

'I Was Not Surprised'

Report Raises Questions About Mudslide Precautions

BY PHUONG LE AND MANUEL VALDES
Associated Press

ARLINGTON, Wash. — A scientist working for the government had warned 15 years ago about the potential for a catastrophic landslide in the community where the collapse of a rain-soaked hillside over the weekend killed at least 14 people and left scores missing.

As rescue workers slogged through the muck and rain in search of victims Tuesday, word of the 1999 report raised questions about why residents were allowed to build homes on the hill and whether officials had taken proper precautions.

"I knew it would fail catastrophically in a large-magnitude event," though not when it would happen, said Daniel Miller, a geomorphologist who was hired by the U.S. Army Corps of Engineers to do the study. "I was not surprised."

Snohomish County officials and authorities in the devastated rural community of Oso said they were not aware of the study.

But John Pennington, director of the county Emergency Department, said local authorities were vigilant about warning the public of landslide dangers, and homeowners "were very aware of the slide potential."

In fact, the area has long been known as the "Hazel Landslide" because of landslides over the past half-century. The last major one before Saturday's disaster was in 2006.



LINDSEY WASSON/SEATTLE TIMES/MCT
Washington State Department of Transportation safety manager Mike Breyse examines the areas devastated by Saturday's giant mudslide on March 24 near Oso, Wash.

"We've done everything we could to protect them," Pennington said.

Patricia Graesser, a spokeswoman for the Army Corps of Engineers in Seattle, said it appears that the report was intended not as a risk assessment, but as a feasibility study for ecosystem restoration.

Asked whether the agency should have done anything with the information, she said: "We don't have jurisdiction to do anything. We don't do zoning. That's a local responsibility."

No landslide warnings for the area were issued immediately before the disaster, which came after weeks of heavy rain. The rushing wall of quicksand-like mud, trees and other debris flattened about

two dozen homes and critically injured several people.

"One of the things this tragedy should teach us is the need to get better information about geologic hazards out to the general public," said David Montgomery, a geomorphologist and professor with the University of Washington in Seattle. "Where are the potentially unstable slopes? How big a risk do they pose? And what should be done to let homeowners know about that?"

Meanwhile, searchers continued to pick through the debris, warning they were likely to find more bodies. Authorities were working off a list of 176 people unaccounted for, though some names were believed to be duplicates.

Investigators: Train's Brakes Failed

CHICAGO (AP) — An emergency track-side braking system activated but failed to stop a Chicago commuter train from jumping the tracks and barreling to the top of an escalator at O'Hare International Airport, a federal investigator said Tuesday.

The events that led to Monday's accident, which occurred around 3 a.m. and injured more than 30 passengers, might have begun with the train operator dozing off toward the end of her shift, according to the union representing transit workers. But Tuesday's announcement that a piece of emergency safety equipment might have failed was the first indication the accident could have been caused by human error and mechanical failure.

National Transportation Safety Board investigator Ted Turpin said a preliminary review showed the train was traveling at the correct speed of 25 mph as it entered the station. Investigators said they have not yet determined whether the operator ever applied the in-cab brake.

Turpin, who is in charge of the investigation, said an automatic emergency braking system located on the tracks was activated but failed to stop the train as it burst onto the platform.

"It activated," Turpin said of the emergency system. "That's all we know factually. Now, whether it did it in time or not, that's an analysis that we have to figure out."

Ukraine Troops Withdraw From Crimea

FEODOSIA, Crimea (AP) — As former comrades saluted them from outside a base overrun by Russian forces, Ukrainian marines in Crimea piled into buses Tuesday to head back to the mainland.

It was a low-key exit from this eastern Black Sea port, with fewer than a dozen friends and relatives on hand to bid the marines farewell. A troop transporter bearing black Russian military plates trailed the bus as it pulled away.

Their departure came as Ukraine's defense minister stepped down after harsh criticism for authorities' often-hesitant reaction to Russia's annexation of Crimea, which was formalized following a hastily organized referendum this month. And while Ukraine struggled to deal with its humbling by Russia, it also faced the menace of seething Ukrainian nationalists angered by the police killing of a leading radical.

Troops were given the stark choice of either staying in Crimea and switching allegiance to serve under Russia's military, or leaving the peninsula to keep their jobs with the Ukrainian defense forces.

Report: Speed Caused Walker's Crash

LOS ANGELES (AP) — The Porsche carrying "Fast & Furious" star Paul Walker was traveling about 90 mph when it went out of control on a suburban street and crashed, killing the actor and his friend, according to an investigation by law enforcement agencies into the November accident.

