

MIDWEST DIGEST

Repairs Begin On S.D. Roads Hit By Flooding

PIERRE (AP) — Construction crews have started state-funded repairs on critical-access roads damaged by spring flooding. Earlier this month, Gov. Mike Rounds pledged up to \$10 million to help counties and townships make the temporary repairs. Work began Friday on the first repair project. Crews worked on a one-mile stretch of Spink County Road 15. Rounds' office says work should soon begin on roads in Marshall, Day, Brown and Roberts counties often used by firetrucks and ambulances.

Rounds Requests Flags Lowered On Monday

PIERRE (AP) — Gov. Mike Rounds is asking that flags in the state be flown at half-staff Monday in honor of the former Sen. William Taylor, who died Thursday at age 83. Taylor, a Republican from Aberdeen, served as state senator from 1987 to 1992. Rounds says that in addition to being a politician, Taylor was a respected doctor. He asks that flags be at half-staff from 8 a.m. until sunset. Services for Taylor are scheduled for Monday in Aberdeen.

Neb. Officer Rescues Toddler From Fire

HASTINGS, Neb. (AP) — "I just can't thank you enough," a Hastings mother said to the police officer who rescued her little girl from a fire. Authorities say Officer Michael Doremus climbed into a burning duplex and rescued 21-month-old Lily Ann Gillaspay early Thursday. Sgt. Bill Mann said Lily Ann's mother, Elizabeth Uher, ran out of the home as Doremus and other officers arrived shortly after 1:30 a.m. Uher told one of the officers that her daughter was still inside. Mann said Doremus overheard Uher, so he turned and began looking for a way to get the little girl out. Doremus found the front door was blocked by flames, so he broke a window and climbed inside, Mann said. He went from room to room in the dark smoke and found the girl sitting up in her bed. Doremus tossed a blanket over Lily Ann, scooped her up and ran outside, Mann said. "He felt he could get the job done, and he did," Mann told the *Hastings Tribune* on Thursday. Fire Capt. Craig Oswald said the duplex's roof had collapsed by time firefighters arrived. Lily Ann and her mother were taken to a hospital as a precaution but soon were released.

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Immigration Vote Can Be Held In Fremont, Neb.

LINCOLN, Neb. (AP) — The Nebraska Supreme Court said Friday that it won't stop a special election in Fremont on a proposal intended to control illegal immigration.

The high court upheld the decision of a Dodge County District Court judge last year that he didn't have authority to stop the vote. The proposal would ban renting to and hiring illegal immigrants within city limits.

"All we've been asking is to just let it go to a vote ... let the people have a say and let them make a decision," said Jerry Hart, who helped collect petition signatures to get the issue on the ballot. He said illegal immigrants are taking jobs, violating housing ordinances, using up tax dollars, and sending money back home that could be spent in the city.

The Fremont City Council considered a policy similar to the proposed ordinance in 2008 and narrowly rejected it. But proponents Hart, Wanda Kotas and John Wiegert collected enough signatures to put it on track to a public vote.

Illegal immigration draws strong opinions in the community of 25,000, which is among a handful of Nebraska cities that have seen marked demographic changes as Hispanic immigrants find work at meatpacking plants. Opponents

of the proposed legislation fear it could fuel discrimination and spur costly legal challenges for the city. "The concern I have is that the piece of the ballot issue on housing has never withstood tests in court," Fremont City Councilman Gary Bolton said after being told of the decision. "It's lost wherever it's been challenged."

The special election originally was supposed to be held last summer. But it was stopped after the city raised concerns about the constitutionality of the measure, then asked a court to stop the process before the city went to the expense of holding the election. The city lost in district court and appealed to the state Supreme Court.

Following the ruling Friday, Fremont officials expect the vote to be in late summer.

