from *The Big Bend Sentinel* about its warning or the Curative EUA.

Critics of the FDA, including Los Angeles mayor and Curative supporter Eric Garcetti, have argued the agency did not provide data that would justify discontinuing use of the test. In a statement to *The Big Bend Sentinel* last week, Curative argued its "positivity rate largely agrees with other labs."

Before the controversy, California-based Curative had won over Big Bend residents with its ability to quickly deliver results. Tri-county officials, including at Sul Ross and in the city of Presidio, purchased batches of Curative tests for use on groups like first responders and students.

In the wake of the FDA warning, local officials are debating whether possible inaccuracies are enough reason to cancel contracts with the company. And for many — including officials at TDEM — the answer, for now at least, is no.

Transmigrante

(Continued from page 1)

also present challenges to the city, including traffic accidents and frequent long wait times at the port.

Over years of meetings, Presidio city officials have made it clear where they stand on the new proposed transmigrante route.

Officials worry the new route could overwhelm local services, slow down the port and bring crime to the region, as cartels prey on the traveling merchants.

Gonzalez, the transmigrante from Belize, said it is dangerous on the Mexican side of Los Indios, where he has been stopped and extorted for money. “They say it’s organized crime, but you don’t ask who they are,” he said.

The set price is 2000 pesos, around \$100 USD. “If they stop you, you don’t hesitate to give them money,” he said. “If you hesitate, they might get more aggressive. It’s not worth dying for \$100.”

When asked if the port opening to transmigrantes in Presidio could lead to a rise in crime in Ojinaga, Gonzalez was blunt. “Most likely,” he said.

At best, Presidio city officials would like to see the route canceled altogether. And at the very least, they want better communication with Mexican, Texan and U.S. officials, to make sure Presidio is ready for any influx of new commercial traffic.

As early as 2017 — when rumors of a new route were just starting to bubble up in Presidio — the city passed an ordinance regulating transmigrante traffic. It imposes regulations on the drivers, including barring them from parking in residential areas.

Last March, the city went further, passing a resolution

opposing the new route. The resolution cited a number of factors, including a lack of “overnight accommodations” for transmigrante traffic and the fact that U.S. Highway 67 is a “mainly two lane, curvy and hilly roadway.” It urged Marfa and Presidio County to pass similar resolutions and encouraged the U.S. federal government to pay attention to local opposition.

Few concrete developments came out of last week’s meeting, and city council took no action. Regardless, city officials made it clear that they still oppose the route.

“I still stand the same way,” said Councilmember Rogelio Zubia. Mayor John Ferguson likewise said that his feelings were “still the same as well.”

City Attorney Rod Ponton noted that “the city council is already on record as saying y’all oppose it.” He urged city officials to contact higher-ups in the Texas and federal government for help in cancelling or delaying the new route.

We should “contact our state representative and state senator and our U.S. congressman and tell all of them that not only is Presidio opposed to this, we don’t have the infrastructure to handle it,” Ponton added. At press time, city officials said they had not yet contacted U.S. lawmakers about Mexico’s December announcement. Tony Gonzales, the new U.S. representative for TX-23, did not respond to a request for comment on the issue.

At the meeting, Ferguson touched on a concern he’s brought up for months. While officials in Chihuahua and Ojinaga make preparations — and while officials in Presidio try to do the same — it’s been hard to get the attention of higher-ups in the United States, he said.

“I just find it really, really weird how [information on the new route] is all coming from Mexico,” Ferguson

said. Former Congressman Will Hurd, with whom Ferguson previously discussed the matter, had made little headway with the Mexican government before leaving office, Ferguson said.

As *The Big Bend Sentinel* was going to press on Wednesday, Joe Biden took the oath as president of the United States. In an interview, Ferguson was hopeful that the new federal government would be more attune to the ins-and-outs of U.S.-Mexico trade policy, including the Presidio/Ojinaga transmigrante route.

Former President Donald Trump “wasn’t about building bridges; he was about building walls,” Ferguson told *The Big Bend Sentinel*. “His interest in the border has been building walls and denying people entry.”

When it comes to transmigrantes, though, Presidio city officials aren’t exactly trying to build bridges, either.

One big concern is crime, as cartels in Mexico target transmigrantes for bribes and merchandise. Cavazos, the Los Indios official, said transmigrantes in Los Indios were frequent targets of Mexican criminals and that he felt “sorry for them.” And in a report on transmigrantes last year, a Mexican newspaper cited similar concerns from Mexican officials, with one official complaining that transmigrante brokers in Matamoros had “corrupted this activity.”

At last week’s meeting, Presidio City Administrator Joe Portillo said that crime was likely one reason why Mexico wanted a new transmigrante route. Another likely reason, he said, was “politics.”

“It’s an economic stimulus” for Ojinaga, Portillo explained. “It’s a job opportunity for businesses that do that kind of export work.” It would also bring new

customers to other businesses in Ojinaga, from food vendors to car mechanics.

Presidio city officials may oppose the new route, but for brokers on both sides of the border, the mood is more ambivalent.

A possible new parking lot development on U.S. 67 aims to profit from transmigrantes looking for places to park. In recent weeks, brokers have reportedly had meetings with Portillo and other city officials to discuss preparations. Presidio city officials confirmed these meetings, but by press time *The Big Bend Sentinel* was unable to get more information.

Isela Nuñez, a broker at Pro Customs Broker in Presidio, had mixed feelings on the new route. It would “definitely be good for business” and would “leave some revenue in the City of Presidio,” she said.

At the same time, she shared officials’ concerns about transmigrantes, including traffic accidents, long wait times at the port and a lack of facilities for the merchants. “I don’t think we have the infrastructure to handle the traffic that will come,” she said.

Gonzalez filled his gas tank at a Sunoco in Ozona on Friday night, making a short pit stop along I-10 on his way from California. He was heading to Los Indios, and eventually to his final destination in Belize.

The transmigrante remarked that he hadn’t heard Presidio/Ojinaga was officially announced as a new route. He wasn’t sure he would use it.

“I’ll be honest with you,” he said, “the less time you spend in Mexico, the better. Because Mexico is more dangerous than here.” Traveling through Presidio could make the route to Central America slightly shorter — but for Gonzalez, a longer drive through the United States was worth it for the relative safety.

Fire

(Continued from page 1)

Regardless, the spot where the fire started — a patch of brush near Presidio High School — is frequently used by residents to dump trash, he said.

Flores, the volunteer firefighter, said fire officials were also still working out how the fire started. There are farms in the area, and it’s possible the fire was started by someone trying to clear brush, he said. There were no approved controlled burns in the area that day.

But, Flores said, it was also possible that the fire started without human involvement. There are some old irrigation generators in the area that could have also contributed to the fire — though he stressed fire officials just weren’t sure.

“There’s too many variables,” he said. “I don’t want to speculate.”

Sunday’s burn marks the second fire near Presidio in recent weeks. On the evening of December 28, the Presidio Volunteer Fire Department also responded to a fire around 10 miles west of Presidio.

In that case, Flores said, the fire apparently started after farmers in Mexico were clearing brush.

At a narrow point of the Rio Grande, “The fire happened to start in Mexico, and with a little wind it just hopped over,” Flores said of that incident.



Photo courtesy of The Presidio Volunteer Fire Department

A fire burned through acres of vegetation in Presidio last weekend. With the help of many area agencies, Presidio's Volunteer Fire Department was able to contain the blaze before it reached nearby homes and the high school.

