



The Democrat

Vol. XCII • No. 30 • The Democrat

Alton and Orange City Areas

September 23, 1982

Sheriff denies Watkins charges

By Alan Cox

A case of an alleged mistaken identity arrest has prompted a sizable civil lawsuit to be filed in U.S. District Court in Sioux City against two counties, two sheriffs and three deputy sheriffs.

A person from South Dakota has filed a \$1.35 million lawsuit in U.S. District Court in Sioux City against the Woodbury and Sioux County sheriff's departments for wrongful arrest.

William Watkins, Jr., and his wife Brenda, both from Alcester, S.D., filed the suit in federal court seeking damages for the wrongful arrest of him by both departments.

Sioux County sheriff Jim Schwiesow retorted that the allegations made against him and his deputies by Watkins are "blatant, malicious lies."

Authorities arrested the son instead of the father because the name on the arrest warrant was mistakenly identified. The lawsuit claims the wrong individual was arrested at a funeral that took place in Hawarden March 3.

William Watkins, Jr., was arrested by authorities, instead of arresting William Watkins, Sr., on the arrest warrant. Both are residents of Alcester, S.D.

Schwiesow indicated that he is presently considering filing a countersuit against the allegations Watkins made in the suit.

"I'm furious that we've had another frivolous lawsuit filed against us," said Schwiesow. "It is totally without merit. The complaint is baseless, full of distortions and outright lies."

"My deputies were maligned and slandered. There's at least three blatant lies in the complaint."

"We've transmitted the complaints to our insurance carriers and they've made an investigation of the matter and they conclude also that Sioux County and the Sioux County Sheriff's Department have no liability in the matter."

"Myself, deputy Walinga and deputy Lorenzen expect to retain an attorney and file a countersuit against the plaintiff William Watkins charging slander and slander/libel and wrongful malicious prosecution."

Woodbury County, Woodbury County sheriff Russ White and deputy Tony Swoboda were named

by Watkins in the suit besides Sioux County, Schwiesow and deputies Del Walinga, Alton, and Dave Lorenzen, Hawarden.

The complaint filed by Watkins in federal district court contends that Sioux County deputy sheriff's Walinga and Lorenzen arrested him at his mother's funeral in Hawarden.

Watkins claims in the suit the two deputy sheriffs arrested him while he was returning from the burial services. He said he had planned to return to the church for the funeral dinner.

The suit also contends the two deputies refused to tell Watkins what he was charged with and ignored pleas to tell him the charges.

Schwiesow blasted the charge claiming the two deputies did inform him of the charges before they arrested him on Woodbury County's warrant.

Further, Schwiesow said the deputies did not arrest Watkins while he was involved in any funeral activities during the day. "The funeral procession was over and it was not a procession that was being led by a hearse."

"(Watkins was arrested) in Hawarden on a public street in the northeast part of town after all the services had been completed."

"Woodbury County wanted the arrest made on that particular day and that we did. (The reason) is because they are residents of South Dakota and would be difficult to extradite (to Iowa)."

"They waited very respectfully until all phases of the funeral were over before they arrested him. Had the deputies not made the arrest, they would have been derelict in their duties."

Schwiesow said Sioux County had acted upon a Woodbury County arrest warrant that had been issued for the arrest of William Watkins, Jr.

Schwiesow said even after they arrested Watkins they rechecked with Woodbury County authorities whether they arrested the right individual. "They were again told it was William Watkins, Jr.," said Schwiesow.

Watkins claimed in his suit that he was "forcibly taken from his vehicle, handcuffed behind his back and placed in the patrol car."

Schwiesow disputed that charge. "Furthermore, in the complaint which states he was forcibly taken

from the car, handcuffed behind his back that is blatant lie, L-I-E, lie."

"It is also claimed that the deputies refused to tell him what the charges were. That is another blatant lie."

Schwiesow said later William Watkins, Sr., was arrested on the outstanding theft charge, and also was later charged on a Sioux County theft charge.

Schwiesow leveled charges against William Watkins, Jr., lawyer and other news media claiming the facts weren't checked fully before certain claims were made.

"The plaintiff's lawyer is as responsible as his client for maligning, slandering the Sioux County Sheriff's office as he has the responsibility to check out those accusations as told to him by his clients."

