

Neb. Inmate Says State Has Reneged On Deal

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — The state of Nebraska reneged on a 2005 agreement to accommodate the religious and cultural needs of Native American inmates, an inmate claims in a contempt motion filed this week in federal court.

Nebraska prison officials agreed in a 2005 settlement to allow Native American inmates to have two powwows a year and give them time for religious education and worship ceremonies, as well as use of traditional, ceremonial foods such as fry bread, buffalo, deer, elk, corn and "berry dish" in their ceremonies. The inmates agreed not to use tobacco in their ceremonies after officials noted it is banned in the prison system. Prison officials allowed them to use chinshasha, made from the bark of red willow trees, as a substitute.

The motion filed Monday by inmate Michael Joseph Sims on behalf of about 180 Native American inmates claims state prison leaders have not allowed those ceremonial foods since the agreement was signed in 2005. The motion says Native American inmates also have been denied access to eagle feathers for certain ceremonies, and that prison officials have repeatedly changed policies, provisions, access, spiritual educational classes and schedules without agreement from Native American inmates, as required by the agreement.

Prison officials also removed ceremonial stones from a sweat lodge at the prison, the motion says, adding that when a Native American faith practitioner objected, a prison official responded, "I don't care about that; I'm taking those rocks."

Sims, who is serving a life

sentence at the Nebraska State Penitentiary in Lincoln for first-degree murder, asks a federal judge to "find that there has been a misrepresentation or fraud by the defendants" regarding the settlement. He asks the court to allow him to proceed with a class-action lawsuit against the state prison system. He also seeks to reinstate use of tobacco in certain ceremonies, saying prison officials allow tobacco in certain areas at the Community Correctional Centers in Lincoln and Omaha.

U.S. District Court Judge Warren K. Urbom, who signed the settlement, has given prison officials until Sept. 12 to respond to the motion.

Sims also asked that the court appoint an attorney to represent Native American prisoners in the matter. No ruling has yet been made on that request.

Nebraska Department of Correctional Services

spokeswoman Dawn-Renee Smith declined to comment on the motion Wednesday. She also declined to answer questions about whether Native American inmates are given ceremonial foods and eagle feathers for religious rites or whether prison employees removed ceremonial stones from the prison-based sweat lodge.

Prison officials also rejected a request Wednesday by The Associated Press to speak to Sims by phone about the motion.

The tug-of-war between prison officials and Native American inmates dates back decades. In 1974, a federal consent decree also signed by Urbom required prison officials to allow Native American inmates to conduct religious ceremonies and have access to medicine men and ceremonial tobacco, among other things. The 2005 agreement replaced that decree.

OBITUARIES

Harry Losing

Harry Losing, age 92, of Yankton, SD and formerly of Tyndall, SD, passed away Monday, August 27, 2012 at Sacred Heart Hospital, Yankton, SD.

Funeral services will be 2:00 p.m. August 31, 2012 at Trinity Lutheran Church, Yankton, SD, with Rev. Dave Wildermuth officiating. Burial will be at the Yankton Municipal Cemetery, Yankton, SD, with military graveside rites by the Ernest Bowyer VFW Post #791 and the SDARING Honor Guard, Sioux Falls, SD.

Visitations will be 5-8 p.m. Thursday evening, August 30, 2012, with the family present at 7 p.m., at the Opsahl-Kostel Funeral Home and Crematory, Yankton, SD and then one hour prior to the service at the church on Friday.

Pallbearers will be Chad Losing, Scott Losing, Ryan Losing, Chandler Losing, Joey Losing, and Robert Chladek.

Harry Losing was born April 2, 1921 in Sweet Grass, Montana to Konrad and Pauline (Stoebner) Losing. He married Hertha Neuhaarth on July 8, 1948. He managed the Farm Bureau



Losing

Dennis (Judy) Losing of Marshalltown, IA, one daughter, Betty Losing of Yankton, SD; three grandsons, Chad (Rochelle) Losing of Yankton, SD, Scott (Tammy) Losing, Ryan (Mandy) Losing, of Marshalltown, IA; one granddaughter, Deidra Losing of Yankton, SD; three great-grandsons, Chandler, Joey and Ross Losing all of Yankton, SD; and one sister.

Harry was preceded in death by his parents, 4 sisters and two brothers.

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OPSAHL-KOSTEL
FUNERAL HOME & CREMATORY INC.
Online condolences at:
www.opsahl-kostelfuneralhome.com

Rudolph Bohlmann

MENNO — Rudolph (Rudy) Gustav Bohlmann, age 85 of Menno passed away Monday, August 27, 2012 at the Menno-Olivet Care Center, Menno, SD.

