

AWAITING SHOTS

New Mexico still short
150,000 doses of flu
vaccine

•B3

Metro & New Mexico

Lawmakers Try To Block Impact Fees

Uniformity in Costs
Sought for Duke City

BY JIM LUDWICK
Journal Staff Writer

Several legislators are trying to change state law to block a new impact-fee system in Albuquerque.

Rep. Dan Silva, D-Albuquerque, said the proposal is still being drafted and should be ready on Monday.

According to Silva, it will say impact fees for similar projects should be uniform across the city. Fees approved by the Albuquerque City Council vary

widely, depending on the location of projects.

Plans call for the proposal to be sponsored by Silva, Rep. Greg Payne, R-Albuquerque, and Rep. Henry "Kiki" Saavedra, D-Albuquerque.

City councilors in November approved a system of impact fees to be imposed on development to raise money for streets, parks and other facilities. The fees were meant to largely replace a system of negotiated payments known as exactions.

The legislation called for a two-year phase-in period for the fees.

Under the system, fees would be relatively low in areas of Albuquerque

where roads and other infrastructure are in place, but the fees would be much higher on the less-developed fringes of the city.

For a 2,000-square-foot home, for example, the fees would range from \$1,332 in parts of the central city, to roughly \$8,400 to \$8,750 in parts of the West Side, according to figures provided by the council staff.

Fees for a 20,000-square-foot retail project would range from \$9,096 in parts of the central city, East Side and North Valley, to roughly \$120,700 to \$123,300 in parts of the West Side.

Councilor Michael Cadigan, who sponsored the city legislation, said

impact fees would vary because different parts of Albuquerque have different infrastructure needs. The financial impact on the community depends on where a project is built, and the fees are meant to reflect those costs, he said.

If legislators block the impact-fee system, "it will do great damage to the cause of building parks and roads on the West Side," Cadigan said.

"We spent two years constructing an impact-fee ordinance," he said. "This is an issue of local control. We had a great deal of public input. It was a carefully crafted compromise."

Nevertheless, Saavedra said it

would be more reasonable to have fees that are "the same all over town."

Payne also said there should be more uniformity. The disparity is so great that it would have "an onerous impact on the West Side," he said.

He said he supports planned growth and "impact fees that make sense," but he believes the fees "are completely out of balance." City growth policies "were never meant to be an economic suicide pact," he said.

Mayor Martin Chávez said he's unsure about the proposal because it still is being drafted.

"I don't know what they're doing yet," he said.

OLD TOWN MENAGERIE



MARLA BROSE/JOURNAL

Denine Aragon, manager of Garden Critters of New Mexico, hangs up stainless steel wind chimes in front of the Old Town shop Thursday. The store is open daily.

Officer, Neighbors Testify in Slaying

Ex-Janitor Accused
In Therapist's Death

BY SCOTT SANDLIN
Journal Staff Writer

Albuquerque Public Schools police officer Karl Obermyer does a slow burn when he thinks back to the early morning hours of Jan. 18, 2003. That's when he was dispatched to Montezuma Elementary School by a family frantic to find therapist Carolyn Rustvold, who had failed to come home from work at the start of a three-day weekend.

"I still get a flush feeling in my face," he said on the witness stand Thursday in the murder trial of Martin Saiz. "And it's been two years."

Saiz, 22, the school janitor, is on trial before District Judge Mark Macaron on charges he kidnapped and killed Rustvold and went to great lengths to hide the evidence. Defense attorney Rafael Padilla said in opening statements Saiz came across the crime scene and the blood found on his

client's clothes, palm prints, shoes and car was transferred there as he was doing his job as janitor.

Fueling Obermyer's malaise is the memory of thoroughly searching the school, its cupboards, closets and grounds, and finding nothing amiss — only to return hours later to find a very different scene. By early afternoon, crime scene tape surrounded the campus, criminalistics investigators were bearing down and classroom walls glowed with luminol, the chemical used to detect blood.

"I was floored," Obermyer said of his second visit to the school that day. "We went in the portable, and on the one wall where (the investigator) had sprayed luminol, it was completely purple ... There was so much blood."

Obermyer, whose prior 22-year career with the Albuquerque Police Department field services division included 12 years training cadets, said he felt like he'd let the family down, even though detectives later assured him he couldn't have seen the blood.