UPCOMING COVID19 TESTING:

**Thursday, January 21,
9 am - 4 pm
Marfa Visitors Center
302 Highland Street**

**Friday, January 22,
9 am - 4 pm
Fort Davis Fire Station
200 Court Ave.**

PUBLIC HEARING CITY OF MARFA TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

The City of Marfa will hold a public hearing at 6:00 p.m. on January 28, 2021 via Zoom, regarding the Texas Department of Agriculture’s CDBG Program. The purpose of this meeting is to discuss the citizen participation plan, local housing and community development needs, available funding, eligible activities, past use of funds, and development of CDBG applications. Participants can join the meeting using this link via computer or mobile devise: **<https://zoom.us/j/92568939791>**, **Meeting ID: 925 6893 9791, Passcode 028983** or by phone number **1-346-248-7799**, and use **Meeting ID: 925 6893 9791, Passcode: 028938** Written comments may also be submitted to the City Manager at P.O. Box 787, Marfa, Texas 79843. E-Mail comments can also be sent to mroane@cityofmarfa.com

Persons with disabilities or others requiring auxiliary aids or services to participate in this hearing should make arrangements with the City Secretary at 432-729-4315 at least two days before the hearing. *Este aviso se puede encontrar en inglés y en español en las oficinas municipales de la Ciudad.*

AVISO PARA OBTENER COMENTARIOS PUBLICOS CIUDAD DE MARFA COMMUNITY DEVELOPMENT BLOCK GRANT DE TEXAS

La ciudad de Marfa tendrá una audiencia pública el día 28 de enero 2021, a las 6:00 p.m. por Zoom, para obtener comentarios del público para su beca de desarrollo comunitario de Community Development Block Grant (CDBG) del Departamento de Agricultura de Texas. Invitamos al público para discutir el plan de participación de ciudadanos, las necesidades para desarrollo de viviendas y comunidades locales, la financiación disponible, actividades elegibles, el uso pasado de fondos económicos, y el desarrollo de solicitudes de CDBG. Participantes pueden usar web link **<https://zoom.us/j/92568939791>**, ID de reunion **925 6893 9791**, contraseña **028983** or llamar a número **1-436-248-7799** usar ID **925 6893 9791**, contraseña **028983**. Miembros del público también pueden someter comentarios escritos al Administrador de la ciudad a la dirección P.O. Box 787, Marfa, Texas 79843. Comentarios por correo electrónico se pueden enviar a mroane@cityofmarfa.com

Personas con discapacidades y otras personas que requieren ayuda o servicios auxiliares para participar en esta audiencia pueden hacer arreglos con la Secretaría de la ciudad al 432-729-4315 por lo menos dos días antes de la audiencia. Residentes que necesiten un intérprete deben comunicarse con la ciudad por lo menos 24 horas antes de la audiencia pública.

Judge in Gage lawsuit gives lawyers one more week for objections

By **STEPHEN PAULSEN**
stephen@bigbendsentinel.com

BREWSTER COUNTY — The Gage lawsuit has been pushed back again. In a filing last week, lawyers for both Gage Hotel owner J.P. Bryan and Brewster County Judge Eleazar Cano asked for more time to file objections.

Objections in the case were due on Friday — but in their joint filing, lawyers asked for another week. Judge David B. Fannin, who’s overseeing the case, granted the request, giving lawyers until this Friday, January 22, to make their arguments.

Originally, these filings were due by the end of December. But in a previous joint filing from that month, lawyers for both sides also asked for more time.

Bryan’s lawyers cited the winter holidays and said they “would like to be able to meet with family and friends to the extent possible.” Cano’s lawyer, J. Eric Magee, also cited the holiday and said he wanted more time to build his case.

This legal fight, which *The Big Bend Sentinel* first reported on in April, concerns emergency measures that Brewster County officials took at the start of the coronavirus crisis. Like other officials throughout the tri-county, officials in Brewster County temporarily shuttered hotels and short-term rentals last year near the start of the pandemic. Those rules affected Bryan’s Gage Hotel in Marathon.

Bryan’s lawyers have argued those emergency closures violated his constitutional rights. In March, he sued several Brewster County officials, including Cano, the top county executive.

Bryan later dropped that case, instead suing Cano specifically. Cano, for his part, has argued he acted within his legal authority and was just trying to keep Brewster County residents safe.

This legal fight has exposed the fault lines over Texas’ handling of the coronavirus crisis, as *The Big Bend Sentinel* previously reported. The initial lawsuit didn’t name Brewster County Health Authority Dr. Ekta Escovar as a party, but it did cast aspersions on her, saying the medical doctor was acting “without scientific support” and “should not be regarded as an expert.”

Facing backlash from residents and businesses owners, Dr. Escovar resigned her position as health authority in September. Dr. Escovar had been working for free in the advisory role, and Brewster County has not had a county health authority since.

Governor Abbott, who also faced backlash from business interests, banned local officials from issuing health orders that were stricter than his own in May. That order overturned temporary bans on hotels and short-term rentals and prevented local officials from adopting new restrictions.

Coronavirus cases soon spiked in Brewster County, going from zero in mid-June to well over 100 by July 1. At press time, almost 900 Brewster County residents have fallen ill with coronavirus. At least eight county residents have died.

While the lawsuit shows no signs of ending soon and could well drag on past the end of the pandemic, last week’s filing provides a window on the arguments both sides intend to make.

Bryan’s lawyers are focusing on what they say are due process violations and argue that Cano also violated the commerce clause of the Constitution. They acknowledge that Governor Abbott also issued emergency orders but say that Cano’s orders were “based on a statute that is entirely separate and independent of the statute under the which [sic] Governor Abbott acted.” They also argue that Judge Fannin “did not properly consider the interstate commerce aspects of the Gage Hotel’s business” in his initial decision, since the Gage Hotel has been open to visitors from all across the country and world throughout most of the pandemic.

Magee, Cano’s lawyer, said he plans to argue that Bryan’s Fourth and Fourteenth Amendments were not violated. But in the filing last week, Magee is more circumspect, not offering details on the arguments he will make. Those will come in a later filing.

Instead, Magee said he would like more time to meet with Cano and discuss the case. But that will be “difficult to arrange,” he wrote, “due to the continued restrictions and concerns related to the COVID-19 outbreak.”

“Defendant’s request is not made for any delay,” Magee added in the filing, “but so that justice may be done.”

Filing period open for City of Marfa candidates

MARFA — Marfa is having a general election on May 1, and the filing period for hopeful officeholders opened last week. Candidates have until Friday, February 12, to file.

Three positions are open, including for mayor and for two at-large city council seats. By press time on Wednesday, council members Irma Salgado and Raul

Lara and both filed for reelection. Mayor Manny Baeza has not yet filed for reelection.

Anyone interested in filing for city office can pick up an application in-person at Marfa City Hall or online at <https://cityofmarfa.com/elections>. Applications can be dropped off in-person at city hall, emailed to secretary@cityofmarfa.com or mailed to the city at P.O.

Box 787, Marfa, TX 79843.

To qualify for office, candidates must meet certain requirements, including one-year of residency in Texas and six months of residency in Marfa. Anyone with questions about the process can contact Mayra Del Bosque by email at secretary@cityofmarfa.com or by phone at 432-729-4315.

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SALE ONLINE AND IN-STORE

Website trial

(Continued from page 1)

content “concerning a number of topics, some passe.” He compared the charges against him to “hauling a small-town librarian before a jury of her peers to defend stocking her shelves with a copy of *Lolita*,” a famous 1955 novel depicting a relationship between a middle-aged man and a minor female.

In court filings from last week, Bennett said he plans to enter excerpts of two controversial erotic books as evidence: *Delta of Venus* by writer Anaïs Nin and *120 Days of Sodom* by Marquis de Sade. He also plans to show jurors several pictures.

Also last week, Bennett introduced expert testimony from Dr. David Ley, a clinical psychologist based in New Mexico. In his testimony, Dr. Ley said he reviewed the evidence against Arthur last year at an FBI satellite office in Alpine.

After reviewing the allegedly obscene stories, Dr. Ley stated that one story was “reminiscent of the 1991 book *American Psycho*.” As for another story depicting child abuse, Dr. Ley stated that “the author creates a situation in which the reader empathizes with the victim of the abuse described, a sophisticated technique in storytelling.”

“It is my professional opinion that these materials, while often distasteful and highly uncomfortable for many readers, cannot be shown to lack serious scientific or literary or artistic value,” he stated. He also stated that readers of the stories “may experience decreased risk of contact offending against children.”

As for the three allegedly obscene drawings, Dr. Ley stated that only one of them, a charcoal or pencil drawing, apparently depicted a minor. Another showed a woman of “indeterminate age” and depicted “nothing illegal,” he stated. He also expressed doubts that the third drawing depicted a minor.

Arthur’s case first got pushed back last January, after prosecutors said the case against Arthur was “so unusual or so complex” that it was “unreasonable” to stick to an original January 2020 court date. Prosecutors also said that they’d seized large amounts of potential evidence — including 25 media

devices and 95 boxes of “sexually oriented books” — that would take a “considerable amount of time” to analyze.

In June, the court case got pushed back again. In filings, prosecutors cited impacts from the COVID-19 pandemic, which has slowed down court proceedings nationwide.

Prosecutors also said they were requesting “mutual legal assistance” from the Netherlands, where Arthur’s website was hosted. Arthur, who was denied bail at a hearing in November 2019, has been in custody since his arrest, according to court filings.