Funeral services will be 10:30 a.m. Friday, August 31, 2012 at Immanuel Lutheran Church, Menno, SD with Rev. David Ellis officiating. Burial will be in the Menno Cemetery with military graveside rites by the Rames-Bender American Legion Post #152, Menno.

Visitations will begin at 4 p.m., Thursday, August 30, 2012 at the Aisenbrey-Opsahl-Kostel Memorial Chapel, Menno with the family present at 7 p.m. Visitations will resume one hour prior to the service at the church.

Pallbearers will be his three grandsons: Mark Liebl, Michael Gengler, Trey Bohlmann and his three nephews: Michael Bohlmann, Jerry Bohlmann, and Jim Musil. Honorary pallbearers will be his granddaughters: Coleen Smith, Laura Osterberg,



Bohlmann

Rebecca Gengler and great grandchildren: Zakary Smith, and Joshua and Kate Liebl.

Rudy was born on September 12, 1926 to Richard and Magdalena (Zeeb) Bohlmann.

He was baptized at Martinus Lutheran Church, rural Utica, SD. He grew up on a farm in rural Lesterville, SD and attended Country School, Odessa #41. Rudy was confirmed in 1940 at Martinus Lutheran Church. On March 1, 1945, Rudy entered the United States Navy at the age of 18. When the Atomic bombs were dropped on Japan, Rudy was floating offshore aboard the USS Tyrrell. On May 4, 1946, he was honorably discharged. Rudy married Gloria Handel on November 6, 1949, and to this union three children were born: Patricia, Marilyn, and Ron.

He was a member of the Rames-Bender American Legion Post #152 in Menno for more

than 50 years and was a past commander several times. He also was a member of Immanuel Lutheran Church in Menno and served on the church council and holding several other offices. For many years he served on the Board for the Menno-Olivet Care Center.

Rudy enjoyed farming and loved music, especially at one time he played in a band playing harmonic, drums, accordion, and the spoons. He was a founding member of the Menno Power Show and enjoyed helping out at it. But most of all he loved his grandchildren and great grandchildren.

Those who will cherish his memory are his wife, Gloria of Menno, SD; his three children: Patricia (Jerry) Gengler of Dell Rapids, SD, Marilyn (Greg) Liebl of Menno, SD, and Ron Bohlmann of Menno, SD; grandchildren and great grandchildren: Coleen (Ryan) Smith and Zakary of Mitchell, SD, Mark (Amanda) Liebl and Joshua and Kate of Dell Rapids, SD, Laura (Jerry) Osterberg of Salem, SD,

Rebecca Gengler of Sioux Falls, SD, Michael Gengler of Brookings, SD and Trey Bohlmann of Menno, SD; brothers: Leo (Pat) Bohlmann of Wakonda, SD and Dan Bohlmann of Porcupine, SD; sisters: Lucille (Don) Musil of Mission Hill, SD, Bernice Slupe of Brainerd, MN, and Janice (Steve) Cahoy of Tabor, SD; brother-in-law, Louie Ruman of Tabor, SD; sisters-in-law, Donna Bohlmann of Tyndall, SD, De-lores Bohlmann of Yankton, SD, and Velda Orth of Menno, SD and a host of nieces and nephews.

Rudy was preceded in death by his parents, grandparents, and brothers: Oscar in infancy, Elmer, Leslie, Bob, Melvin, sister, Mildred Ruman, and brother-in-law, Allen Orth.

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AISENBREY
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Esther Muecke

Esther Muecke went to be with her Lord on August 24, 2012 at the Good Samaritan Village in Sioux Falls, SD where she had resided for several years.

Funeral services are set for 2:00 p.m. on Wednesday the 29th at Our Savior's Lutheran Church in Sioux Falls, with burial at Hills of Rest Memorial Park.

Esther was born on a farm 1/2-mile south of the Mayfield House (formally known as Dr. Bell's store) to Soren Stenberg and Inger Marie (Mary) Thomsen on May 31, 1918, the sixth of twelve children. She was baptized at the Turkey Valley Church, Irene and confirmed on May 7, 1933 at Vangen Lutheran Church in Mission Hill, SD. She attended the McFarland and Irene Consolidated schools.

She married Richard Muecke on April 27, 1936, and three children were born to this union. Richard and Esther farmed in the Mayfield community before moving to Sioux Falls in 1953. There, Esther's most recent employment before retirement was at Manchester Biscuit Co. Richard passed away in August of 1986.

Esther loved life and was an active member of the VFW Auxiliary, Disabled American Veteran's Auxiliary, Women of the Moose, and volunteered selflessly at the Veteran's Hospital. She also selflessly saved her neighbor's life from her burning home. You never knew when you turned on KELO news when Esther would pop up — shoveling her sidewalk after a storm, working out at the gym or saving a neighbor.