As he and the rest of the community eventually learned, Rustvold had been beaten, her skull fractured in three places and her body — minus her pants — dumped in a Los Lunas ditch.

There were little things that weren't right, but they didn't initially lead to any unsettling discoveries, witnesses said.

Suzanne Brown testified she walked her golden retriever about dusk from her Columbia NE home to Altura Park and back the night of Jan. 17, hugging the school grounds. She said she heard a clinking, like the sound of a snow shovel hitting gravel, that interested her dog immensely and seemed to be coming from the portable classroom that has been identified as Rustvold's.

Krista Savage, who grew up a block from the elementary school she'd attended, testified she also walked her dog around the perimeter of the building about 8:50 p.m. She said she saw a family-type sedan with a metallic hue near the portable buildings. She also saw toys and a "Big Wheel" tricycle in front of one portable classroom, fitting with the prosecution theory that Saiz used the toy vehicle to move the body into the truck of his gold Taurus.

Rustvold's husband, Stephen, launched a search for his wife within a few hours of her expected return home.

By midnight, those efforts had drawn APD Officer Jay Schwartz to the school parking lot, where he joined Stephen Rustvold and his parents. Schwartz said he peered into buildings using his flashlight and later turned his spotlight on paths and ravines at the UNM North Golf Course, where

See OFFICER on PAGE B2

Physicist Embraces
Strangeness of Life

■ UNM scientist is named
fellow of the American
Physical Society

BY JOHN FLECK
Journal Staff Writer

Carl Caves faces a bit of a dilemma with the standard party question — "So, what do you do?"

"I study quantum information theory" can be a conversation-killer.

But there is a twinkle in Caves' eye and a simple clarity in his explanations that rewards those willing to listen — a trip into some of the most puzzling sciences of the 21st century.

In December, Caves' colleagues announced that the University of New Mexico physicist had been elected a prestigious "fellow" of the American Physical Society.

The announcement shines light on UNM's Department of Physics and Astronomy, where Caves and a group of colleagues are in the vanguard of quantum information theory.

The department's Information Physics Group has become a magnet for bright young graduate students looking for a chance to work on physics' cutting edge.

While much of 20th-century physics seemed caught up in the maddening paradoxes of quantum mechanics, Caves and his quantum information science peers have embraced the paradoxes.

Quantum mechanics says, among other things, that the tiny subatomic particles that make up our world are not in any particular place at any particular time. It's as if they're smeared around, in many places at once.

That strangeness, though difficult to grasp intuitively, turns out to have useful consequences, Caves said in an interview.

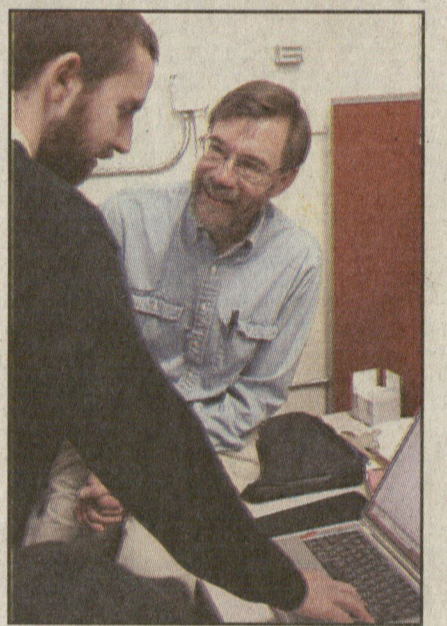
By embracing the strangeness rather than fighting it, Caves and others in the vanguard have laid out a theoretical framework for computers vastly more powerful than anything conceivable today.

In the same way that a quantum particle can in some sense be in many places at once, so a quantum computer can in some sense do many, many calculations at the same time.

"The world is quantum mechanics, so if you're not putting your information processing in that context, you're missing the point," Caves said.

"Quantum mechanics is a liberator," he said. "It allows us to do things we otherwise never could do."

Quantum computers are like the distant promise of nuclear fusion power plants — a tantalizing vision of future promise existing at the intersection of



DEAN HANSON/JOURNAL

University of New Mexico physicist Carl Caves, right, listens to graduate student Steve Flammia explain his work. Caves, recently named a fellow of the American Physical Society, has made UNM a center for research into the strange new world of quantum information theory.