The pandemic and the legal complexities of obscenity law aren’t the only things complicating the trial. According to recent court filings, Arthur’s former wife, Sandra, left Arthur and moved to Hawaii shortly after his arrest. She’s also reportedly filed for divorce.

Arthur’s lawyers have argued that Sandra — as a spouse of Arthur during the alleged offenses — should be barred from testifying at the trial. But prosecutors argued that Sandra is “willing to testify” and that even if she wasn’t, “her testimony could be compelled because their marriage is no longer viable.”

Prosecutors are also asking to seize property from Arthur, including not only proceeds and materials related to his website but also his home in the Terlingua area. They argue that Arthur’s house was bought at least partially with proceeds from his allegedly obscene website and that regardless, Arthur used the home to run the website. The remote dwelling helped Arthur “facilitate his operation,” they argued.

Defense lawyers, meanwhile, have argued that Arthur “did not seek anonymity from his remote location” or “attempt to hide his identity.” They argued that “no obscenity prosecution was ever sought against Mr. Arthur” despite the fact that his website was available for more than two decades for “anyone with a credit card and a web browser.”

Sued by worker, Village Farms agrees to COVID-19 safety measures at Monahans greenhouse

“This order delivers a clear message to agricultural producers across the country that they can and should implement certain basic measures to keep migrant farmworkers safe during the pandemic.”

also represents Calzada Navarrete. “They are required by longstanding federal regulations that set standards for conditions in migrant labor camps. What is extraordinary is that a farm is now bound by a federal consent decree to protect its workers in their housing.”

The consent decree requires Village Farms to provide isolation housing in Monahans for workers who test positive for COVID-19. Village Farms may no longer require workers to return to their families in El Paso or elsewhere while they are sick.

It also requires they provide separate quarantine housing in Monahans for symptomatic but unconfirmed COVID-19 cases, and the company may no longer send workers who are symptomatic for COVID-19 back to housing shared with healthy workers.

The multinational corporation must also notify all employees who have been exposed to COVID-19 within 24 hours of exposure, arrange medical appointments and provide exposed employees with time off work and transportation to get a free COVID-19 test.

Finally, the order mandates Village Farms must promptly report positive COVID-19 cases among its workforce to the regional director of the Texas Department of State Health Services.

MONAHANS — In a court agreement that sends a strong message to agricultural producers about workplace safety, greenhouse grower Village Farms L.P. has agreed to implement new COVID-19 policies to protect more than 100 migrant farmworkers at its Monahans facility.

U.S. District Judge David C. Guaderrama of El Paso on January 15 entered a consent decree that requires Village Farms to enact COVID-19-related housing, testing and notification measures to protect its Monahans workers. Village Farms is a subsidiary of Canada-based Village Farms International, one of the largest producers, marketers and distributors of greenhouse-grown fruits and vegetables in North America.

The consent decree resulted from a federal lawsuit Texas RioGrande Legal Aid (TRLA) filed on November 20, 2020, on behalf of an employee at the Monahans greenhouse, Maria de los Angeles Calzada Navarrete of El Paso. TRLA provides free legal services to people who cannot afford an attorney, including residents of the Texas-Mexico border.

TRLA attorney Maxwell Dismukes, who represents Calzada Navarrete, said Village Farms deserves credit for “coming to the negotiating table quickly and agreeing to implement the measures we requested.”

According to the suit, Village Farms had refused to implement “simple, obvious, and cheap” measures to protect its employees’ health and safety during the pandemic.

The suit asked the U.S. District Court in El Paso to require Village Farms to quarantine sick workers, notify workers who have been exposed to sick workers, provide access to free testing, and report positive cases to public health authorities.

“These measures are hardly extraordinary,” said TRLA attorney Christopher Benoit, who

County lawsuit

(Continued from page 1)

Knight, the incoming commissioner that was about to assume Vasquez’s seat, said the move had “the appearance of political retribution.”

The county’s external auditor Doak Painter questioned the explanation that the move was financially-motivated, saying during his 2019 audit report, “I didn’t understand why they said they were getting rid of OMB to save money and then turned around and gave everybody raises.”

In a letter read to commissioners in August 2018 before the vote to eliminate the office, County Attorney Rod Ponton alleged that “Garcia and others are lobbying the county commissioners

to abolish the Office of Management & Budget.” The right to run for office is guaranteed under the First Amendment – and soon Sanchez would allege her constitutional rights had been violated.

Ponton warned the move could have “the potential appearance of political retaliation” and might lead to litigation that “would certainly wind its way through the courts in a protracted and expensive manner,” even if Sanchez ultimately does not win her case.

Should she win her case, the cost to the county would go even higher. In the suit, Sanchez is seeking back pay and benefits, as well as front pay, compensatory damages, and other compensations, as well as punitive damages against Garcia only.

Sanchez’s case alleges Garcia “knew or should

“This order delivers a clear message to agricultural producers across the country that they can and should implement certain basic measures to keep migrant farmworkers safe during the pandemic,” Dismukes said.

Monahans is a small, rural town located 40 miles southwest of Odessa. It is one of a few Village Farms greenhouses in West Texas, along with locations just outside Fort Davis and Marfa.

Many of the Monahans employees are based in the El Paso area and commute to Monahans and back every two weeks. While in Monahans, workers stay in mobile homes provided by Village Farms.

In September, there was an outbreak of COVID-19 at the Monahans facility. Managers told workers who reported symptoms to get tested, but the company did not provide them with any assistance to obtain testing.

Managers also told sick workers to return to shared housing with shared bathroom and kitchen facilities while they awaited results. When the results came back positive, Village Farms told its El Paso-based employees to make the three-and-a-half-hour trip back home to “quarantine.”

Calzada Navarrete said she was shocked when she found out one of her trailer-mates had lived with her while symptomatic for COVID-19 and later tested positive for COVID-19.

“I’m a 61-year-old woman with high blood pressure,” said Calzada Navarrete. “I want to work, but I also want to live.”

“Maria and thousands of other farmworkers have gone to work every day during this pandemic to keep our grocery stores and kitchen cabinets stocked with food,” Dismukes said. “All she wanted was for Village Farms to take the simple steps needed to decrease her risk of contracting the virus and spreading it to others.”

have known that retaliating against a political opponent who was also a county employee was illegal.”

Last month, as the holidays rolled around, an update in the case was filed. Chris Antcliff of Antcliff Mediation provided a letter to U.S. District Judge David Counts that stated an attempt to reach an agreement through mediation had failed.

Jon Hogg, an attorney representing the county, said a motion for summary judgement was pending. Depending what the judge decides, the case could proceed as it is, be dismissed completely or be dismissed in-part, narrowing the issues for trial.

According to Guevara, the case has received a court date set for June 22, pending the outcome of the summary judgement.

ATTENTION PROPERTY OWNERS

Property owners have certain rights that may reduce their property tax burden.

HOMEOWNERS

Persons who own their residence on January 1, 2021, may claim their home as a residential homestead. The filing of this document is only necessary if the homeowner has changed homesteads since January 1, 2020, the appraisal district has requested an updated application, or the owner has become eligible for additional exemptions since last year. A copy of a current driver's license must accompany the application. Homeowners may also defer the portion of the tax on their residence homestead if the value of the home was raised more than 5% above the previous year. Although the tax collection is deferred, interest continues to run on the unpaid portion of tax at a rate of 8% per annum and the deferred tax remains a lien on the property. To apply for the deferral, the owner should contact the appraisal district which appraised the property in question and complete an application.

DISABLED PERSONS

Persons who are disabled under Social Security law are entitled to additional exemptions on their residential homestead. Disabled applicants must apply with the appraisal district and furnish a determination letter from Social Security. Disabled persons receive all benefits on their home that are available to over 65 persons (see below)

PERSONS WHO ARE OVER 65 YEARS OF AGE-EXEMPTIONS AND DEFERRAL

Persons who are over 65 years of age or disabled persons may file for additional exemptions and a ceiling on school taxes for their residential homestead if they became 65 during 2020 or will be 65 during 2021. Over-65 persons should apply for this exemption at the appraisal district office in their county. Over-65 persons are also eligible to defer paying the tax on their residential homestead if they wish. The taxes continue to accrue during the deferral plus interest, but no attempt will be made to force payment during the deferral. Details and an application may be obtained from any appraisal district or the State Comptroller.