Esther and Rich enjoyed dancing, playing cards and traveling, which included a trip to Denmark. She remained in their home where she enjoyed her grandchildren and her yard and flowers until her health began to fail.

Esther is survived by her daughter, Belva Gulbrandson of Renner, SD; sons, Richard Jr.

(Mary) Muecke of Vermillion, and Roger Muecke also of Renner, SD; sister Janice (Freelan) Aune of Mission Hill and Leona Sparks of Yankton; and sisters-in-law Dorothy Holman and Alice Thomsen of Yankton and Helena Thomsen of Chula Vista, CA; 12 grandchildren, 21 great-grandchildren, 2 great-great grandchildren and many other relatives and friends.

She was preceded in death by her husband Richard, her parents Soren S. and Inger Marie Thomsen, son-in-law Roy Gulbrandson, grandsons: Tim Gulbrandson and Jonathon James Muecke, five brothers: Henry, Aage, Einer, Gerhard and Virgil, and four sisters: Gerda, Lily, Ellen and Judith (Judy).

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Mark Pischel

Funeral services for Mark J. Pischel, age 54 of Verdigre, Nebraska, will be 10:30 a.m. Thursday, August 30, 2012, at St. Wenceslaus Catholic Church in Verdigre. Reverend Garry Welsh and Reverend Doug Scheinost will serve as Concelebrants, with burial in the Pischelville Cemetery, rural Verdigre.

Visitation will be Wednesday, from 5:00 to 8:00 p.m. at St. Wenceslaus Catholic Church, with an 8:00 p.m. Wake Service.

Brockhaus Funeral Home of Verdigre is in charge of arrangements.

Mark John Pischel, 54, of Pischelville, Nebraska, a man with a one-of-a-kind gift of wit, humor and gab, went to meet his Lord Saturday, August 25, 2012, at Mercy Hospital in Sioux City, Iowa. He was airlifted to Mercy after a Friday



Pischel

afternoon road accident near Creighton, Nebraska.

He wants you to know that whenever you're ready to meet him, he's got a lot of days off work and there are some good pickin' in the Heavenly fields. He's mighty obliged to his Dad, Grandma Josie and Uncle Billy Pischel for showin' him the super secret spots. Breaking bread at the Great Table whenever hungry and splatterin' some finger-lickin' plum jam on top, too. Let me tell you, the homemade wine will be getting a few change ups in those Heavenly clouds — buffalo berry, plum, chokecherry and the like should be regularly celebrated. Going to keep the story of Mark clean for all those with sensitive eyes and ears reading this, but sure the many legends of Pischel will be shared around these parts for years and won't be hard to come by.

God must have had a grin on July 1, 1958, when he sent Mark John Pischel to be the first son of Joe and Carol Pischel and brother to Colleen (Pischel) Kerk, and later Todd Pischel, in Pischelville, Nebraska. He was born at Lundberg Memorial Hospital in Creighton. Pischel attended Pischelville Country School and Niobrara Elementary and High School (Class of '76). His teachers say they remember him well, but don't remember the names of the well-behaved students. Pischel was a lifelong, natural athlete in high school football and basketball. He played nearly every sport known to man and sometimes all in the same day. And when he could no longer win at those sports, he invented a game he could win. He played with the

Old Timer's Softball team this summer during Kolach Days.

He kept a number of parents up at night while runnin' around with Jeff Barta, Perry and Barry DeKay and livin' life close to the edge. Many will miss a warm run-in with Mark on the street and hearing an entertaining Mark Story or getting a last-minute call to go kayaking, hunting, picking berries or refereeing a high school game ... whatever the gung-ho Markster could dream up, he set out to do. The man even had to outdo the nation in figurin' the wildest way to fit as many wheels and water rafts into his daily commute to the J-O-B.

His in-depth job history would stretch across Nebraska, but an abbreviated list includes: Mike Durfee State Prison guard, Verdigre Eagle roving reporter, Pischelville Farmer, Niobrara Golf Course groundskeeper, morel mushroom man, referee, parade announcer and voice of the Verdigre Hawks and Niobrara Verdigre Cougars. Mark was Western Township Board treasurer and a member of St. Wenceslaus Catholic Church. Can't even begin to go through his trophy shelf, but if there was a contest, he was in it. Sometimes in heels, being crowned Miss Tootsie in Bloomfield Appreciation Days beauty contest. One of his proudest moments was winning the Mike Durfee chili cook-off. And if there were ingredients around, he was resourcefully making you one of the best tasting meals.

