

## Wildfires Remain A Problem In The Dakotas

SIoux FALLS (AP) — A 1 1/2-square-mile wildfire prompted officials to evacuate about three dozen mobile homes south of Fort Pierre for a couple of hours on Friday.

KCCR radio reports that no homes were damaged and no one was hurt.

Crews battling a 17,500-acre wildfire in south central South Dakota turned their focus to improving containment lines and mopping up hot spots within them.

No buildings were threatened and no one was hurt, though state fire information officer Beth Hermanson said the blaze ignited a stockpile of 22,000 tires.

The 27-square-mile fire is the largest of numerous wildfires in South Dakota and North Dakota this week. Some counties have declared burn bans. National Weather Service "red flag" warnings for high fire danger remained posted for parts of the two states on Friday.

## Fire Scorches 60 Acres In Eastern Nebraska

SHELBY, Neb. (AP) — Firefighters say a combine harvesting a soybean field sparked a fire that scorched about 60 acres near Shelby in east central Nebraska.

KZEN radio in Columbus says the fire broke out Friday afternoon. Shelby Fire Chief Jon Eller says six other fire departments were called out to help put the fire out.

No injuries were reported.

Nebraska has had several fires erupt during this week's harvest, including one near Stapleton that destroyed more than 20,000 acres of farmland and caused millions of dollars in estimate crop and property damage.

## IDOT Announces I-29 To Reopen Saturday

DES MOINES, Iowa (AP) — Four months after it was closed when the Missouri River surged out of its banks, Interstate 29 in south-west Iowa is scheduled to reopen Saturday.

Officials with the Iowa Department of Transportation say the highway from near Pacific Junction to the Missouri border will reopen at 10 a.m.

While I-29 will reopen, other roads remain closed.

The Hamburg exit off of I-29 will remain closed because the road there was damaged and needs to be repaired.

The exit at Iowa Highway 2 will remain closed until that highway is fixed.

Work is under way on Interstate 680 from I-29 north of Council Bluffs to the river, and bids were awarded last week on the Iowa 175 project.

## Bar Manager Arrested In Double Assault

MITCHELL (AP) — A Mitchell bar manager faces charges on allegations he beat a man in a pair of assaults that left the victim with life-threatening injuries.

The *Daily Republic* reports (<http://bit.ly/mZrHxH>) that Thirsty's bar manager Thomas Somerville is accused of assaulting a 36-year-old man at the bar Sept. 30 by grabbing his neck and pushing him to the floor inside the bar.

Police arrested 37-year-old Somerville on Thursday.

Police say the incident was the first of two assaults on the same victim. Thirty-four-year-old William Watkins of Mitchell has been arrested for the second assault. He's accused of punching and kicking the victim in the head.

Police did not identify the victim, who was transported to a Sioux Falls hospital. Officials say he has life-threatening brain injuries.

## Florida Gator Cody Larson Won't Face Jail Time

SIoux FALLS (AP) — Cody Larson, a Florida Gator and former basketball standout at Sioux Falls' Roosevelt High School, will not be jailed for violating the terms of a suspended sentence he received last year.

KELOLAND News reports (<http://bit.ly/mXZYBU>) that Judge John Schlimgen of South Dakota's Second Circuit Court, on Friday re-imposed the 120-day suspended sentence and given him another two years of probation.

Larson first was sentenced after his senior year of high school in 2010 in a case involving illegal prescription drugs.

KELOLAND reports that Larson last April tried to break into a car in St. Augustine, Fla., while a freshman at the University of Florida.

The judge on Friday also ordered for Larson to talk to high school basketball teams in Sioux Falls about the pressures of being a high-profile athlete.

## S.D. Mental Health Patient Released From Jail

SIoux FALLS (AP) — A Rapid City man who jumped through an ex-girlfriend's window in Sioux Falls and then led police on a foot chase through a nearby apartment complex, smashing a glass door and trying to hide in the sewers, has been released from jail.

The *Argus Leader* reports (<http://bit.ly/neyNxm>) that 27-year-old Seth Welder was ruled legally insane after the June 16 incident. On Thursday, he told the judge he hopes to reconnect with his daughter in North Dakota and get his life back on track after run-ins with law enforcement fueled by mental health problems.

He said he's motivated by the facts that he has a daughter to raise and a construction business to run.

Judge Bradley Zell told Welder that medication and counselors will be key to his success.

# Speaker: Overturning Of 1963 Law Was Key

BY DIRK LAMMERS  
Associated Press

BROOKINGS — A campaign nearly 50 years ago that overturned a state law aimed at eliminating South Dakota's reservations was a key moment in state tribal relations history, a Native American studies research fellow said Friday.

Edward Valandra, founder of the Community for the Advancement of Native Studies, said the South Dakota Legislature passed a bill in 1963 allowing the state to assume unrestricted jurisdiction on all Native American lands within the state's borders.

The bill, which was signed into law by then Gov. Archie Gubbrud, would have essentially turned much of the land over to white ranchers, Valandra said. But tribal leaders had the law referred to voters, who overwhelmingly rejected it in 1964 over worries that it would have cost the state too much money.

"Economics was the motivation to disestablish Native Country in South Dakota," he said.

Valandra, a Rosebud Sioux Tribe member, joined two other speakers at South Dakota State University on Friday as part of a lecture series exploring Native American perspectives.

Marcia Zepher, who teaches Native American studies at Roosevelt High School in Sioux Falls, said many Native American children live in unsafe and overcrowded housing, which makes it hard for them to read, concentrate and study.