AIM KILLING

Acquittal Gives Ex-FBI Agent Pause

BY DAVE KOLPACK
Associated Press Writer

RAPID CITY — The acquittal this week in the slaying of an American Indian Movement activist highlights the challenges of trying a nearly 35-year-old case as the alleged trigger-man is scheduled to go on trial this summer. Jurors found Richard Marshall not guilty Thursday of first-degree murder. He was accused of providing the weapon that killed Annie Mae Aquash in 1975.

A key federal agent during the militant group's protests in South Dakota at the time of the slaying says the acquittal gives him pause.

"Well, it's not very positive, that's for sure, because you never like to lose them," said Norman Zigrossi, director of Rapid City's FBI office in the 1970s. "But it's hard to say. A lot of it depends on the jury, a lot of it depends on how the facts are presented. Not witnessing the trial, it's really hard for me to pass judgment on what happened."

Aquash came from Canada in the 1970s to join the American Indian Movement and pur-

sue its complaints against poverty and racism. Witnesses say Aquash was executed in 1975 because some AIM leaders thought she was a secret agent. Federal authorities deny that she was a spy.

The case was revived in 2003 when Arlo Looking Cloud and John Graham were indicted by a federal jury. Looking Cloud was found guilty of murder in 2004 and sentenced to life in prison. Graham's case was eventually moved to state court, where he stands accused of shooting Aquash in the back of the head.

Graham's lawyer, John Murphy, declined to be interviewed Friday.

Authorities believe Marshall gave the gun to Looking Cloud, Graham and another AIM member on the night Aquash was killed. The jury rejected that idea Thursday in less than two hours, which included lunch.

"I can't believe it was such a short deliberation," Zigrossi said. "That is unusual."

"I would have expected that (a guilty verdict) was a slam dunk because the facts are the same as Looking Cloud's trial," he said.

Shortly after Marshall walked out of a county jail Thursday following his acquittal,

a spokesman for the U.S. attorney's office in South Dakota acknowledged the difficulty of trying a nearly 35-year-old murder case. South Dakota Attorney General Marty Jackley said Murphy's case is different from Marshall's, and said the trial should go on as scheduled in July.

Dana Hanna, Marshall's attorney, argued there was a contradiction in facts. Looking Cloud, the government's key witness, didn't tell authorities about Marshall's alleged role in the killing until 2008. Looking Cloud said he kept quiet because he was afraid of Marshall. Hanna said Looking Cloud changed his story to get out of prison.

Hanna didn't return phone calls from The Associated Press. A daughter of Aquash who attended most of the trial, Denise Maloney Pictou, also didn't return phone messages seeking comment.

Owen Marshall, whose father is a cousin of Richard Marshall, said he believes the verdict was just, but says he feels for Aquash's family.

"I believe the person who shot her will be brought to justice," said Marshall, who was born four years after Aquash was killed.

Panel Begins Study On Interpreters In S.D. Courts

PIERRE (AP) — South Dakota's court system needs to improve its use of interpreters to protect the rights of non-English speakers who wind up in court, Supreme Court Chief Justice David Gilbertson said Friday.

Gilbertson spoke briefly at the first meeting of a committee he appointed to study the issue, telling the 15-member panel that he hopes it will find ways to solve problems dealing with language barriers in courts.

"It's probably long overdue," Gilbertson said of the project.

The committee, which faces no deadline, could recommend that the Supreme Court pass rules or ask the Legislature to approve laws. It includes judges, lawyers, interpreters and others who work in the court system.

Gilbertson said South Dakota might need a uniform statewide system or one tailored to meet each area's needs. Courts in Sioux Falls, Rapid City and other large cities need interpreters every day, while those in rural areas rarely deal with non-English speakers, he said.

Sioux Falls has had a large influx of immigrants and interpreters are needed for dozens of languages.

The panel's chairman, Circuit

Judge Bradley Zell of Sioux Falls, said the judicial system must give people "meaningful access" to courtroom proceedings, probation and other aspects of the legal system.

"The ultimate goal is that anyone who would step inside the legal system ... they can understand what the process is and at least be able to participate in it," Zell said.