Mark was a special type of shopper, one of the only men who could

spend hours on his own in a Hobby Lobby. He was even known to be antiquing during a Husker football game. He had a colorful T-shirt collection and the unique pants to match — zebra, camouflage, chili peppers, to name a few. Once he discovered Crocs it was huge day for him.

Pischel made Kimberlee Mastalir of Verdigre his one and only "Mrs." Oct. 6, 1979 at Wenceslaus Catholic Church in Verdigre, Nebraska. The high school sweetheart's hearts lived on the Pischel family farm in Pischelville and raised their two grown children. He gave his son and daughter a vivid example of strong love, kindness to all, and how to seek out and take on life's adventures. He always wanted them at his side.

Pischel had an active mind and a deep love for all around him. Young and old could appreciate his love for life and get a kick out of his never-ending commentary and quick-as-lightning ad lib. He never left us wondering if he cared, he wanted the best for everyone and knew the art of conversation. His personality found its way into a special place in everyone's heart. Mark had a thing with everyone, if you were barely walking or 105, his good nature and big smile drew you in.

Mark is survived by his wife, Kim (Mastalir) Pischel of Pis-

chelville; his son, Dustin Pischel of Verdigre; his daughter, Jacey Pischel of Norfolk; his mother, Carol (Burkhardt) and step-father, Ben Straatmeyer of Niobrara; his sister, Colleen (Pischel) Kerk of Rapid City, South Dakota; and his brother, Todd Pischel of Lincoln. He is also survived by eight nephews and eight nieces and several close friends. He is predeceased by his father Joseph Pischel (2000).

The family wishes to express their deepest thanks to the outpouring of love and kindness from the community as well as the sharing of memorable Mark stories.

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Bonnie Johnson

Bonnie J. Johnson, 87, of Yankton and formerly of Peterson, Iowa, died on Tuesday, Aug. 28, 2012, at her residence at Walnut Village.

Arrangements are pending with Wintz & Ray Funeral Home and Cremation Service, Yankton.

Blast From The Past
Breakfast Special \$3.95
Monday-Friday 6am-11am
Yesterday's Cafe
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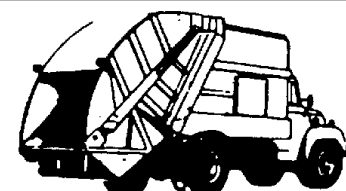
IN REMEMBRANCE

Elvira G. Grindvold
10:30 AM, Thursday
Trinity Lutheran Church
Hartington

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and Cremation Service, Inc.
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**HOLIDAY
GARBAGE &
RECYCLING
COLLECTION
SCHEDULE**

NO COLLECTION
Monday, Sept. 3rd, 2012

Monday & Tuesday routes
will be picked up on Tuesday, Sept. 4th.
All other routes as scheduled.

**TRANSFER STATION WILL BE
CLOSED MONDAY, SEPT. 3rd.**

**PLEASE HAVE YOUR GARBAGE
& RECYCLABLES PLACED BY 7 A.M.**

KYNT
AM 1450
MORNING COFFEE
WEEKDAYS MONDAY-FRIDAY
Thursday, August 30
7:40 a.m. Yankton Chamber (Carmen Schramm)
8:15 a.m. Yankton Conv/Visitors (Lisa Scheve)
Friday, August 31
7:40 a.m. Holiday Kickoff (Kyle Tacke)
8:15 a.m. Master Gardeners (Bob Niebergall, Allen Sinclair)

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Thank you to Family & Friends for the cards and best wishes that we received for our 40th Anniversary. We appreciated your thoughtfulness.
Bob & Pat Suing

THANK YOU
Tri-State Old Iron Association would like to thank the following for the donations they contributed to enable our club to attend the World's largest classic tractor parade at the Nebraska State Fair in Grand Island. The Guinness Record was broken with 964 tractors parading around the track at Fonner Park for 2 1/2 miles breaking the record of 745 tractors made by Germany in 2008.

JoDean's, WNAX, List Electric, Pioneer Seeds, John Conkling Distributing, Shop E-Z, First National Bank of SD, Yankton AG Center, Yaggies, Grossenburg Implement of Bloomfield, Mark's Machinery, Fred Haar, Tabor Lumber Coop, Truck Trailer, Bow Creek Metal, Menno State Bank, and Bon Homme Yankton Electric Association.

WANTED
A New Home for Chris.
The HHS staff rescued this 10 month old spaniel mix from the countryside where he was scared and lonely. The ladies at the shelter say he was probably treated poorly before arriving at HHS and so he is a little timid about meeting strangers. He really needs someone with a gentle hand and understanding to take him home and keep him forever.
Please visit www.heartlandhumansociety.net or call 605-664-4244 for more information.
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