

State

**NEBRASKAN,  
OBAMA TALK**

**LINCOLN** — A Nebraska woman has gotten some face time with President Barack Obama to share her concerns about health insurance.

On Tuesday at a meeting on health care in Washington held by AARP, Jeanie Zink-Wythers of Fairmont told Obama her family was paying \$900 a month for health insurance that had an \$8,000 deductible. She also told the president her husband was originally denied coverage because he had a pre-existing medical condition.

Obama used the question to tout an online health care exchange where people like Zink-Wythers could find competing insurers that would be required to accept people with pre-existing conditions.

He also mentioned his plan to create a public-insurance option he said could be cheaper.

Congress is working on health care reform.

**MIA BODY  
IDENTIFIED**

**LAUREL** — The family of Don Grella finally knows what happened to him in the Vietnam War because U.S. military officials were able to identify his remains.

Shirley Haase says she received formal notification last week that Grella's body was among the remains found at a helicopter crash site in 2006. Grella's helicopter went down on Dec. 28, 1965.

Haase says it's exciting to finally know what happened to her brother.

Grella's remains have not been released yet, but his family plans to bury him in the Laurel, Neb., cemetery where a memorial to him stands.

Haase says the National League of POW/MIA Families helped her family get the answers it sought for more than 40 years.

**8TH DUI ARREST**

**LINCOLN** — Police say a 30-year-old Lincoln woman has been arrested for the eighth time on suspicion of drunken driving.

Police say Heather Swatek had a 13-year-old relative with her when police arrested her Monday afternoon.

An officer who stopped Swatek says she told him she had had a beer earlier in the day. But she failed a field sobriety test and her blood-alcohol level tested at more than twice the legal limit to drive. The officer also noted that her license had been revoked for 15 years four times — most recently in January 2008.

Court records show Swatek's her first DUI arrest came in 1999, seven months before she turned 21. Her last before Monday's was in August 2006, for which she was sentenced to a year in jail.

She is now free on bond.  
*The Associated Press*

**On the Web**

[www.hastingstribune.com](http://www.hastingstribune.com)

- ◆ Watch for breaking local news.
- ◆ Follow stories by The Associated Press of the top news stories in Nebraska and across the nation.
- ◆ See Associated Press video.
- ◆ Death notices
- ◆ Youth calendar
- ◆ Community calendar
- ◆ Sports calendar



◆ See video from the Fourth of July celebration at Brickyard Park in Hastings Saturday.

**Lotteries**

**WINNING NUMBERS**

**Tuesday**  
Kansas Pick 3 ..... **0-4-8**  
Nebraska Pick 3 ..... **4-7-8**  
MyDaY ..... **1-9-92**  
Nebraska Pick 5 ..... **15-13-22-4-34**  
Jackpot: \$90,000  
2by2 ..... **Red 22-16, White 25-02**

**Report: Nebraska No. 11 for children's health**

STATE FORMERLY  
No. 9

**ERIC OLSON**  
*The Associated Press*

**OMAHA** — A new report ranks Nebraska as No. 11 in the nation for children's health and well-being.

According to the 2009 Kids Count report released Tuesday by The Annie E. Casey Foundation, Nebraska dropped from No. 9 in 2008 largely because of increasing rates of

teen deaths and child poverty.

Since 2000, the state has improved in rates of infant mortality, child deaths, teen births and high school dropouts, the report said. But five areas have worsened: low birth-weight babies, teen death rate, children living in families where no parent has full-time, year-round employment, children in poverty and children in single-parent families.

One area had no change: teens not attending school and

not working.

The report was based on 2006-07 data gathered by county, state and federal agencies.

The death rate of 83 per 100,000 teens ages 15-19 in 2006 ranks 35th nationally and marks an increase from 73 per 100,000 in 2000. The U.S. teen death rate was 64 per 100,000.

The report said Nebraska's increase was fueled by a rise in suicide, which accounted for 40 percent of teen deaths.

Nebraska was 16th in percent

of children in poverty. In 2007, 15 percent of the state's children lived in households where income was \$21,027 for a family of two adults and two children, up from 10 percent in 2000. The national child poverty rate was 18 percent in 2007.

Some 26 percent of children lived in families where no parent had full-time year-round employment, ranking No. 2 nationally behind Utah (24 percent).

Nebraska was tied for third in

lowest percentage of high school dropouts, at 4 percent, behind North Dakota (2 percent) and Minnesota (3 percent).

Nebraska's 2007 dropout rate was down from 6 percent in 2000. The state has ranked among the top 10 in rate of high school dropouts six of the past eight years.

