

News From The States

EVENING WRAP

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By [Kate Queram](#)

Today is a brief respite from politics as we turn our eyes to a similarly dysfunctional topic: America's legacy of nuclear weapons development and testing, along with the many, many people it harmed.

Each of today's featured stories is part of a national series produced by [States Newsroom](#) outlets in collaboration with [MuckRock](#). I couldn't get to them all (even in the digital realm, there is only so much space), but you can find the rest in the roundup.



The Big Takeaway

Nuclear testing began in July 1945, when the United States exploded an atomic bomb in the New Mexico desert. (American innovation!) From then until the adoption of a testing moratorium in 1992, the country conducted [more than a thousand](#) explosive nuclear tests. Most took place out west at [remote locations](#) in states like Colorado, Nevada and New Mexico, with at least one additional site in Mississippi. This — the rumble, the pyrotechnics — is the most visible legacy of the atomic bomb. But the effects of nuclear weapons stretch far beyond experiments and testing sites.



*A fireball ascends from the first atomic artillery shell in history, detonated at the Nevada Test Site in 1953.
Radiation from the test site fell across the West.
(Photo via the Daily Montanan)*

Look at Colorado, where a handful of mining towns accounted for 14% of uranium oxide produced for the U.S. Atomic Energy Commission during the Manhattan Project and the nuclear arms race of the Cold War, [per Colorado Newsline](#). Radioactive waste produced by the mines was processed at a [refinery in Grand Junction](#). A facility northwest of Denver manufactured plutonium triggers for nuclear weapons for nearly 40 years, eventually shuttering in 1992 amid ongoing environmental concerns and an [FBI investigation](#) of its operator. Between 1945 and 1962, broad swaths of the state were contaminated by radioactive fallout from test site detonations, according to [recent research](#).

The risks of exposure are well documented, but victims have generally had little recourse. In 1983, a chemist-turned-whistleblower reached a settlement with the state over groundwater contamination at the Cañon City mill after his allegations were corroborated by a Colorado Bureau of Investigation report. The company settled a number of other lawsuits out of court; an attempted class-

action lawsuit was dismissed by a judge. The chemist died in 2001 of lymphoma induced by radiation, which coursed through his body at more than 600 times the normal level, according to tests. A related workers' compensation claim still took more than a decade to resolve.

His claims were confirmed 13 years later by federal regulators, who concluded in a [health assessment](#) that elevated levels of uranium and molybdenum in drinking water wells near the Cotter site “is a past, current and potential future public health hazard.”



Buildings at the site of the former Cotter uranium mill, which were later demolished, are pictured in this 2007 photo, with Cañon City seen in the background.