DISABLED VETERANS

Persons who have been declared disabled by the Veteran's Administration are eligible for additional exemptions on property they own. The declaration letter from VA is mailed annually, but the appraisal district only needs a copy in the first year of eligibility or if the percentage of disability changes. In certain situations where the disabled vet is 100% disabled and unemployable, their homestead can be completely exempt. An annual reapplication for the 100% exemption may be required by the Chief Appraiser.

FARM AND RANCH OWNERS

Farmers and ranchers may be entitled to receive an alternate method of appraisal determined by the farm income to the property. This method is available to farms and ranches commercially raising crops or livestock or which are used as a wildlife habitat under State guidelines. An application for agricultural use value and additional information is available from your appraisal district. Re-filing is only necessary if requested to do so by the Chief Appraiser.

EXEMPTION APPLICATIONS

Exemption applications for all property tax exemptions including total exemptions for charitable, religious, and other total exemptions may be obtained from an appraisal district nearest you or through the State Comptroller's Office at 1/800-252-9121 or from their website at <http://www.window.state.tx.us/taxinfo/taxforms/02-forms.html>

BUSINESS PERSONAL PROPERTY OWNERS

State law now requires the filing of a rendition declaring what types of business personal property that a person or company owns. Failure to file the rendition will result in a 10% penalty. If a fraudulent rendition is filed, a 50% penalty is mandated. A rendition can be obtained from the appraisal district office where the property is located. Deadline-April 15. A 30 day filing extension is available by written request.

AVAILABILITY OF ELECTRONIC COMMUNICATIONS

Taxpayers may receive certain notices required by law from the local appraisal district in electronic format. Written agreements with the county appraisal district must be entered first, ensuring what electronic means of delivery are acceptable. If you are interested in receiving communications in electronic format, you should contact your local appraisal district to receive a form requesting electronic communications and how that communication should be transmitted.

PROTESTING PROPERTY VALUE

Taxpayers whose property value increases by at least \$1000 will be mailed a reappraisal notice stating the proposed value. The taxpayer may file a protest of the value change by completing the protest form that will be included in the notice. An informal hearing will be available to taxpayers, and if not satisfied, the taxpayer may have a formal hearing before the Presidio County Appraisal Review Board. Depending on the pandemic situation, the hearings may be via phone or electronic medium.

If you have questions about any of these topics, please contact the Presidio County Appraisal District at 432-729-3431 or come by our office at 107 E. Texas St, Marfa, Texas. Other information may also be available on the Comptroller's website at comptroller.texas.gov/taxes/property-tax/

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Opinions

LETTERS TO THE EDITOR

Dear Editor,

Your article last week, “TX-23 rep barricaded the House chamber...,” provided some good insight into who our new U.S. representative, whose name I had actually forgotten, actually is. First, he had the presence of mind and physical ability to help secure the House chamber, keeping in mind that his own safety was at risk since the mob probably had no idea who he was, i.e., a fellow Trump supporter.

Then we find that Gonzales also supported and praised AG Ken Paxton’s efforts in “safeguarding our nation’s democracy,” presumably through his bogus election-related lawsuit. It is important to note that Paxton’s lawsuit was a perpetuation of what has been called “Trump’s Big Lie,” that the election was invalid, had been stolen, etc. That means Gonzales was complicit, along with Paxton, in keeping those who eventually rioted on January 6 riled up and misinformed.

Finally, according to your article, Gonzales conceded there was “no evidence” that the election results were not legitimate.

So I have to ask, who is the real Tony Gonzales? The guy with the courage to help secure the House chamber, the guy who admits there was no fraudulent election or the guy who supported challenging the election results that he admits were not fraudulent? He may be two of those people but cannot be all three.

Regarding reports of elected Republicans and/or their aides guiding groups through the Capitol on January 5, potentially “reconnaissance” for rioters, if Gonzales is the guy with courage, does he have the courage to publicly identify those who participated in those groups?

One final thought about Jenna Ryan, the Dallas area realtor who filmed herself going through the rotunda and up some stairs in the Capitol while reportedly yelling, “Here we are, in the name of Jesus!” In the name of Jesus? And some people wonder why church attendance continues to decline. Ryan was arrested last Friday — in the name of justice. Maybe she will learn the difference.

Fred Gossien
Terlingua

...

Dear Editor,

I have warned for months that if the Democrats won the election, the minimum wage would double. That is coming within a few weeks.

How many businesses in Marfa can afford \$15/hour? Probably only a few. What happens to Marfa when more businesses die? And, Mr. Biden has said he will increase taxes. Increased taxes hurt all of us. How many Marfans and those who own businesses are struggling from the pandemic? This minimum wage increase will kill small-town America.

Something to think about,

Elizabeth Tebeaux
College Station

...

Dear Editor,

As promised

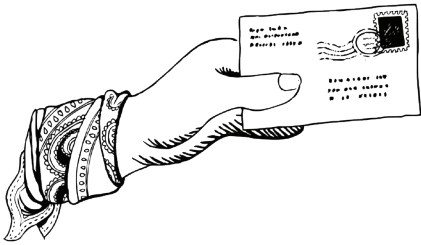
After President-elect Biden said “...I gave my best to you,” swearing the Constitution’s oath of office and being announced as president of the United States, as promised I sat on my RV’s horn for a minute. But my neighbor, a Sul Ross University police officer, knocked on the door. She was worried something was wrong and I needed help.

“No, Biden’s been inaugurated,” I said, emotionally sharing my promise with her. “It was 30 seconds after his election was announced by the media and 1 minute once officially sworn-in. I’ll be taking down my small, outdoor Biden lawn sign in a few minutes when the ceremony is completed, now that I’m assured that Trump’s no longer president! The bumper sticker on the rear tire cover of the RAV4 remains in-place.”

Have you stopped crying and sobbing yet? Not me, before or after the performance of “Amazing Grace.”

Rev. Barry Abraham Zavah
Alpine

...