"The world is quantum mechanics, so if you're not putting your information processing in that context, you're missing the point."

CARL CAVES

very hard science and very hard engineering. Any reasonable discussion of what they might be able to do invariably bears a caveat: "If they can be built."

Crude systems have been built using some of the technology that would be needed for a quantum computer, but Caves figures it will be sometime in the next decade before physicists know whether a quantum computer is even possible.

Being selected by one's peers as an American Physical Society fellow is a rare honor, awarded to only a small fraction of physicists. But it took some prodding from Caves' colleagues to make it happen.

"Carl really is someone of great stature in physics," said Ivan Deutsch, one of Caves' UNM colleagues and one of the instigators behind the fellowship, "but he's not really a self-promoter."

Colorado Book Banning Makes N.M. Author's Tale More Relevant

For those of you keeping score, Rudolfo Anaya's classic of Chicano literature, "Bless Me, Ultima," remains solidly ensconced at No. 75 in the American Library Association's list of "100 Most Frequently Challenged Books of 1990-2000."

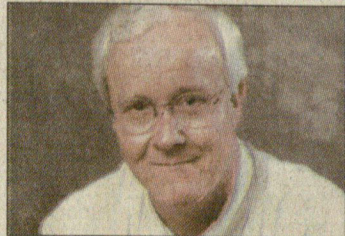
"Frequently Challenged," of course, translates roughly to "Books Used as Fuel for Wholesome Exothermic Oxidation Activities."

Which is to say, burned, or at the very least banned, that most glorious state of grace sought by all aspiring novelists.

If you're banned in the right places, it won't be long before Amazon.com is hot on your heels and you're looking for a wheelbarrow to haul off the royalty checks.

The latest manifestation of America's penchant for supporting free speech until someone actually does it comes from Norwood, Colo., where the superintendent of schools

JIM BELSHAW



Of the Journal

has banned "Bless Me, Ultima."

The Associated Press reports all of the usual suspects showed up for the banning:

- Parents offended by obscene language.
- Parents offended by "paganistic practices" in the book.
- The school superintendent, who freely admitted he had not read the entire book, handing over more than two dozen copies of it to a parent so the parent might destroy them.
- The quote from the

superintendent: "It's less a matter of censorship than a matter of sponsorship. That's (the book) not the kind of garbage I want to sponsor at this high school."

The teacher who ordered the book, properly chastised and presumably repentant, apologized to parents and won't be disciplined. (Oh, drat. What are we going to do with the tar and all those feathers now?)

"I was told by a newspaper editor in Colorado that I was spreading paganism," Rudolfo Anaya said when we spoke about this latest banning. "So I guess they're afraid of pagans."

The book, initially published in 1972, tells the coming-of-age story of a boy. Over the years, it has been banned many times in many places, including Farmington, N.M.

It has sold something in the neighborhood of — ahem — 5,000,000 copies.

"The book in my mind and the minds of so many readers is a simple

story of a kid growing up and he has to make a lot of choices between good and evil," Anaya said. "Most of the letters I get from students, in fact almost all of them, say that's what they're going through, making choices. There's always been certain people who want to keep books away from other people and they don't have a right to do that."

But this is 2005 P.W.M. (Post-Wardrobe Malfunction), the one-year anniversary of Janet Jackson's Super Bowl revelation, a year that has seen the likes of cartoons air-brushed and "Saving Private Ryan" cleansed from the airwaves.

The censorious among us are feeling their oats.

"Usually, they say it's the strong language, but the language in the book is very much in keeping with the characters and story," Anaya said. "I don't use strong language gratuitously. Some people object to the idea of witchcraft and curandera

who helps lift a curse from the boy's uncle. But it's all part of traditional psychology and I don't know how people read it as more than that. There are always people (like the curandera) in cases like that. Today, we call them shrinks."

Whenever the book banners pop up, they seem never to learn the same lesson that always follows the ban. The AP reported that the lesson in Norwood came from a high school junior who wrote a letter to the editor in the local paper.

"I never knew this book existed," he wrote. "Now I feel it is my obligation to read it and see what our superintendent found so dangerous that it must be destroyed."

Atta-boy.

Write to Jim Belshaw at The Albuquerque Journal, P.O. Drawer J, Albuquerque, NM 87103; telephone — 823-3930; e-mail — jbelshaw@abqjournal.com.