

MIDWEST DIGEST

Gov. Mike Rounds Signs S.D. Budget Bill

PIERRE (AP) — Gov. Mike Rounds has signed the \$4 billion state budget bill passed by South Dakota lawmakers on the final day of this year's legislative session.

The portion of the budget funded with state general tax revenue is nearly \$1.2 billion. In the year beginning July 1, the state also could spend nearly \$2 billion in federal money and about \$971,000 in other funds.

Lawmakers made a number of spending cuts and other changes to eliminate a \$43 million gap between state revenue and spending. Many of the cuts were in the university system. The Board of Regents has been evaluating those cuts before meeting on Thursday to set tuition and fees for next year.

Members of the Republican majority voted to pass the budget, but Democratic lawmakers argued it was flawed.

All S.D. Appliance Rebate Money Used Up

PIERRE (AP) — South Dakota officials have shut down the state's appliance rebate program because all the money available to buyers of energy-efficient appliances has been claimed.

Bureau of Administration spokesman Mike Mueller said Monday that enough applications had been received to use up the program's \$738,391 budget.

Nearly 6,400 applications were received as part of the program that was created by last year's federal stimulus package. Clothes washers, refrigerators and dishwashers were the most popular appliances bought in the program.

Mueller says the state will maintain a waiting list in case any of the applications are rejected, but any consumers who hadn't mailed their application before Monday is unlikely to get a rebate.

Great Neb. Teachers Could Get Pay Raise

LINCOLN, Neb. (AP) — Nebraska teachers may get performance-based pay with help from wind and solar energy.

Nebraska lawmakers on Monday gave final-round approval to a bill (LB1014) that, if signed by Gov. Dave Heineman, would let school districts create performance-based pay programs.

Money would come from wind and solar energy leases on some of the 1.3 million acres owned by the state Board of Educational Lands and Funds.

Through collective bargaining, each district would have to create its own program to reward good performance.

Even if a district's teachers and administrators were to reach an agreement, the money wouldn't be guaranteed: 75 percent of the state's districts must have a program in place before the new money would become available.

Neb. Lawmakers Split On Whiteclay Decision

LINCOLN, Neb. (AP) — Some Nebraska lawmakers call it a messy sum that won't do much. Others call it a start in trying to ease problems in and near Whiteclay.

On Monday, they gave final approval to a bill (LB1002) that, if approved by Gov. Dave Heineman, would set aside \$25,000 and allow the state to hire a grant writer at a cost of about \$31,000.

Supporters hope it will help attract more dollars for an alcohol detoxification center or more law enforcement.

Four stores in the village of 14 sell a total of about 4 million cans of beer annually, mostly to residents of South Dakota's Pine Ridge Indian Reservation. The reservation, which bars alcohol, is within walking distance of Whiteclay. The reservation has one of the country's highest alcoholism-related mortality rates.

Sioux Falls Noted As Top 50 Biking Town

SIoux FALLS (AP) — Bicycling magazine rated Sioux Falls as the 31st best city in the nation for getting around on a bike.

Sioux Falls was mentioned in the America's Best Bike Cities list for its 19-mile recreation trail through the city and its dedicated bike lanes and pavement markings that guide cyclists and remind motorists they are sharing the road.

Minneapolis was ranked No. 1, followed by Portland, Ore., and Boulder, Colo. Regionally, Omaha, Neb., was 42nd and Fargo, N.D., 46th.

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Absentee Voting High in S.F. Election

SIoux FALLS (AP) — Sioux Falls residents head to the polls on Tuesday to elect a mayor for South Dakota's largest city for the next four years.

The city already has set a record for absentee votes. More than 1,650 absentee votes had been cast as of Friday, with another 350 expected.

Six people are running for mayor in Sioux Falls. If none of the them gets more than 50 percent of the vote, there will be a runoff election April 27.

AIM SLAYING

Trial Set In 1975 Killing Of Activist

BY DAVE KOLPACK
Associated Press Writer

Trial is set to begin in Rapid City, S.D., for the man accused of providing a gun that was used more than 34 years ago to kill an American Indian Movement activist who has become an icon for many of North America's native people.

Richard Marshall has pleaded not guilty to aiding and abetting the December 1975 shooting of fellow AIM activist Annie Mae Aquash, who came to the Pine Ridge Indian Reservation from Canada in the early 1970s to join the movement's efforts.

Prosecutors have said Marshall at some point provided a .32-caliber revolver allegedly used by another former AIM member, John Graham, who is accused of shooting Aquash in the Badlands as she begged for her life.

Graham and fellow activist Arlo Looking Cloud were indicted in the case in 2003. Looking Cloud was convicted in 2004 of being an accomplice to Aquash's murder and sentenced to life in prison. He's expected to be a key witness in Marshall's federal trial.