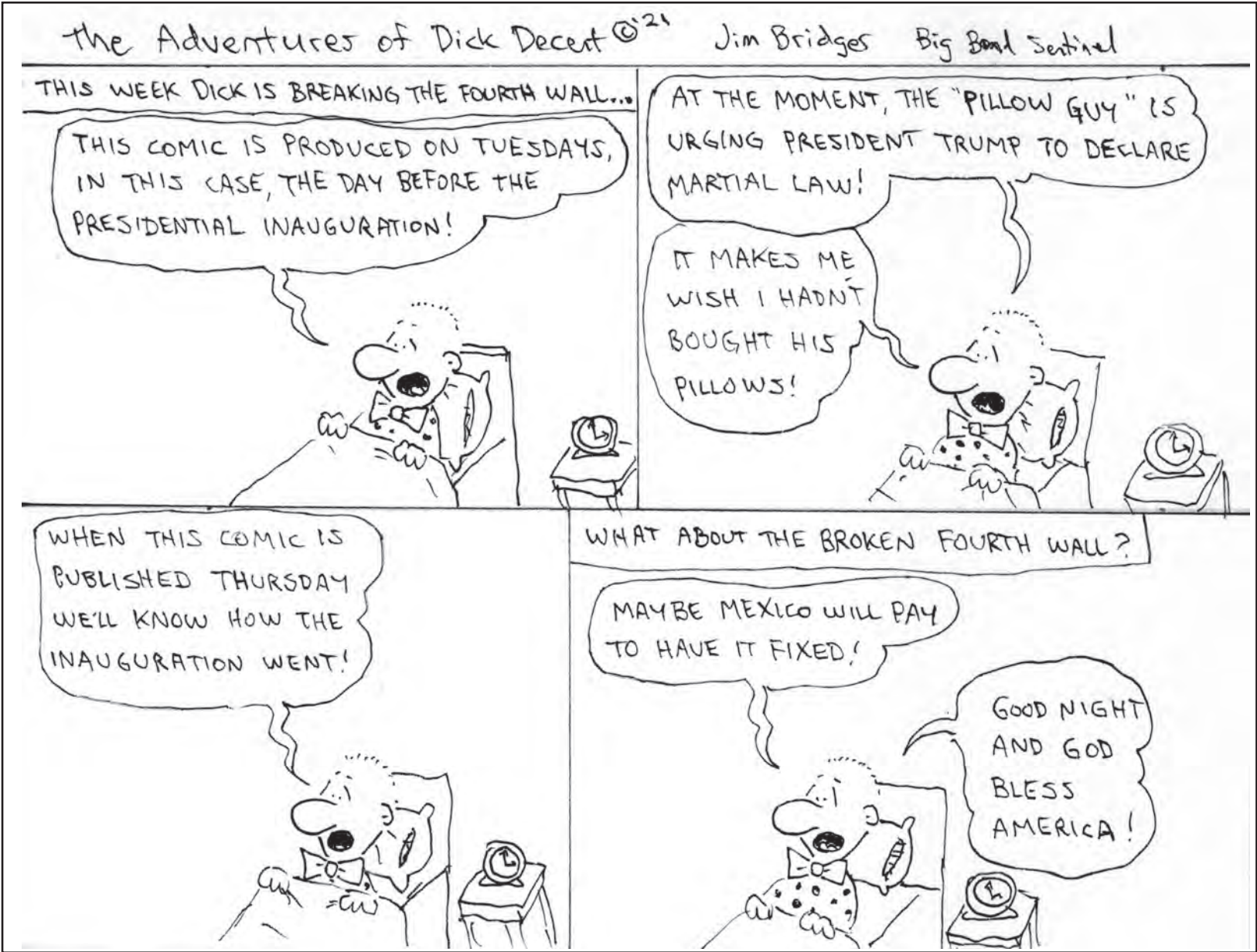


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www.chinati.org



HIGH DESERT SKETCHES

Riot in the Capitol Building

By GEORGE A. COVINGTON

When I first heard about the riots going on in the United States Capitol Building, I thought of three things. First I thought about the hundreds of times I had walked through that building, going from the House side to my office in the Dirksen Senate Office Building, or going the opposite direction. The second thing I thought about was Speaker Nancy Pelosi. I first met Nancy Pelosi more than 25 years ago when she was a newly elected member of Congress. She was a young, highly intelligent politician on the way up in her leadership role in the House. Having met dozens of House members, I knew she would have a leadership role, but I never suspected she would make speaker. My third thought was that if these rioters had been members of Black Lives Matter, there would have been many more dead than six. In my hundreds of ramblings through the Capitol Complex, I had met dozens upon dozens of the Capitol Hill Police, and they were polite and informative. I was shocked to learn that a Capitol Hill policeman, Brian Sicknick, had been murdered.

Mr. Sicknick followed his Air National Guard unit to Saudi Arabia, Kyrgyzstan and a military base in his home state of New Jersey, all in the hopes of one day wearing a police uniform. It was a wish fulfilled more than 10 years ago when he joined the police department tasked with protecting the U.S. Capitol.

Then on Wednesday, pro-Trump rioters attacked that citadel of democracy, overpowered Mr. Sicknick, 42, and struck him in the head with a fire extinguisher. With a bloody gash in his head, Mr. Sicknick was rushed to the hospital and placed on life support. He died the next evening.

The chief of Capitol Hill Police resigned without comment. The police union stated that their first duty was to preserve life, not property. And I know personally that had there been any shots fired in the Capitol Complex, innocent bystanders would probably have been victims. The unit also stated that they were not briefed or equipped for the violence which manifested with the riots.



While listening to the rampage going on inside the Capitol Building, I remember the peaceful demonstration in June that took place in Lafayette Park across the street from the White House. The plaza between St. John’s Church and Lafayette Park was full of people nonviolently protesting police brutality when U.S. Park Police and National Guard troops, with the use of tear gas, suddenly started pushing them away for no apparent reason. It became obvious when President Trump walked from the White House through the park to the Episcopal church. Camera crews scrambled to keep up with him as he strode through the park, followed by his daughter Ivanka and her husband, Jared Kushner, along with Attorney General William Barr and other administration officials.

Trump stopped briefly outside the church and held up a Bible. “We have the greatest country in the world,” he said. “Keep it nice and safe.” The visit came just after Trump delivered remarks at the White House, declaring himself “your president of law and order” and demanding that governors deploy National Guard units and “dominate the streets.”

My first question is, when thousands of white folks attack the nation’s Capitol, where were the police, the National Guard, and the tear gas? You may call the actions of January 6 what you will, but it cannot be denied that it was an assault on every member of Congress, the Capitol Hill Police, and government employees within the building. Six people died because of the attack. The most damaging part of the entire riot was that it was an assault on our Democratic Republic. Benjamin Franklin once said, “We have given you a Republic, if you can keep it.”

Democracy is not the natural order of things. Throughout recorded history, democracy has not been the rule. Most people want a strong, colorful dictator. Winston Churchill once said, “No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time...”

America flirted with fascism in the 1920s and ‘30s. Tens of thousands across the country joined the pro-Nazi America First Movement promoted by famous aviator Charles Lindbergh. In 1939, more than 20,000 people packed Madison Square Garden. The movement faded with the bombing of Pearl Harbor. Does the attack on the United States Capitol Building mark a public drift toward a revival of America First and its brand of modern fascism?

George A. Covington has worked in the fields of law, education, journalism and disability rights. He considers himself retired from every one of them with the possible exception of journalism. He is a graduate of the University of Texas schools of Journalism and Law. He moved to West Texas – Alpine - in 1997 after a 20-year career in Washington, D.C. where he once served on the staff of the Speaker of the U.S. House of Representatives (Democrat) and shortly thereafter served as Special Assistant to the Vice President of the United States (Republican) 1989 to 1993.

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OP-ED

Surplus or Deficit:
Pandemic impacts demand
budgeting for Texas-sized
opportunities

By A.J. RODRIGUEZ

Due primarily to the economic slowdown caused by the COVID-19 pandemic, Texas elected officials were bracing for a \$4.6 billion budget deficit. However, the Texas economy performed better than expected, and Texas Comptroller Glenn Hegar projects the state will face a budget that starts with a \$1 billion deficit.

Fortunately, Texas budget writers have several different opportunities to offset this deficit and leverage additional resources to meet our state’s current and future needs. These include the \$1 billion in proposed Texas state agency budget reductions, billions in CARES Act federal funds, and the recently passed federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021. If the legislature so chooses, they can also draw on some of the \$11.6 billion in the state’s Economic Stabilization Fund, also known as the “Rainy Day Fund.”

Given what our state has gone through – the health, education and economic challenges that the pandemic has highlighted – it’s time for Texas to plan to leverage every dollar we can to benefit our growing, diverse population.

Examples include educating our children. We must make sure the progress made with House Bill 3 continues this session and lawmakers focus on what they can do to address COVID-related learning loss. Last week, the Texas Education Agency released a study that indicates Texas students experienced more than three months of instructional loss from pandemic-closed closures. When only 30 percent of Texas fourth graders could read at grade level and only 44 percent of them are proficient at math, this learning loss could seriously impact our future generation’s educational attainment.

Further, the number of uninsured has increased to nearly 5 million Texans. At the same time, many Texans — both insured and uninsured — are skipping necessary care due to cost or the lack of available care options. It’s critical for Texans across the state to support our elected officials in determining ways we can ensure more Texans have access to affordable care.

We’ve learned so much about how our government performs with antiquated technology and just how fragile our workforce can be when faced with disruption. There is no better time for us to reconsider the government structures that support our education-to-workforce pipeline so that more Texans earn living-wage jobs and can meet employers’ needs for skilled workers. We must prepare our Texas workforce for the future, so our economy not only recovers but grows to support nearly 10 million more Texans by our bicentennial in 2036.

We also saw both the value and need for Texas to adopt a broadband plan that would allow the millions of Texans to benefit from distance learning, telehealth and e-commerce.

Action on these fronts – education, health, workforce, broadband and government performance – will help our state move forward.

Texas leaders have rightly been cautious about government spending. But today, there are opportunities for Texas leaders to leverage the dollars that our taxpayers send to Austin (and Washington, D.C.). Lawmakers will need to spend with an eye to the future: prioritizing investments today that can benefit Texans (and the more than 1,000 people moving to Texas everyday) without creating unsustainable recurring costs once federal funds dry up.

With only 140 days in a legislative session, our state legislators need to be prepared to leverage every resource that becomes available to help Texas today and tomorrow.

It’s time for every dollar to count toward a more prosperous future for ALL Texans.

A.J. Rodriguez, a long-time business and civic leader and former Texas Association of Business Chair, is Texas 2036’s Executive Vice President.

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Arts & Community

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"Self Portrait with Mask"
Mrs. Roman's second grade class



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Sul Ross students follow the footsteps of MLK Jr.



Photo by Manuel Jr. Poblano

Students clean up trash in Alpine in observance of Martin Luther King Jr. Day.