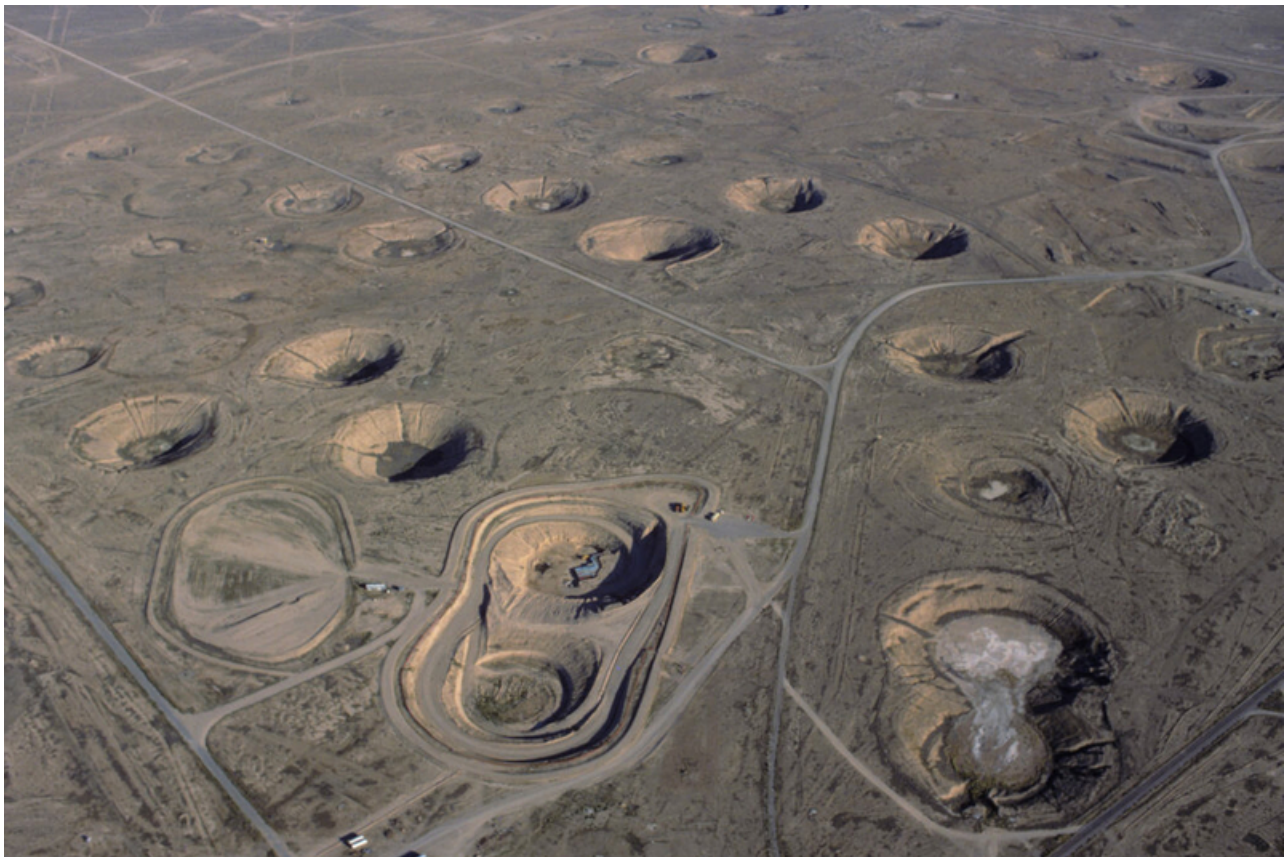
(Photo via Colorado Newsline)

Those hazards, and the failure of government officials to mitigate them, have received fresh scrutiny following a joint investigation into nuclear contamination in the St. Louis region [published last year](#) by the Missouri Independent, MuckRock and the Associated Press. The stories, which detailed efforts to downplay the potential health risks of nuclear waste seeping into water supplies, prompted a bipartisan push to expand the Radiation Exposure and Compensation Act (RECA), [a 1990 law](#) that established federal payouts for people impacted by atmospheric nuclear tests or uranium mining. The proposal

was approved by the U.S. Senate last summer but [was dropped](#) at the last minute from a defense spending bill in December. Absent a quick legislative intervention, the program will run out of funding by July.

The proposal's demise was a slap in the face for so-called downwinders, loosely defined as anyone exposed to radiation during Cold War-era weapons testing in Nevada and New Mexico. Contamination and fallout from those trials spread across most of the western United States, impacting residents in states as far south as Nevada and as far north as Washington, Idaho and Montana. Many of those downwinders suffered the same harmful health impacts as miners and testing site employees, but most are not eligible for compensation under current federal guidelines. RECA expansion would have changed that, [the Utah News Dispatch reported](#) (in its States Newsroom debut!).

To qualify for payments under the original RECA program, applicants need to have lived in one of a dozen counties in Utah, Arizona and Nevada for at least two years between 1951 and 1958, or from June 30 to July 31, 1962. (They must also be diagnosed with certain types of primary cancer, affecting organs like the thyroid or ovary.) The expansion would have broadened that dramatically, extending eligibility to Colorado, Idaho, Missouri, Montana, New Mexico and the territory of Guam, along with additional regions in the original three states.



Craters across the Frenchman Flats in Nevada, where the U.S. government tested hundreds of nuclear weapons.