The infant mortality rate decreased from 7.3 per 1,000 live births in 2000 to 5.6 in 2006, ranking 10th.



BRENT McCOWN/Tribune

**Emily Dunbar jokes around during a songwriting workshop June 26 at the Prairie Loft Center. Dunbar recently recorded a CD and will hold a release party Saturday at downtown's Central Park.**

**Fulfilling a dream**

HASTINGS RESIDENT EMILY  
DUNBAR RELEASING CD WITH  
CONCERT PARTY DOWNTOWN

**JOHN HUTHMACHER**  
*johnh@hastingstribune.com*

**H**astings singer-songwriter Emily Dunbar will perform a free concert to coincide with the release of her debut compact disc, "Catch It When You Can," from 7-9 p.m. Saturday at downtown's Central Park.

The concert, presented by the Business Improvement District, will showcase The Emily Dunbar Band, which includes Jay Bayles on bass; John Bohnham, drums; Todd Brown, guitar; Robin Harrell, vocals; and Dunbar, guitar/vocals.

Dunbar, 35, is a native of St. Louis. She first picked up the guitar after moving to Hastings in 2001 with her husband, Paul,

an associate pastor at Faith Lutheran Church. The couple has three young children.

"I'd always wanted to play guitar," Dunbar said. "It was just one of those things I never got around to doing. When we got here, I was a stay-at-home mom with three little babies, and I really wanted something to get me out of the house and have something to do besides change diapers and wrangle kids."

"So I started taking lessons from Robin Harrell, and it was like, 'This was the thing I was wanting to do all my life! I just loved it and took to it.'"

A choir singer in both high school and college, she already had been writing poetry for years, so the progression to singer-songwriter was always just a tune away. Learning to play guitar provided that bridge between her two talents, she said.

*Please see DUNBAR/page A7*

**Thousands of fish  
dead near Hebron**

**ANDY RAUN  
AND TONY HERRMAN**  
*therman@hastingstribune.com*

**HEBRON** — State authorities are investigating the deaths of thousands of fish in the Little Blue River from Hebron downstream.

Thayer County Sheriff David Lee said his office had received a call toward evening Saturday from a motorist who had noticed several dead fish in the water while crossing a river bridge at Hebron.

"We believe that ammonia was the source of the problem," said Brian McManus, spokesman for the Nebraska Department of Environmental Quality. "It's still under investigation, but that's the likely cause. The fish kill started in Hebron and went about eight miles downstream on the Little Blue River."

Lee said the Sheriff's Office notified the NDEQ, and that he had taken a couple of initial water samples from the river himself before dark, anticipating the arrival of the state authorities.

"We also gathered up a couple fish, figuring they would probably check them," he said.

McManus said NDEQ is still investigating the source of the

ammonia.

"If it was a discharge of liquid nitrogen used in liquid fertilizer, depending on the amount discharge, it could create a substantial fish kill like we saw there," he said.

From his own observations, Lee said, the kill involves fish of various kinds and sizes, from minnows on up to carp and catfish that must have weighed around 30 pounds.

"This involves approximately six to eight miles of the river, and this will involve the death of thousands of fish," Lee said.

Officials of NDEQ, the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service were in the area for at least a couple of days investigating the situation, Lee said.

As of this morning, the sheriff said, no warnings of any kind had been issued for the river. No human illnesses have been reported in connection with the fish kill.

McManus said ammonia quickly dissipates in both air and water and that there is no longer a health concern.

"Generally, in a situation where we find someone has discharged into the river it'll depend on the

*Please see FISH/page A7*

**YMCA starting Active  
Over 80 program**

MEMBERSHIPS ARE  
FREE FOR SENIORS  
IN 80-PLUS AGE GROUP

**SHAY BURK  
AND DEANN STUMPE**  
*tribune@hastingstribune.com*

The Hastings Family YMCA is now offering free memberships to seniors over the age of 80.

The YMCA recently created a new membership category called Active Over 80 and memberships will be offered free of charge.

"We have an opportunity to increase the number of active older adults in our community," said Michael Krings, the YMCA's CEO. "That's a segment for us where we see a lot of growth opportunity, not only with the baby boomers but also the number of people looking to have an active component in their lives."

When the program was first talked about in April, Krings said the YMCA had about 20 members over the age of 80.

About 20 more people have signed up for the program since it was initiated, but Krings can't say how many have actually used that membership.