The sports car driven by Roger Rodas slammed into a light pole that had a 45 mph speed limit sign, and it burst into flames. Walker and Rodas died at the scene.

Investigators concluded that unsafe driving, not mechanical problems, caused the crash, according to a person who has reviewed a report by the Los Angeles County Sheriff's Department and California Highway Patrol. Investigators calculated that Rodas was driving between 81 mph and 94 mph when his 2005 Porsche Carrera GT began to drift after coming out of a curve.

"The vehicle had no mechanical failure and the damage that occurred to the vehicle was from the collision," accident reconstruction specialists with the Highway Patrol wrote, according to the person, who spoke on condition of anonymity because the report has not been officially released yet.

A spokeswoman said Tuesday that the Sheriff's Department had no new information to release regarding the investigation into the Nov. 30 crash.

Birth Control Rule Dividing Supreme Court

BY MARK SHERMAN
Associated Press

WASHINGTON — Seemingly divided, the Supreme Court struggled Tuesday with the question of whether companies have religious rights, a case challenging President Barack Obama's health overhaul and its guarantee of birth control in employees' preventive care plans.

Peppering attorneys with questions in a 90-minute argument, the justices weighed the rights of for-profit companies against the rights of female employees. The discussion ranged to abortion, too, and even whether a female worker could be forced to wear an all-covering burka.

The outcome could turn on the views of Justice Anthony Kennedy, often the decisive vote, as his colleagues appeared otherwise to divide along liberal and conservative lines.

As the court heard the challenge brought by the Hobby Lobby chain of stores and others, demonstrators on both sides of the issue chanted outside in an early spring snow.

The justices upheld the overall health care law two years ago in a 5-4 ruling in which Chief Justice John Roberts cast the deciding vote in favor of Obama's signature domestic legislation. The latest case focuses on a sliver of the law dealing with preventive services, including contraception, that must be offered in a company's plan at no extra charge.

The family-owned companies that are challenging the provision provide health insurance to their employees but object to covering certain methods of birth control that they say can work after conception, in violation of their religious beliefs.

The justices have never declared that for-profit corporations, as opposed to individuals, can hold religious beliefs. The companies in this case, and their backers, argue that a 1993 federal law on religious freedom extends to businesses.

Among the groups opposing the administration is the

U.S. Conference of Catholic Bishops. As it happens, Obama is to meet this week with Pope Francis.

The Obama administration says it's not just about birth control, that a Supreme Court ruling in favor of the businesses also could undermine laws governing immunizations, Social Security taxes and minimum wages.

Kennedy voiced concerns about the rights of both female employees and the business owners. He wondered what would happen if an employer ordered a woman who works for him to wear a burka, a full-length robe and head covering commonly worn by conservative Islamic women.

He asked: Does the employer's religious belief "just trump?"

Later in the 90-minute argument, however, he seemed troubled about how the logic of the government's argument would apply to abortions. "A profit corporation could be forced in principle to pay for abortions," Kennedy said. "Your reasoning would permit it."

The three women on the

court, Justices Ruth Bader Ginsburg, Elena Kagan and Sonia Sotomayor, repeatedly questioned Paul Clement, representing the businesses, whether blood transfusions, vaccinations and laws against sex discrimination would be subject to the same religious objections if the court ruled for his clients.

"Everything would be piecemeal and nothing would be uniform," Kagan said.

Clement acknowledged that courts would have to decide on a case-by-case basis, but he said only the kind of family-owned companies he represented would make such claims, not large, multinational corporations. "That's something that's not going to happen in the real world," Clement said.

Roberts at one point sug-

gested that the court could limit its ruling to just such companies.

One key issue before the justices is whether profit-making corporations may assert religious beliefs under the 1993 religious freedom law or the First Amendment provision guaranteeing Americans the right to believe and worship as they choose.

The court could skirt that issue by finding that the individuals who own the businesses have the right to object. But the justices still would have to decide whether the birth control requirement impinges on religious freedom, and if so, whether the government makes a persuasive case that the policy is important and has been put in place in the least objectionable way possible.

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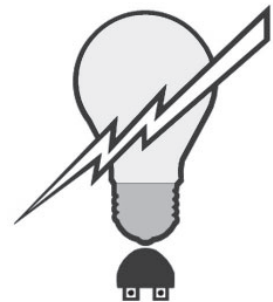
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