Greg Sattizahn, the judicial system's chief counsel, said the issue of interpreters has received more attention since the state Supreme Court dealt with it in an appeal a couple of years ago. The U.S. Justice Department also is doing more to ensure states protect the rights of those who don't speak English, he said.

A recent study indicated that about 7 percent of South Dakotans do not speak English; most of those speak Spanish, German or Lakota, the language of the Sioux, Sattizahn said. A 2006 review in the circuit that includes Sioux Falls found 30 percent of those who needed

interpreters spoke Spanish, another 20 percent spoke Farsi or Arabic, and the rest spoke about two dozen languages among them, he said.

Sattizahn said the committee will examine when an interpreter is needed, who is qualified to be one and how interpreters are appointed. Other issues involve payment for interpreters, translation of court documents, and the use of telephones, computers or two-way television services to provide interpretation services, he said.

Karl Thoeness, court administrator in Sioux Falls, said interpreters who work over the telephone can cost \$2.50 to \$4 an hour.

Magistrate Judge Shawn Pahlke of Rapid City said prosecutors sometimes offer plea bargains in cases that involve interpreters because they want to avoid expensive trials. A prosecutor recently dismissed a case involving a defendant who spoke Cantonese and was charged with only a misdemeanor, she said.

S.D. Dog Raid Prompts Dueling Lawsuits

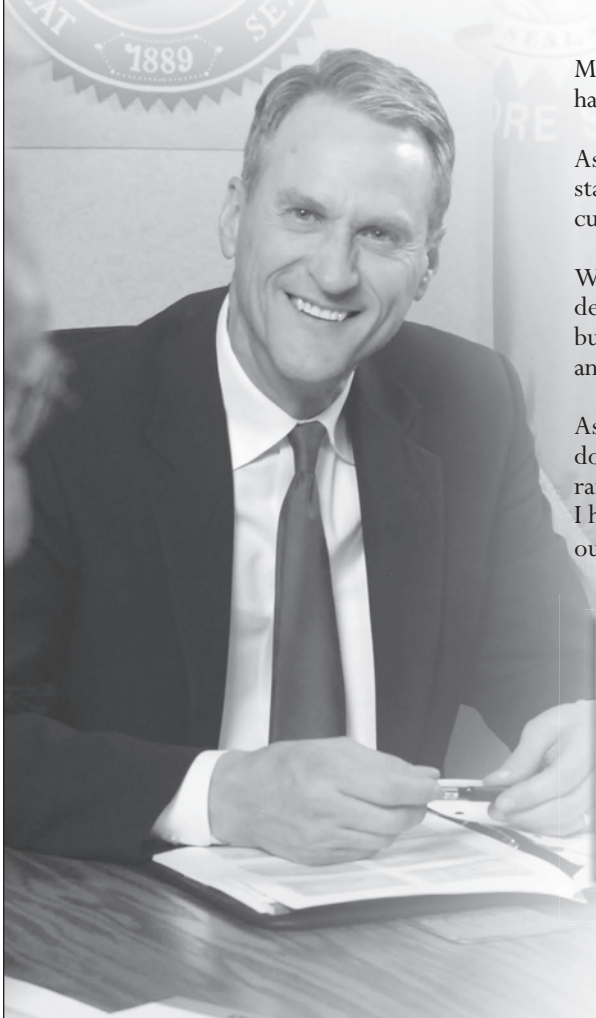
SIOUX FALLS (AP) — A Sioux Falls animal rescue center is suing a Hurley dog breeder from whom it seized 172 dogs in a raid last September.

The Second Chance Rescue Center is seeking to have Dan Christensen pay \$415,000 to cover the costs of caring for the dogs.

Christensen has said he does not plan to pay the dog bills because the dogs were taken illegally. Earlier this year he filed a civil lawsuit against the center, claiming the raid caused more than \$100,000 in damage to his business and the death of 28 of his dogs.

Christensen is facing multiple counts of animal neglect. He maintains his innocence. No trial date has been set, and a judge earlier ruled that the search and seizure of Christensen's property was illegal.

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