"But if we can get even one more person of that age to come through the door and they can extend their quality of life or their life in general, how great would that be and how great is that for us to be able to talk about," he said.

And Krings said once the people get into the facilities, there are plenty of things for even the seniors to do.

"It's as simple as our chair exercises for older adults and arthritis patients or playing cards and bingo and socializing, which we know is an important part of their lives," he said.

Officials with the YMCA said the organization wants to thank this population for their service to their communities, as well as offer them an outlet to improve their level of health.

*Please see YMCA/page A7*

**Court upholds key charge in 1975 AIM killing**

**CARSON WALKER**  
*The Associated Press*

**SIoux FALLS, S.D.** — A federal appeals court on Tuesday upheld the dismissal of a key charge against one of two men accused of the 1975 slaying of a fellow American Indian Movement member, opening the possibility he could be tried in state court.

John Graham pleaded not guilty to charges that he killed or aided and abetted in the death of Annie Mae Aquash on the Pine Ridge Indian Reservation.

U.S. District Judge Lawrence Piersol threw out the first indictment against Graham because it did not show that either Graham or Aquash belonged to a federally recognized American Indian tribe. They both

belonged to Canadian tribes.

When federal prosecutors re-indicted Graham, Piersol again dismissed a similar charge against him.

The appeals court agreed that both indictments were flawed because they did not prove that either Graham or Aquash were American Indian. Tribal status gives the federal government jurisdiction in the case.

U.S. Attorney Marty Jackley and Graham's lawyer, John Murphy, argued the case in April before a three-judge panel of the 8th U.S. Circuit Court of Appeals, which filed its unanimous decision affirming Piersol's dismissal of the charge.

Jackley argued the law does not require Graham to be an American Indian because the

third co-defendant, Arlo Looking Cloud, belongs to a federally recognized tribe.

But the appeals court disagreed, saying federal jurisdiction doesn't extend to an accomplice.

"The counts in both indictments failed to allege Graham's Indian status, which cannot be cured by an application of aider-and-abettor liability," they wrote.

Jackley said his office is "evaluating the decision and available options."

Two charges are pending against Graham, but prosecutors would still have the challenge of showing that either Aquash or Graham were American Indian.

If federal prosecutors opt to

not go forth with a trial against Graham, he could be tried in state court, though that would happen only after government lawyers drop the remaining charges, said Attorney General Larry Long.

"It's still just a little too early to tell. As to the overall question, 'Does the state have jurisdiction?' The answer to that, of course, is yes, if the federal courts have determined conclusively that they don't have jurisdiction," he said.

Murphy said he and Graham are pleased with the decision and that it's resolved.

The other man charged, Richard Marshall, last week asked that he be tried separately. He's pleaded not guilty.

Jurisdiction is not in question

with Marshall because he belongs to a recognized tribe, as does Looking Cloud, who was convicted in 2004 for his role in Aquash's murder and sentenced to life in prison.

Witnesses said Looking Cloud, Graham and Theda Clarke, another AIM member, drove Aquash from Denver and that Graham shot Aquash on orders from AIM leaders who suspected she was a government informant. Prosecutors accuse Marshall of providing the revolver and shells.

Clarke is in her mid-80s and lives in a nursing home in western Nebraska. Graham fought his return from British Columbia for more than four years before he was extradited in December 2007.

Local

**FAIR ARREST**

The Hastings Police Department pursued two incidents Sunday that began at Adams County FairFest.

Fabian B. Gomez, 18, of Bladen was arrested for defying an order to leave, obstruction of a police officer and resisting arrest at the Adams County Fairgrounds, 947 S. Baltimore Ave.

Officers also were involved in a pursuit with Jeffrey Kort, 22, of Blue Hill. Kort was not apprehended for officer safety reasons.

"When a pursuit becomes more dangerous then it would be worth, you just terminate that pursuit," said Sgt. Bill Mann.

Mann said those reasons included excessive speed, other traffic on the road and visibility since the chase began at 10:36 p.m. In addition to those factors, Mann said termination of a pursuit is also likely when the driver is identified.

The chase started at the fairgrounds and ended just south of Idlewild Road.

No arrests had been made for this incident as of this morning.

State

**PLANE CRASH**

**VERDEL** — Government investigators say a plane that crashed in northwest Nebraska earlier this month lost power before the crash.

The National Transportation Safety Board also says in its preliminary report on the July 18 crash that pilot Richard Nielsen was licensed only for single-engine planes, not the multi-engine Beech TC-45J he was flying.

Nielsen was injured in the crash near Verdel. His passenger, Dan Johnson from Lynch, Neb., was killed.