(Photo by Karen Kasmauski/Getty Images)

U.S. Sen. Josh Hawley (R-Mo.) [said](#) the demise of the amendment stemmed from his own fraught relationship with Senate Minority Leader Mitch McConnell, a Kentucky Republican who was, according to Hawley, “dead set” on killing the proposal. Downwinders took that explanation about as well as you’d expect, by which I mean they have joined the long list of people who would like Josh Hawley to [put his dumb fist down](#) and go away.

“You’re playing with people’s lives!” said Mary Dickson, a Salt Lake City resident who was diagnosed with thyroid cancer in 1985. “Get rid of the political infighting. That was so discouraging.”

The limited eligibility under the current legislation is also a major source of frustration for Becky Barlow, director of the Radiation Exposure Screening and Education Program in St. George, which screens people exposed to radiation and helps them apply for compensation. The program covers half of Utah and parts of Nevada and Arizona but regularly receives calls from people across the Mountain West who suspect they’ve gotten sick from radiation but do not qualify for compensation. Some worked, but did not live, in counties covered by RECA. Others lived blocks away from the county line, or were diagnosed with types of cancer that are linked to radiation but not specifically named in the bill.



Military personnel emerging from their foxholes to watch an atomic bomb explode at a Nevada testing site on May 15, 1952.

(Photo via the Utah News Dispatch)

“Obviously radiation doesn’t stop at the county line,” said Barlow. “I take calls from a lot of different people in a lot of different areas. It has changed their family experience. Their family experience is now a family experience of cancer and a history of cancer: What grandpa had cancer, which sister had cancer.”

For those people, it has long been a battle — both for compensation, and for recognition that the long-ago nuclear weapons program still poses very real risks.

“A lot of people think that this is all old news,” said Jeri Fry, a Cañon City resident and co-founder of Colorado Citizens Against Toxic Waste. “A lot of people in our community if you ask them, they think, ‘Oh, I thought that was all cleaned up out there.’ Well, there’s 7 million tons of radioactive waste upwind and over the fence from Cañon City.”

“And it lives in geologic time,” she added. “It’s going to outlive all of us.”

A legacy project: [‘We’re running out of time’: Program for Arizonans exposed to radiation set to expire in June ...](#) [Tornado warnings disrupt Florida Legislature’s opening day, DeSantis speech ...](#) [‘The fight isn’t over’: Idaho downwinders persist after Congress cuts compensation for them ...](#) [Maine farmers talk with Rep. Pingree, USDA Sec. Vilsack about disastrous weather ...](#) [‘We got mad’: Years of pain after a childhood near radioactive Coldwater Creek in Missouri ...](#) [‘What do we have to do?’: Fresh awareness of historic nuclear radiation in Montana neighborhoods ...](#) [Nevada county commission rebukes lithium mining, solar development ...](#) [‘They scrapped us’: The Trinity downwinders and New Mexico mine workers who remain unrecognized ...](#) [Same arguments. Different court: Shoreline access debate to play out in Rhode Island state system ...](#) [Vermont beekeepers rebuke Agency of Agriculture’s assessment that the industry is in good health ...](#) [PFAS clean up could cost Virginia public water systems millions for years to come ...](#) [Ten years after West Virginia chemical spill, concerns remain for future incidents](#)



State of Our Democracy

Donald Trump sat idly in a federal appeals courtroom Tuesday as his lawyers attempted to convince a three-judge panel that presidential immunity means he can’t be charged for literally anything he did while president, including but not limited to his many attempts to overturn the 2020 election. *Because*, you see, when the *president* does it, it’s not illegal, unless *Congress* decides that it is and then removes him from office via a formal impeachment, which only *half* happened to Trump. (Twice.) (Two halves make a whole and oh my god did I just become a Trump lawyer?)

I’m rambling, which doesn’t really matter because the actual argument is a.) not that different from what I just wrote and also b.) stupid. Essentially, according to attorney D. John Sauer, Trump is shielded from criminal prosecution for anything he did in his “official capacity” as president, [our D.C. bureau reported](#). The only exception, Sauer continued, is if he is impeached by the House *and* convicted by the Senate, and that never happened to Trump, so too bad, so sad, no criminal charges.