By ABBIE PERRAULT
abbie@bigbendsentinel.com

ALPINE — “Everybody can be great...because anybody can serve,” said Dr. Martin Luther King Jr. in a sermon just months before his assassination. “You don’t have to have a college degree to serve. You don’t have to make your subject and verb agree to serve. You only need a heart full of grace. A soul generated by love.”

Martin Luther King Jr. Day was observed on

Monday, and although traditional gatherings like the one at the Presidio County Courthouse lawn could not take place due to coronavirus precautions, some community members took the opportunity to live our King’s words that day.

Sul Ross State University’s Office of Diversity, Equity and Inclusion put together the school’s first annual MLK Day of Service to “give back to the community,” “be an example for others to follow” and “be a lobo leader!” their event poster read.

Volunteers gathered at SRSU’s Jackson Field at 9 a.m. on Monday, and soon they were off to collect trash and bulk waste across the Alpine community, cleaning up city streets.

Over 100 Sul Ross students participated on Monday, according to SRSU President Pete Gallego, who thanked the office of diversity and members of the football team for pitching in. City of Alpine co-sponsored the event, which proved to be a great success in cleaning up Alpine and honoring the legacy of Dr. King.

National Park’s nesting peregrine falcons lead to temporary partial closures

BIG BEND NATIONAL PARK — Beginning February 1, the National Park Service will temporarily close select areas in the Chisos Mountains to protect nesting falcons.

In August 1999, the peregrine falcon was removed from the federal endangered species list, a move prompted by the falcon’s comeback from the brink of extinction. However, in Texas it is still listed as a threatened species.

National Park Service policies require the protection and preservation of all state-listed species and all species of concern, regardless of federal or state classification. In keeping with this mandate, and to provide the nesting falcons with areas free of human disturbance, the NPS will once again temporarily close or place restrictions on the use of certain lands at Big

Bend National Park.

The areas closed to public entry from February 1 through May 31 are:

A portion of the East Rim Trail from the southern junction of the Boot Canyon Trail to a point just north of Campsite ER-4, East Rim Campsites: ER-4, 5, 6, 7, 8 and 9 and technical rock climbing on rock faces within a quarter of a mile of known peregrine eyries.

The NPS does not plan to close any other areas, but restrictions may be modified if peregrine behavior or nesting sites do not follow traditional trends.

Through the efforts of federal, state and private agencies, the peregrine has staged a remarkable comeback since it was placed on the federal list in 1970. Superintendent Bob Krumenaker remarked, “The small population found in Big Bend National Park and the Rio Grande Wild and Scenic River represents most of the peregrines found in Texas. We appreciate the continued public support and cooperation to protect these remarkable birds.”

King Crossword

ACROSS

- 1 Wordsworth work
- 5 Spasm
- 8 Billie — King
- 12 Against
- 13 Granada gold
- 14 Sea eagle
- 15 500 sheets
- 16 Chess piece
- 17 Right on the map?
- 18 On an angle
- 20 Dines
- 22 Donald Duck’s outfit
- 26 Birth-related
- 29 "Exodus" hero
- 30 Vitamin stat
- 31 Prior nights
- 32 Pvt.’s superior
- 33 Grant basis, at times
- 34 Seminary subj.
- 35 Take to court
- 36 Smartens (up)
- 37 Produce aisle display
- 40 Pan handler?
- 41 Rookie
- 45 Boyfriend
- 47 Business mag
- 49 Press
- 50 Formerly, once
- 51 French vineyard

1	2	3	4		5	6	7		8	9	10	11
12					13				14			
15					16				17			
18				19			20	21				
				22		23				24	25	
26	27	28				29			30			
31					32				33			
34				35				36				
37			38				39					
			40				41			42	43	44
45	46				47	48			49			
50					51				52			
53					54				55			

- | | | |
|-----------------|----------------------|--------------------|
| 52 Bandleader | 6 Lyricist | 32 Be enough |
| Puente | Gershwin | 33 Blockheads |
| 53 Makes lace | 7 Monarch’s spouse | 35 That lady |
| 54 "Dig in!" | 8 Army vehicles | 36 Golfer |
| 55 Salty septet | 9 Test-paper smudges | Michelle |
| | 10 Reply (Abbr.) | 38 Closes |
| | 11 Court divider | 39 Full-length |
| | 19 Chum | 42 Party cheese |
| | 21 Swiss canton | 43 Greek vowel |
| | 23 Beer type | 44 Seth’s son |
| | 24 Nantes notion | 45 Wager |
| | 25 Tiny amounts | 46 Historic period |
| | 26 Soft ball? | 48 Big D.C. lobby |
| | 27 Say it’s so | |
| | 28 Put on the air | |

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Solutions from last week’s puzzles

Solution time: 24 mins.

	GAP		CEL	
S	ELL		ELLIE	
AP	NEA		GAVELS	
M	E	R	C	U
A	W	E	D	U
		M	I	N
S	A	U	T	E
L	A	R	D	S
I	N	E	A	S
V	E	N	U	S
R	A	C	H	E
S	L	E	P	T
A	N	T	E	W

Answer

6	7	1	5	3	4	9	2	8
4	9	8	7	6	2	1	5	3
3	5	2	1	9	8	7	4	6
1	4	6	9	7	3	2	8	5
9	8	3	2	5	1	4	6	7
7	2	5	4	8	6	3	9	1
5	3	9	8	2	7	6	1	4
2	1	7	6	4	5	8	3	9
8	6	4	3	1	9	5	7	2

“Sweet sister, let me live
What sin you do to save a brother’s life,
Nature dispenses with the deed so far
That is becomes a virtue.”

—sentenced to death, the young Claudio tries to persuade his sister (about to become a nun) to commit a sin to save him. (Shakespeare’s Measure for Measure, in rehearsal in Marfa)

Come worship with us



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Methodist Church

Do not fear, for I am with you,
do not be afraid,
for I am your God;
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I will help you,
I will uphold you with my
victorious right hand.
Isaiah 41:10

Sundays 9 am
Pastor Young Hoon Kang
110 W Washington Steet
Marfa 432-729-4534

Weekly SUDOKU

by Linda Thistle

		4			1			2
6			2					9
	9			8		4		
	1		8			2		
		2			9		3	7
5				3				6
1				6		9		
		5			4			8
	4		3					7

Place a number in the empty boxes in such a way that each row across, each column down and each small 9-box square contains all of the numbers from one to nine.

DIFFICULTY THIS WEEK: ♦♦♦

♦ Moderate ♦♦ Challenging
♦♦♦ HOO BOY!

MARFA 12 STEP MEETINGS ONLINE

Go to zoom.us or download the app:

ACA - Thursday 5:30 PM <https://tinyurl.com/y7qyghga>

Al Anon. - Sunday 2:00 PM <https://tinyurl.com/yd78lsa6>

AA - Monday, Tuesday 6:00 PM <https://tinyurl.com/y6okgzry>

AA - Wednesday 6:00 PM St. Paul’s Episcopal Church
(masks, distance, sanitizer, wipe down surfaces required)

AA - Friday 6:00 PM <https://tinyurl.com/yxw5bsu6>

AA - Saturday 12:00 Noon <https://tinyurl.com/yafles7y>

*Please note that if any of the links don’t work or there aren’t attendees, you can find online meetings at any time at <https://aa-intergroup.org/oiaa/meetings/>

New fossil provides clarity to the history of Alligatoridae

BIG BEND — Families are complicated. For members of the alligatorid family, which includes living caimans and alligators, this is especially true. They are closely related, but because of their similarity, their identification can even stump paleontologists.

But after the recent discovery of a partial skull, the caimans of years past may provide some clarity into the complex and incomplete history of its relatives and their movements across time and space.

Midwestern State University's Dalquest Desert Research Station near the Big Bend area of West Texas has been a rich resource of fossils and scientific data for researchers not only from MSU Texas but from other universities as well.

Michelle Stocker, an assistant professor of vertebrate paleontology in Virginia Tech's Department of Geosciences in the College of Science, Chris Kirk of the University of Texas at Austin, and Christopher Brochu of the University of Iowa, have identified a 42-million-year-old partial skull that may have belonged to one of the last prehistoric caimans to roam the United States.

"Any fossil that we find has unique information that it contributes to understanding the history of life," said Stocker, who is an affiliated faculty member of the Fralin Life Sciences Institute and the Global Change Center. "From what we have, we are able to understand a little bit more about the evolutionary history of caimans and the alligatorid group, which includes alligators and caimans."

Their findings were published in *PeerJ*, an open access peer-reviewed scientific journal covering research in the biological and medical sciences.