Investigators have not determined what caused the plane to lose power.

**HORSE DRAGGED**

**LEXINGTON** — An August hearing has been set in Dawson County Court for a 21-year-old Kearney man accused of dragging a horse behind a trailer. The horse was later found dead.

Tyler Brockman is charged with cruel neglect of an animal.

Witnesses say Brockman was seen leaving the Sumner Rodeo on July Fourth with a horse tied behind a trailer, and the horse was being dragged. One witness stopped Brockman, who put the animal in the trailer and left.

A short time later, Brockman was stopped by a sheriff's deputy in Buffalo County and arrested on suspicion of drunken driving. Authorities found the horse dead two days later.

Brockman's preliminary hearing on the animal-cruelty charge has been set for Aug. 10.

Brockman also faces a DUI charge in Buffalo County.

**FORTENBERRY**

**HOSTING HEARING**

**LINCOLN** — Nebraska 1st District congressman Jeff Fortenberry will be hosting a field hearing of the House Agriculture Committee's Subcommittee on Nutrition in Lincoln next month.

The Aug. 5 hearing is called "Addressing the 'Health' in Health Care: Nutrition, Prevention, and Wellness Practices." It will explore the cost savings and best practices of good nutrition. There will be testimony from regional and national business and health care executives as well as research scientists.

Fortenberry, a Republican, will be joined by California Democratic congressman Joe Baca in leading the proceedings. Baca is chairman of the subcommittee.

The 10 a.m. hearing is at Madonna ProActive in Lincoln and open to the public.

The Associated Press

# Art in the Park event doubles in size

SECOND ANNUAL  
SHOW SLATED  
FOR SUNDAY

**TONY HERRMAN**

therrman@hastingstribune.com

Word spread pretty extensively about Art in the Park after the inaugural event in 2008.

The second annual Art in the Park is scheduled 10 a.m. to 5 p.m. Sunday in Libs Park, at the intersection of 16th Street and Baltimore Avenue. The event coordinator, Andy Gentert, said about twice as many artists as participated a year ago already have registered for Sunday's show.

"The weather was extremely hot that day," he said about the 2008 event. "People from Hastings and surrounding towns were great. They were buying art from the artists, so it went extremely well. A big part of that is word of mouth from the artists that were there."

He said this is a chance for artists to show what they have to offer.

"It's a chance for the public to

come out free of charge to view some of the talented artists that are mainly from right here in Nebraska, and hopefully find something and take it home with them," he said.

Among the art included is painting, pottery, jewelry, sculpture and photography.

While the ultimate goal for artists is sales, Gentert said, they like recognition, too.

For that reason, this year's Art in the Park will include a People's Choice Award. With a \$1 donation to the Crossroads Center, visitors can vote for their favorite artist.

The winning artist will receive a cash prize from the Hastings Art League, which Gentert expects to be \$100. There could also be a \$50 runner-up award.

"The artists like recognition and we wanted to try to take part in some humanitarian endeavors," Gentert said. "It's (Crossroads) something that's close to my heart. Crossroads fills a regional need. It's just a little way to raise some money for them and give the artists some recognition as well."

So far, Gentert said, all of the artists registered are from Nebraska.

"Some of the returning artists are award-winning artists from here in the state," he said. "A couple of them have connections to galleries in California and the coasts. The quality is as good as I think you'll find in Nebraska."

Most of those artists are from the central part of the state and others will come from as far west as North Platte and as far east as Omaha.

"So we cover most of the state," he said.

He hopes by 2010 to draw artists from neighboring states too.

Hopefully, he said, the event this year will be further back in the park, in the shade.

Lakeside Community Church of the Nazarene will provide a concession stand with proceeds to benefit the World Vision World Famine Relief Program.

For more information contact Gentert at 402-463-4708 or gentertc@yahoo.com.



AMY ROH/Tribune

Donna Meyer looks at pottery while browsing booths during Hastings Art in the Park Aug. 3, 2008, at Libs Park.

## BPW to discuss NAD water problem

**SHAY BURK**

sburk@hastingstribune.com

Hastings Utilities' governing body will continue discussion Thursday about the future of a private water system southeast of Hastings.

The system, owned by Phil Johnson and Associates, serves 25 industrial customers in Adams and Clay counties.

HU, owned by the city of Hastings, is overseen by the city Board of Public Works. When the issue first was brought up at the July 16 meeting, board member Willis Hunt excused himself from the conversation, as he is president of Phil Johnson and Associates.