“To authorize the prosecution of a president for his official acts would open a Pandora’s box (from) which this nation may never recover,” Sauer said.



*John Sauer, attempting to defend a horrible, no good, very bad legal argument.
(Photo by Anna Moneymaker/Getty Images)*

The all-female panel responded to this with a litany of appropriately incredulous questions. Judge Florence Y. Pan led the most brutal attack, forcing Sauer to double down on his tenuous hold of constitutional law by posing a series of specific (hypothetical) infractions.

“You’re saying a president could sell pardons, could sell military secrets, could order SEAL Team Six to assassinate a political rival,” she said.

Well, Sauer said. The Department of Justice could probably only charge the president for giving that order if Congress had impeached him for it first. The pardon thing too, probably. But selling military secrets, somehow, was a bridge too far.

“That strikes me as something that might not be held to be an official act,” he conceded.

All of this was quite enough for Pan, who pointed out that Sauer’s concession

— both that prosecutors could charge the president as long as Congress did it first, and that selling classified information is probably illegal — undermined his entire argument. If the judicial branch can hold the executive branch accountable, ever, even once, then presidential immunity is not absolute.

“Given that you’re conceding that presidents can be criminally prosecuted under certain circumstances, doesn’t that narrow the issues before us to ‘Can a president be prosecuted without first being impeached and convicted?’” Pan said. “Your separation of powers argument falls away, your policy arguments fall away if you concede that a president can be criminally prosecuted under some circumstances.”

Judge Karen LeCraft Henderson concurred.

“I think it’s paradoxical to say that his constitutional duty to take care that the laws be faithfully executed allows him to violate [the laws],” she said.



*Trump on the day he compared his political opponents to vermin, which is legal, but come on.
(Photo by Scott Eisen/Getty Images)*

The D.C. court will probably rule against Trump, which won’t matter because this case was always going to end up before the U.S. Supreme Court, even if the

U.S. Supreme Court [really wishes otherwise](#). The point here is to delay the process, and also to gobble up the oxygen/free media coverage in the courthouse, which Trump did after the hearing by vowing “bedlam” if the ruling doesn’t break his way.

“This is the way they’re going to try to win,” he said, referring, probably, to Democrats (although really who ever knows). “And that’s not the way it goes. There’ll be bedlam in the country. It’s a very bad thing, it’s a very bad precedent. As we’ve said, it’s the opening of a Pandora’s box. It’s a very sad thing that’s happened with this whole situation.”

A broken clock, etc: [Senate District 9 and House District 16 elections take place Tuesday in Alabama](#) ... [‘A much darker reality’: Top Democratic leaders rebuked DeSantis’ version of Florida](#) ... [\(Indiana\) U.S. Rep. Pence to step down, fourth Hoosier to exit Congress](#) ... [Some Republican Party officials in Kentucky defend Jan. 6 rioters, echoing Trump rhetoric](#) ... [Maine House votes down impeachment order against secretary of state over Trump ruling](#) ... [Michigan Republicans squabble over leadership after members vote to remove Karamo as chair](#) ... [Mississippi Democrat Ty Pinkins relaunches campaign for U.S. Senate](#) ... [State representative shunned by Democrats launches campaign for Missouri governor](#) ... [Most commenting on proposed Nebraska legislative rules opposed drastic changes](#) ... [One year in, Oregon Gov. Tina Kotek faces same challenges](#) ... [Tennessee House Republicans propose new rules to further limit and restrict debate](#) ... [New Jan. 6 video shows U.S. Rep. Troy Nehls \(R-Texas\) in tense Capitol standoff](#) ... [President Biden, Congressional Black Caucus bid farewell to the late Eddie Bernice Johnson in Texas](#) ... [U.S. Capitol Police union says not enough done to improve security after Jan. 6 attack](#)



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[policy proposal](#)

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One Last Thing

You know, right? [You know.](#)



*Well, you **should** know.
(via [Giphy](#))*

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