The fossil was discovered in 2010 at Midwestern State University's Dalquest Desert Research Site, which includes extensive exposures of the Devil's Graveyard Formation, a geologic formation in the trans-Pecos volcanic field of West Texas. The Devil's Graveyard Formation preserves fossils from the latter portion of the Eocene epoch, a period of time covering 15 million years of prehistory.

In 2011, Stocker and the team returned to the site to collect a key bone that remained in the hard sandstone block that once encapsulated the caiman skull.

"The Devil's Graveyard Formation provides a unique window into the evolution of North American vertebrates during the middle and late Eocene," said Kirk. "There are a host of extinct species that are only known from the Devil's Graveyard, including several primates, rodents, lizards, and now this new fossil caiman."

What they discovered was a partial skull. At the time of the discovery, paleontologists were convinced that the skull came from a closer relative to alligators than



Photo courtesy of Chris Kirk

Devil's Graveyard Formation, a geologic formation in the Trans-Pecos volcanic field of West Texas.

to caimans.

"When you are at the early diversification of groups, their features aren't as differentiable," said Stocker. "It was harder to tell if this is more closely related to caimans or to alligators because those two are really closely related already. And the differences between them are subtle, especially early in their evolutionary history."

The skull's braincase was a key component in the identification of the fossil. The braincase encases and protects the brain from injury. Since no two species have the same braincase, finding one can provide some much needed information for paleontologists.

After further investigation into this fossil's braincase, Stocker and the team were able to determine that this was most likely a caiman.

The caiman was deemed to be 42 million years old using a combination of investigative techniques, including radiometric dating, biochronology and

biostratigraphy, where paleontologists use the relative order of the fossilized animals to find out how old the rocks are.

With the age of the fossil and its location in mind, paleontologists are able to add to an ever-growing story about a large biogeographic range contraction, or a climate-related extirpation, that occurred millions of years ago.

Roughly 56 million years ago, the planet was experiencing temperatures so hot and methane levels so high that no polar ice caps could form. For large cool-blooded reptiles like alligators and caimans, it was their time to thrive and soak up the sun. In fact, the conditions were so favorable that these early reptiles roamed as far north as Northern Canada.

"The presence of a fossil caiman in the Devil's Graveyard, about 1200 kilometers north of where caimans are found today, really says something about how different the climate of West Texas was in the

middle Eocene," said Kirk.

But one epoch later, in the Oligocene, the entire world was experiencing cooler temperatures, forcing many species that require warm and humid conditions into more restricted geographic ranges. Caiman populations in particular are now only found in South and Central America. Although, a small number of caimans have been found outside of this range and are thought to be invasive species.

"This caiman seems out of place," said Brochu. "Caimans today are a South American radiation, and data from modern forms, including DNA, would suggest a very simple single origin from a North American ancestor. This new form, along with some older North American fossil caimans, suggests a far more complex early history with multiple crossings of the seaway that separated North and South America until fairly recently."

There is even more to know about caiman history. Since the specimen was an incomplete skull, and far from a complete skeleton, paleontologists still have some knowledge gaps to fill about their relationships.

"If we can find another individual, we will get a better sense of its relationships, and it might be able to say something about what variation could be present in this taxon, or how they grow, or where else they might be found," said Stocker. "This is a one and done kind of fossil right now. Hopefully there are more out there."

The fossil will be housed at the Texas Vertebrate Paleontology Collections at the University of Texas at Austin where it will be preserved and maintained in perpetuity.

There is more research to be done on other fossils that have been retrieved from Central and South American specimens as well. Those fossils in particular are critical for understanding the early southern record of caiman history and clearing up the morphological and chronologic gaps that currently exist in the caiman fossil record.

In the end, all that lies on the horizon is to do more fieldwork, collect more fossils and conduct more study.

Without museums, this identification couldn't have been possible. When paleontologists find new fossils, they must travel to museums, where they compare the new fossils with other specimens that have been collected. Stocker maintains that the preservation and maintenance that museums do is just one reason that they need to be supported.

"Museums are important for science and for everybody who wants to understand our shared evolutionary history," said Stocker. "And collaboration is the way that science moves forward."

Blue Origin's latest launch demonstrates crew capsule upgrades

FAR WEST TEXAS — On Thursday, January 14, Blue Origin successfully completed its 14th mission to space and back for the New Shepard program. The Mission NS-14 vehicle featured crew capsule outfitted with upgrades for upcoming flights with passengers onboard.

Among those upgrades were: speakers and a microphone so astronauts can continuously talk to Mission Control; a crew alert system to relay important safety messages to passengers; cushioned wall linings and sound suppression devices to reduce ambient noise inside the capsule; and environmental systems, including a carbon-dioxide scrubber and cooling and humidity controls to regulate temperature and prevent windows from fogging up during flight.

During ascent, the booster rotated at two to three degrees per second. This feature will enable future passengers to get a 360-degree view of space during the flight.

According to Blue Origin, this flight — like

previous ones — helped to prove the robustness and stability of the New Shepard system and the BE-3PM liquid hydrogen/liquid oxygen engine.

Also onboard last week were more than 50,000 postcards from Blue Origin's nonprofit Club for the Future. The club has now flown over 100,000 postcards to space and back from students around the world. The Big Bend Sentinel has previously reported on this initiative.

The flight lasted for 10 minutes and 10 seconds, with a maximum ascent velocity of 2,242 miles per hour. The crew capsule reached an apogee of 347,568 feet above ground level, while the booster reached an apogee of 347,211 feet above ground level. This was the 15th consecutive successful crew capsule landing for Blue Origin. All mission crew supporting this launch exercised strict social distancing and safety measures to mitigate COVID-19 risks to personnel, customers and surrounding communities.



The New Shepard crew capsule outfitted with astronaut experience upgrades lands at Launch Site One on January 14, 2021.

Photo courtesy of Blue Origin

☺ MARFA SCHOOL LUNCH MENU ☺

JANUARY	Thurs, Jan 21	Fri, Jan 22	Mon, Jan 25	Tues, Jan 26	Wed, Jan 27
BREAKFAST	BREAKFAST PIZZA	B-FAST BURRITO, HASH BROWNS	SAUSAGE KOLACHE, CHEESE STICK	BREAKFAST TAQUITO	WAFFLES, SAUSAGE
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Celebration Liquor Marfa Mon - Thu 11:30 am - 9 pm Fri - Sat 10 am - 9 pm 729-4682 • Alpine Mon - Sat 10 am - 9 pm 432-837-7479 • Marfa	 MARFA SHORTHORNS SPORTS CALENDAR <i>Please note that all games are subject to change due to positive COVID cases in the school districts.</i>		
YOUR AD HERE! ONLY \$10 / WEEK Contact ads@bigbendsentinel.com	Thursday, January 21, JH BASKETBALL: Girls 5:00, Boys 6:00 vs Dell City, HOME Friday, January 22 HS BASKETBALL: V Girls 6:00, V Boys 7:30 vs Sierra Blanca, AWAY Monday, January 25 JH BASKETBALL: Girls 5:00, Boys 6:00 vs Van Horn, AWAY Tuesday, January 26 HS BASKETBALL: V Girls 6:00, V Boys 7:30 vs Balmorehea, AWAY Friday, January 29 HS BASKETBALL: V Girls 6:00, V Boys 7:30 vs Dell City, HOME		

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Classifieds & public notices

Coming soon: a new Big Bend hiking trail

BIG BEND NATIONAL PARK — Future park visitors will enjoy another opportunity to get up, get out and enjoy the wide-open spaces of Big Bend when work is completed on a new hiking trail next year. The Lone Mountain Trail will circumnavigate the base of Lone Mountain, an imposing feature just north of park headquarters at Panther Junction.

After a long drive to Big Bend and arrival at Panther Junction Visitor Center to plan their adventure, many visitors seek out hiking in the immediate area, where no trails now exist. The new trail will offer a moderately challenging 3-mile loop through the Chihuahuan Desert, conveniently beginning and ending in Panther Junction. Highlights of the route include spectacular views of the Chisos, Rosillos and Dead Horse Mountains; a wide variety of desert plants and animals; and the interesting volcanic features of Lone Mountain itself.

The National Park Service began planning for a trail in this area in 2010, when it published an environmental assessment for a new trail-based recreational opportunity. The original decision, documented in a Finding of No Significant Impact in 2012, was to build a 10-mile multi-use trail, which would allow mountain bike use.