Some students don't even have a place to call home, she said.

"We have high school students who are couch surfing, going from relatives to friends to whatever, just to have a place to sleep at night," said Zepher, a member of the Cheyenne River Sioux Tribe.

Her school district has created Native American Connections classes to help students succeed in high school and give them a chance to move on to higher education. The literature-based courses connect kids to their schools as well as their culture and language, and give them a chance to take field trips to Native American sites in the state.

Zepher said students have told her the classes helped motivate them to go to college and made them proud of who they are.

J.R. LaPlante, South Dakota's first secretary of tribal relations, took the cabinet level position in February saying he wanted to continue the process of reconciliation between the state's American Indian and non-Indian populations.

The process, which got a boost when the late Gov. George Mickelson declared 1990 the Year of Reconciliation, is more than just a notion, LaPlante said.

"I think it is a spirit, and I think the spirit of reconciliation remains with us today," he said. LaPlante said there hasn't really been any resolution from historic events such as the American Indian Movement's 71-day occupation of the South Dakota reservation town of Wounded Knee.

Too often, the process of reconciliation gets stunted because people take shortcuts and don't take the time to understand each other's value systems, he said.

## Court Says Insurer Can't Cut Vietnam Veteran's Disability

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — A federal appeals court ruled in favor of a Vietnam veteran Friday, saying his long-term disability insurance carrier can't reduce his monthly payment by the amount he gets from veterans' benefits.

James Riley, 56, of Bellevue, left his job when symptoms of multiple sclerosis made it impossible for him to work. Sun Life and Health Insurance Co., which provided the long-term disability plan for Riley's employer, began paying Riley benefits in January

2005.

But two years later, Sun Life learned Riley also received veterans' benefits for the disease that developed while he was serving in Vietnam War during the early 1970s. Sun Life reduced the amount it was paying Riley and claimed he owed nearly \$21,000 in overpayments.

The company pointed to language in Riley's policy that said monthly disability payments could be reduced by "other income," which were defined in the plan as any amount of disability or retirement benefits under the U.S. Social Security Act, the Rail-

road Retirement Act or "any other similar act or law provided in any jurisdiction."

Riley objected and eventually sued Sun Life. A federal court in Omaha ruled in favor of Sun Life last year, but a three-judge panel of the 8th U.S. Circuit Court of Appeals reversed the lower court's decision Friday.

The appeals court said the Veterans Benefits Act is different from the Social Security and Railroad Retirement acts.

"The SSA and RRA disability benefits programs are both federal insurance programs based upon employment, and the

amount of an award under their terms depends upon how much has been paid in," the appeals panel said in its opinion. "Conversely, the VA benefits Riley is entitled to receive are not from an 'insurance' program, but instead are considered obligatory compensation for injuries to service men and women during military duty."

Federal law says any veteran who develops multiple sclerosis within seven years from the time he or she served during war shall be presumed to have incurred or aggravated the disease during that service.

## Nebraska High Court Says Judge Overstepped Authority

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — A trial judge made a mistake when she, instead of a jury, determined a man convicted of rape had committed an aggravated offense, subjecting him to a lifetime of supervision by authorities as a registered sex offender, the Nebraska Supreme Court said in an opinion released Friday.

Joshua Alfredson, 27, was convicted last year of raping a co-worker and was sentenced to 15-to-20 years in prison. Lancaster County District Judge Karen Flowers determined that Alfredson had committed an aggravated offense because he used force or the threat of serious violence.

When Alfredson appealed, the Nebraska Court of Appeals agreed with his claim that a jury should have made that decision, but it found the mistake was harmless.

Alfredson then appealed to the state Supreme Court. It agreed that because lifetime community supervision is an additional form of punishment, a jury had to determine that the evidence established an aggravated offense, it said. But the

high court disagreed that a harmless mistake had been made, saying the appeals court couldn't assume "any rational jury which convicted Alfredson of first-degree sexual assault would have also concluded that it was committed through the use of force or the threat of serious violence."

The state Supreme Court noted that while the jury convicted Alfredson of first-degree sexual assault, it found him not guilty of first-degree false imprisonment, instead convicting him of second-degree false imprisonment.

"Based on the evidence contained in the record and the jury's findings, we cannot say beyond a reasonable doubt that the jury would have found that Alfredson used force or the threat of serious violence in compelling the victim to engage in sexual intercourse with him," state Supreme Court Judge Michael McCormack wrote for the court.

The Supreme court ordered the trial court to hold a hearing so a jury could decide whether Alfredson committed an aggravated offense. It did not overturn his convictions or prison sentence.

## Nebraska Governor Seeks Clarification Over Pipeline Route

LINCOLN, Neb. (AP) — Nebraska Gov. Dave Heineman is seeking clarification for a problem that could rise if state lawmakers decide to reroute a controversial oil pipeline.

The Keystone XL pipeline faces criticism in Nebraska because it would cross over part of the Ogallala aquifer. The U.S. State Department will decide whether to approve a federal permit, but federal officials say states have authority over the pipeline route.

Heineman has asked Assistant Secretary of State Kerri-Ann Jones for clarification: What would happen if state lawmakers reroute the Keystone XL pipeline away from the Ogallala aquifer, but the U.S. State Department approves the current route over it? Would the Legislature's decision require officials to reroute the Nebraska portion of the pipeline?

Heineman says he believes granting federal approval would include a specific route.



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SD/IA-AD140 (8/08)

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