Graham has pleaded not guilty to kidnapping and murder and could go on trial this summer.

Prosecutors have said that Marshall supplied the revolver when Graham, Looking Cloud and Theda Clarke stopped at Marshall's

house near Allen the day Aquash was killed.

Witnesses testified at Looking Cloud's trial that the trio had driven Aquash from Denver to Rapid City and eventually to the Badlands on orders from AIM leaders who ordered her killed because they thought she was a government informant. Federal investigators have denied Aquash was a snitch.

Cleo Gates, Marshall's wife, testified that Aquash stayed with her in the kitchen while the others went into a back bedroom with Marshall. Gates said under questioning by prosecutors that her husband did not keep a gun in the bedroom.

Marshall's lawyer, Dana Hanna, has taken issue with Looking Cloud's previous statements about his knowledge of the killing and has tried in court documents to pick away at the credibility of Looking Cloud and other government witnesses.

Hanna wrote in proposed jury instructions that Looking Cloud is testifying against Marshall in hopes of getting his sentence reduced.

Jury selection is scheduled to begin Wednesday. A competency hearing is scheduled Tuesday to determine whether Clarke, who is now in her 80s, is capable of testifying during the trial.

Graham, who is from Canada's Yukon territory and belongs to the Southern Tutchone tribe, awaits trial in state court. Federal charges were dropped after federal courts

concluded the U.S. did not have jurisdiction because he does not belong to an American Indian tribe.

Aquash was a member of Mi'kmaq Tribe of Nova Scotia and was reburied there in 2004. Looking Cloud, Marshall and Clarke are Lakotas from Pine Ridge.

AIM first gained national attention in 1972 when it took over the Bureau of Indian Affairs headquarters in Washington. The next year, the group occupied Wounded Knee on the Pine Ridge reservation during a 71-day standoff.

The hostility with the federal government came to a head in 1975 when two FBI agents were shot and killed at Pine Ridge. A federal jury in Fargo, N.D., convicted Leonard Peltier of the killings and sentenced him to life in prison. Peltier, who grew up on the Turtle Mountain Reservation in North Dakota, has maintained his innocence.

During Looking Cloud's trial, Darlene Nichols-Ecoffey — an Aquash friend and former husband of AIM leader Dennis Banks — testified she heard Peltier say he thought Aquash was a snitch. Nichols-Ecoffey also told jurors she was with Aquash when Peltier bragged about killing the two FBI agents.

Barry Bachrach, Peltier's lawyer, denied the accusation and said the prosecution's purpose was to smear AIM and cover up history.

More States Join Fight With Feds Over Guns

HELENA, Mont. (AP) — A growing list of states joining the legal battle over federal gun control argued Monday that Congress can't regulate guns made and sold within a state.

The argument over gun control, sparked with the "firearm freedoms act" first enacted in Montana and subsequently in other states, is leading to a constitutional showdown over the reach of Congress into state borders.

A total of seven states filed "friend of the court" briefs by Monday's deadline to do so. And the Montana attorney general also is seeking to intervene in a lawsuit first filed by gun advocates in U.S. District Court in Missoula.

"The American people and the several states created the federal government, and they now want the federal government constrained to the proper role for which it was created," said Gary Marbut, president of the Montana Shooting Sports Association that launched the lawsuit. "This is a forward step for freedom that has always been at the heart of who we are in America."

Utah, Alabama, Idaho, South Carolina, South Dakota, Wyoming and West Virginia all signed on to the lawsuit. The states argue that the U.S. Constitution gives them the right to control activities inside state borders, and they want the authority to do so under the firearms freedom acts advancing around the country.

"These laws are intended to allow their respective citizens to engage within their states in constitutionally protected activity without burdensome federal oversight and regulation of their sole-

ly intrastate activities," Utah Attorney General Mark Shurtleff wrote on behalf of the states.

Gun advocates, who filed the lawsuit last year after the federal Bureau of Alcohol, Tobacco, Firearms and Explosives warned that gun dealers were still bound by federal regulations, want a court declaration preventing federal agents from enforcing federal gun laws on Montana-made equipment.

The U.S. Department of Justice has asked the court to dismiss the lawsuit, saying states can't

exempt themselves from national gun control laws. The agency says that federal gun control is a "valid exercise of Congress' commerce power under the Constitution."

It argues that gun control dating back to the 1934 National Firearms Act was put in place to regulate guns that could be "used readily and efficiently by criminals or gangsters." That and subsequent laws are meant to keep tabs on guns that easily pass between state borders, the Justice Department has argued in court filings.

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