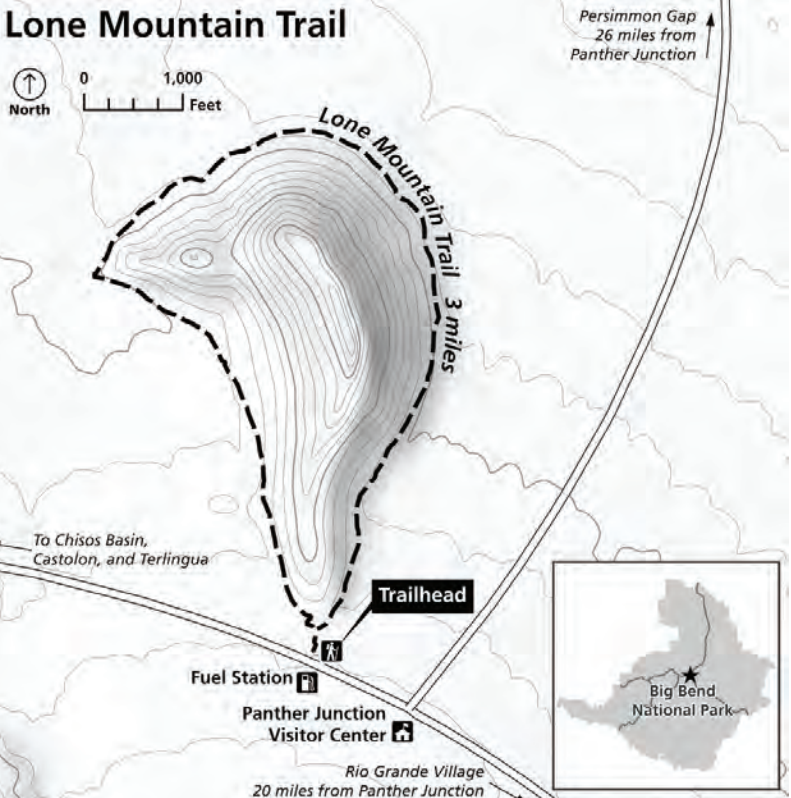


Photo courtesy of NPS
Map of future Lone Mountain Trail. Hikers will be able to conveniently access the trail from the Panther Junction Visitor Center.

The NPS decision to build a trail which would allow mountain bike use in the national park was highly controversial. The rationale for the mountain bike trail was based, in part, on the lack of mountain biking options in the Big Bend area. Since 2008, however, nearby Big Bend Ranch State Park and Lajitas Resort have opened over 135 miles of mountain biking trails. Big Bend’s 181 miles of unpaved 2-wheel and 4-wheel drive roads are also open to bicycle use and provide outstanding backcountry bicycling opportunities.

The need and context have changed since the original decision but the benefits of an opportunity for visitors to stretch their legs after a long drive to Panther Junction remains, hence the NPS decision to terminate the environmental assessment process for the revised environmental assessment to “Construct New Multi-Use Trail at Panther Junction.”

“With over 200 miles of trails, Big Bend is a world-renowned hiking location,” says Big Bend National Park Superintendent Bob Krumenaker, “and we’re proud to add this new opportunity for visitors to enjoy their park even more. I’m delighted to make this decision, concluding a planning process which took far too long, and move forward in building this hiking trail.”

Construction of the new trail will occur in 2022 by the Big Bend National Park trail crew and volunteers. Initially, no additional parking area or facilities are planned, but if usage warrants it, the NPS will consider alternative parking or trailhead configurations at a future date.

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ART

SUPPLY

State Senator César J. Blanco appointed to influential Senate committees

AUSTIN — Lieutenant Governor Dan Patrick announced the senate committee assignments for the 87th Legislature, and local state Senator César J. Blanco of Senate District 29 was appointed to four influential committees — the Senate committees on Health & Human Services, Higher Education, Transportation and Veteran Affairs & Border Security.

Senator Blanco weighed in on the appointments in a statement, saying, “I am honored Lt. Governor Patrick has entrusted me with these key appointments. Membership on these committees are a huge win for El Paso and West Texas. These committee assignments will allow me to advocate for some of the most pressing needs in our region.”

The senator noted that the global pandemic has impacted “all aspects of our lives” and that COVID-19 relief and recovery is a top priority for him this session. “Through the Senate Committee on Health & Human Services I will be directly involved in shaping the state’s public health policy and response to COVID-19 and addressing the health inequities that plague West Texas and border communities, including improving access to healthcare.”

Blanco also emphasized the importance of college in accessing opportunities for families in poverty, saying that with his work on the Higher Education Committee, he hopes to keep college within reach for working families.

“Our ports of entry and I-10 continue to be major economic engines, not just for our region, but the entire state,” he said. “On the Senate Transportation Committee, I’ll be focused on shaping policy



Senator César J. Blanco

that improves our transportation system with a multimodal approach to improve trade, job creation, and the movement of commerce and people in our region.”

“Senate District 29 is home to Fort Bliss, forty-nine thousand veterans, and eighteen thousand active duty military. We are a vibrant district, with urban and rural communities as well as more than 350 miles of the Texas-Mexico border. As a Veteran, I look forward to serving on the Veteran Affairs & Border Security Committee to fight for our proud military city, our veterans, and ensure border security is smart and accountable.”

“Through my committee appointments I will be able to keep the needs of our region at the forefront of major policy decisions,” Blanco said. “I look forward to working with my Senate and House colleagues to bring forth solutions to help Texas families, small businesses, and our economy bounce back stronger than before.”

Congressman Tony Gonzales named assistant whip for House Republicans

WASHINGTON, D.C. — Congressman Tony Gonzales (TX-23) announced he has been named an assistant whip for House Minority Whip Steve Scalise’s whip team. Congressman Scalise (LA-01) was recently re-elected as head Republican Whip for the 117th Congress. The whip team serves as floor leaders and is responsible for mobilizing votes within their party.

“Republicans need to be united and strong against Nancy Pelosi’s agenda while also working to advance our own conservative agenda,” said Congressman Gonzales. “I’m grateful for the opportunity to serve as a leader among my Republican colleagues and to play an important role in unifying our party.”

“I’m excited to announce Tony’s addition to the Whip Team as an Assistant Whip,” said Minority Whip Scalise. “After Republican gains in the House, the 117th Congress is historically close and our unity as a party will be more important than ever. Tony



Congressman Tony Gonzales

is well-liked and respected by his colleagues and I expect him to make a big impact as we fight to get our economy back on track and retake the House.”

Last week, Congressman Gonzales was also selected for the House Appropriations Committee, a remarkable assignment for a freshman member of Congress.

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Please no phone calls.

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Publisher
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Office: 209 1/2 W. El Paso St., Marfa, Texas
Mail: Drawer P, Marfa, TX 79843
Telephone: 432.729.4342
Contact: editor@bigbendsentinel.com
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The Brewster County Tourism Council/Visit Big Bend is currently accepting applications for a full-time Administrative Assistant!

This position will require 40 hours per week in the BCTC office located in Alpine, TX and may include some weekend and holiday work and travel in the area.

The Brewster County Tourism Council is funded by the Brewster County Hotel/Motel Occupancy tax. The Brewster County Tourism Council operates under the administrative direction of the Brewster County Judge and Brewster County Commissioner’s Court. The Brewster County Tourism Council Administrative Assistant would be an employee of Brewster County and would need to understand and abide by the Brewster County Employee Handbook.

The Council is seeking a qualified Administrative Assistant to perform duties under the direction of the Executive Director of the Brewster County Tourism Council. These duties include but are not limited to: answering phones, filing (both digital and paper), maintaining email distribution lists, general AP/AR, invoicing and other duties as assigned. Skills required include: familiarity with QuickBooks, good computer skills, ability to type 45 WPM minimum, good people skills, proficiency in all Microsoft Office programs, good phone skills, office organization, familiarity with Zoom, flexible team player. A Tourism/DMO industry background is preferred and a good knowledge of all areas and attractions in Brewster County is required. This position will begin in February 2021 with salary based on experience as well as a full Brewster County insurance and benefit package.

Send a resume with 3 references to: Robert Alvarez, Executive Director BCTC, PO Box 479, Alpine, TX 79831. Resumes can also be emailed to: Robert@visitbigbend.com. For a full job description call 432-837-3915 between 9a-5p M-F. Resumes will be accepted through February 1, 2021. EOE.

To apply for Lifeline Service, please contact our office at (432) 364-1000 or Lite-Up Texas at 866-454-8387.