A leak somewhere in the water system reportedly is costing Johnson and Associates thousands of dollars. After operating the system for 10 years, the firm needs to either get rid

of it or shut it down.

Hunt said he doesn't want to shut down the system, as that would cause major problems for his customers, whom he described as friends.

The board was divided in the early discussion about taking over the system and tabled discussion to continue at a future meeting.

The board meets 8 a.m. Thursday at HU, 1228 N. Denver Ave.

On Thursday, the board will also:

- ◆ Consider approval the policy and guidelines for all qualified facilities cogeneration and small power production.
- ◆ Consider approval of a resolution with the Central Plains Energy Project to purchase natural gas.
- ◆ Hear an update on the activities of the Public Power Generation Agency and construction of Whelan Energy Center Unit Two.

## Fish: Thousands dead near Hebron

Continued from page A5

"We go out to a lot of fish kills," he said. "The majority are naturally occurring and aren't of this magnitude."

Of all the fish kills that NDEQ responds to on an annual basis, McManus said, only about one is caused by an identifiable, man-made source and penalties are sought.

"I'd say this is in the category of 'we don't think this is a naturally occurring fish kill,'" he said. "It's not the biggest we've seen but it's a pretty large one. It's one of the largest we've seen in recent years."

McManus said NDEQ typically sees about 30 fish kills a year in the state.

## YMCA: New program reaches out to seniors

Continued from page A5

The YMCA also features a program called Active Older Adults, which is free to all seniors in the community and includes weekly card games, BINGO and seasonal social gatherings.

To get more information, call 463-3139. You can also visit their Web site at www.hastingsymca.net.

## Dunbar: Local artist releasing CD with concert

Continued from page A5

"Almost immediately I started writing," she said. "Guitar is kind of a means to an end to me. It's an accompaniment instrument so I can sing."

Within a few short years, she was performing her original songs at various concert venues in and around Hastings. In addition to opening several concerts at the Listening Room, her list of venues played includes the Blue Moon Coffee Co., The Beiroc Cafe in McCook, and Rehm's World in Loomis.

As her performances continued, listeners began asking her if she had a CD to sell after shows. These requests led her to pursue her longtime dream of making her first recording.

"I started feeling confident enough about my music that I felt it was finally time to do that," she said.

After preselling about 35 CDs to friends and admirers, she headed to Dallas in January to lay down tracks in the studio of Listening Room regular Tom Prasada-Rao.

Prasada-Rao, who plays multiple instruments, enhanced the recording with his contributions on bass, banjo, keyboards, violin and ukulele. Prasada-Rao's wife, musician Cary Cooper, adds harmony on one track.

Hastings musicians Peter Lainson and Harrell also appear on the CD. Harrell's backing vocals and Lainson's guitar tracks were recorded in Lainson's home studio and e-mailed to Prasada-Rao, who plugged them into the mix.

The final product — packaged in a unique hand-printed origami box designed by for-

mer Hastings resident Bennett Holzworth — is a polished and personal collection of home-spun folk songs woven from yarns both real and imagined.

"I love it," she said. "It's amazing to think that these are little songs that I wrote by myself in my living room; some, during nap time when my kids were smaller. With the full instrumental background, it just sounds amazing. I'm proud of it."

Though she figures having a CD will open doors for her musically, she has no aspirations of stardom, or even a career in music for that matter, she said. A graduate student at Hastings College, she begins a student teaching assignment at Hastings High School in the spring, and looks to eventually land a full-time position as an English teacher.

"I don't know what will happen beyond this, but it will be nice to have a CD to send out if there are venues I would like to try to get booked at far away," she said. "I really just wanted a way to share these songs with people who were interested in hearing them."

"I always dreamed this was what I was going to do. Working hard and making it happen, it's exciting to see that dream come true."

Randy Chick, BID director, said he has already contacted other bands to gauge their interest in performing future shows at the park. He is optimistic more shows will follow in the coming months.

"We'll have some more," Chick said. "We just don't have any dates, yet."



# ROOF DAMAGE?



- Insurance Approved To Help Process Your Claim
- Quality Workmanship Guaranteed
- BBB HONOR ROLL MEMBER
- Free Estimates

**Nebraska's**  
**ALL-STATE ROOFING**  
**SIDING-GUTTERS**

**Call Today!**  
**(402) 462-0115**

**Experienced Nebraska Contractor**  
**BONDED LICENSED INSURED**

# BUYERS MEET SELLERS

EVERYDAY IN THE CLASSIFIED  
PAGES OF THE TRIBUNE