

Rusch

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state's attorney in Vermillion, ultimately serving 12 years in the position.

In 1985 he went into private practice, where he stayed until 1993, when he was appointed to the circuit court by then-Gov. Walter Dale Miller.

He has been presiding judge of the First Circuit since 1995, a position that puts him in charge of management and administration of the circuit, which includes 14 southeast South Dakota counties.

Rusch also has served on the South Dakota Supreme Court for 23 different cases.

"I feel like I've had three careers now," he said.

There are personal pros and cons to his role in the legal system, he said.

"Being a judge probably isn't as satisfying as representing a client and getting a good result for them, but on the other hand, you don't have to worry about meeting the overhead every month," Rusch said.

He added that the aspect of his work that he likes the most is the fact that "your decisions really do count for something."

But this may also make the job more difficult.

One case in particular that Rusch mentioned in this light was the trial of Donald Moeller, who was convicted of raping and murdering 9-year-old Rebecca O'Connell and sentenced to death.

"I've tried 123 jury trials during the 17 1/2 years I've been on the bench, and that's clearly the most difficult," Rusch said. "Death penalty cases are different from anything else."

The trial was held over a six-week period in Rapid City, at the request of the defense.

"The state didn't really resist that, because they felt there had been so much publicity in the Sioux Falls area that it would be difficult to seat a jury there," Rusch said.

Ultimately, the trial led him to moderate his views on the death penalty.

"In all the years I was a prosecutor, I would have told you I was very strongly in favor of the death penalty, but after sitting through (a death penalty trial) and seeing how expensive it was and how hard it on the jurors and everyone involved, I came away from that not as strong a supporter of the death penalty as I'd been before," he said.

After Rusch's retirement takes effect, he will focus much of his attention on historical research.

"I'm working on a book right now on the history of court-houses in South Dakota, and have been talking to some people about working on a biography of Judge Jefferson Kidder," Rusch said.

Kidder was one of the founders of Vermillion who also donated land for the construction of USD.

"He was one of the people who was very instrumental in getting the university going," Rusch said. "Of course, Kidder Street is named after him."

Rusch's love of history is reflected in the Clay County Courthouse, as well.

"When I first came here as a judge, we did not have any pictures of any of the prior judges here, so I got pictures of all of the prior judges who ever served here in Vermillion, and their pictures are in the courtroom," he said.

A similar undertaking now is under way to collect pictures of all the governors, senators and congressmen who came from Vermillion.

"We only need Sen. Johnson's picture yet," Rusch said.

He also plans to continue to volunteer with the university, including the USD School of Law, which gave him a Volunteer Service Award last year.

"I'm not one to sit and do nothing," he said.

Guard

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starting today (Saturday), the lieutenant governor said. The releases will rise to 90,000 cfs on June 4; 95,000 cfs on June 5; 100,000 cfs on June 6; and 110,000 cfs in late June.

The releases could reach 125,000 cfs if water levels dictate it, according to Corps officials.

Charlie Battery will fill a number of roles during its current mission, ranging from sandbagging to security, said Sgt. Dan Anderson. The unit will draw upon the Guard's training and experience, he said, adding that he took part in flood-fighting missions while with the Marines.

Schild has also previously battled floods.

"I did a couple of flood duties while I was with the Guards in Iowa," he said. "It's dirty, wet and sandy, but the people are so appreciative that you're there."

The current mission could find rapidly-changing conditions, Schild said. The Corps of Engineers has dramatically increased its calculation of the water release required from the mainstem dams on the Missouri River.

"You have seen the Corps' numbers go up and up and up," Schild said, shaking his head at the projected numbers.

Schild and Sgt. Scott Pospishil, both Yankton natives, said the current flooding is unlike anything they have seen before, even during the historic floods of 1993 and 1997.

"I remember when people were canoeing on Memorial Park (in Yankton) because it rained so much, and Marne Creek became more like a river," Pospishil said of a previous flood.

Schild recalled high levels for the Missouri River during those 1990s floods. In particular, he remembered the pylons at Meridian Bridge provid-

ing a marker for measuring the rising waters. The river's sandbars were also covered with floodwaters.

Now, Charlie Battery is focusing its attention on the current flood.

The soldiers reported to the Yankton armory Friday morning for final packing and details. The unit hit the road at 1 p.m. for the drive to Pierre.

The unit used a quick turnaround time to respond to the governor's order, Pospishil said.

"The soldiers were contacted through the chain of command," he said. "The orders went to the platoon leaders, who in turn contacted squad members."

The 147th Artillery Battalion headquarters in Watertown. Soldiers are also mobilizing from Aberdeen, Salem, Sioux Falls, Yankton, Mitchell, Webster and Sisseton.

The 139th Brigade Support Battalion is mobilizing from Brookings, Redfield, Watertown and Miller.

The SDNG units weren't scheduled to travel to Pierre as one continuous convoy, Schild said. Instead, the units traveled separately and were scheduled to check in with SDNG commanders at points along the way.

Once they arrive in Pierre and Fort Pierre, the Guards' use of the 10 palletized load systems will allow the movement of sandbags where needed rather than force residents to stand in line, Michels said.

The National Guard will do more than fill sandbags, the lieutenant governor said.

"They will work with security and traffic control," he said. "When the levees are built in Pierre and Fort Pierre, (the Guard) will do levee patrols to ensure the integrity and that there are no breaches."

If the mission goes for an extended period of time, Charlie Battery could find itself with an overlap of assignments and authority, Schild said.

"Our state orders are for 3 to 10 days, but we begin our annual training on June 4, which is a federal as-

ignment," he said. "This deployment (for flooding) comes on top of our annual training that was already scheduled for next week."

Charlie Battery soldiers are making the trip to Pierre-Fort Pierre, but they have a tremendous amount of support back home, Schild said.

He told of one family where the wife was away from home, and now the deployed husband was forced to make quick, extended arrangements for their children.

"These soldiers are also leaving their jobs," he said. "They have to call their employers and tell them that (the soldiers) are going to be gone for the next 3 to 10 days along with our annual training."

The current mission will provide good training for the anticipated downstream flooding, Schild said. The rising Missouri River will in turn affect other waterways, such as forcing the James River to back up, he said.

"Water is the ultimate force," he said. "People need to respect it. They may want to go out and look around at the flooding (during Memorial Day weekend), but the patriotic thing is to stay clear."

Daugaard said he anticipates an influx of additional volunteer help with the arrival of the long weekend.

"South Dakotans have a strong work ethic. We have got a three-day weekend coming up, and I know many South Dakotans will be abandoning their vacation plans to help," he said. "They think, 'My regular work day is over, now I want to help my friends and neighbors.' I am confident there will be a huge increase of volunteers."

Charlie Battery and other National Guard units stand ready to help wherever needed, Schild said.

"It's one of the most rewarding things to do, to have a state mission," he said. "People within the state of South Dakota are receiving direct help from soldiers. And it makes us feel good to help out a group of people."

Legion

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had to call the EMTs to take someone to the hospital."

Tienken added that sometimes all a person wants is for someone to spend some time visiting with them.

"Many times, we're the only people they see all week, and they really look forward to that," he said.

The amount of deliveries made each week ranges from 35 to 60 and usually depends on the weather.

Tienken said the weather can also make things more difficult for

deliveries, but they always manage to get the job done.

"We've been able to do it every week," he said. "Sometimes we haven't been able to do it in the morning because of a blizzard, but we still did it later in the day."

Since the Legion doesn't advertise the program, Tienken said most people hear about it through word of mouth. He also encourages anyone within city limits who needs assistance with grocery delivery to call Hy-Vee.

The program began in 1992 when a Legion member got the idea from another post in Iowa. Since then, hundreds of members have volunteered to help with the deliveries. Approximately 16 post members are currently involved on a rotating basis.

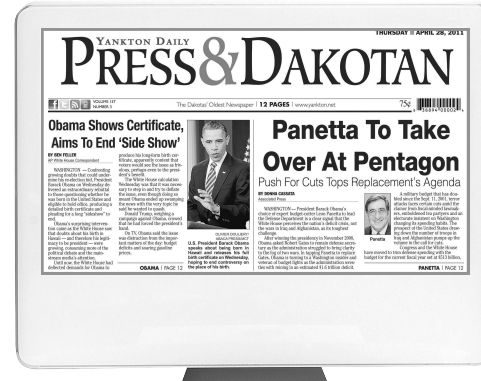
"It's a great bunch of fellas,"

Tienken said about the volunteers. "It's a great thing that they do, and they get paid nothing for it. They deserve a lot of credit."

Tienken said he knows of no other Legion post in the area that offers a similar program, but he hopes that will change soon.

"We've tried to get other posts to do it, but no one has grabbed hold of it yet," he said. "Hopefully someone will."

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