"Of all the news services that carried the article about the lawsuit none, but **The Democrat**, even bothered to hear our side of the story before broadcasting and printing the lies as fact."

Another lawsuit is pending in U.S. District Court in Sioux City

Sheriff (Cont'd. on 2)

Ordinance rates badly

It was a G-rated discussion by the Orange City council about a XXX-rated topic that was turned over to the city's legal staff for a PG rating.

City attorney Loren Veldhuizen informed the city council Monday night that he would like to review and possibly redo the city's obscenity-pornography ordinance.

Veldhuizen informed the council that the current ordinance is vague, archaic and doesn't provide guidelines that will hold up in courts.

Some problems in the past have developed in the courts as the city tried to apply the ordinance in various situations, Veldhuizen told the council.

The ordinance doesn't have the consistency in it that it should be enforceable and evenly applicable, Veldhuizen pointed out to the council.

"If you don't want a red-faced attorney someday," Veldhuizen said, "then I would like the council's permission to take the ordinance under advisement."

The present ordinance, Veldhuizen said, would be hard to defend in the courts unless obscenity and pornography was better defined.

Veldhuizen gave no specifics but indicated that an updated ordinance on the definition of what would be considered obscene and pornographic might be needed sometime in the future.

Council members concurred that the present ordinance is vague and in places archaic, that it should be updated to fit present community standards.

Sewer plant needs repair

Orange City plans to update its waste treatment facility with a few modifications in the near future, the council decided Monday night.

Council members decided to make the modifications before the city renews the plant's operational license with the state prior to next June.

Project engineer Murat Akyruok of Kirkham, Michael and Associates, Omaha, Neb., suggested the project be done to show the state that Orange City was doing something about the effluents being discharged from the plant. The plant was built in 1957.

The council decided to upgrade the plant before it decides what to do in the future for the treatment of the city's sewage.

Several different options were being considered several years ago on how to handle the treatment of sewage at the plant but those were put on hold or scrapped entirely.

One method was being strongly considered by the council a few years ago, but that was dropped because it appeared Orange City would not be able to get the funds and the cost of the project was prohibitive.

Unemployment goes down

Sioux County's July unemployment was down to 3.1 percent. That figure has steadily declined from 4.4 percent in February. The June figure had been 3.1 percent.

The size of the civilian labor force declined by about 200 to 15,970 in July and that may have been a factor in the reduced unemployment.

Among the jobs, the seasonal increase in agriculture jobs continued. There was a small increase in service jobs and a substantial decline in government jobs since the start of the year. Most jobs remained relatively steady.

For the state the unemployment

was 6.3 percent, the same as June but up from May and April.

In this area Lyon County had unemployment of 2.1 percent, Plymouth County was at 3.6 percent, O'Brien County was at 2.5 percent and Osceola County was at 3.8 percent. Unemployment in Plymouth and O'Brien counties climbed slightly.

In the Sioux City area unemployment was at 6.8 percent, down from 7 percent in July. Unemployment there had been climbing since the start of the year until last month's drop.

County to get new phones

By mid November the Sioux County Courthouse should have a new phone system.

The supervisors agreed at a meeting Friday to a contract with Advance Communications, Sgt. Bluff, to install the new system. Equipment will cost \$36,651.51 and installation will cost \$12,000.

The new system will link all of the courthouse offices, the engineer's office and the sheriff's department. It will give the offices the ability to transfer calls to other offices and allow for conference calls.

In the past if a person reached the wrong office, the only way to reach

another office was to redial. Each office has its own phone system now.

"This will be a great improvement in the system as far as working goes," Verle Marineau, county civil defense director, said. "We hope the installation is completed by the middle of November."

Work will be done so there is no interference in phone service to the offices according to Marineau. Each office will retain its own phone number.

Automatic switching gear will be in a room in the sheriff's office building.

Ready to march

The Pride of the Dutchmen, Maurice-Orange City's marching band, puts their show to the test Saturday as they perform in the Tri-State Band Festival at Luverne, Minn.

It's the 32nd annual festival and it's evolved into a showcase for high school bands from many miles around. POD is the defending class B champion but will be in class C this year.

The defending champion in class C, the Imperial Regiment, Boyden-Hull, will be competing again. Also returning is the defending overall champion, class A Anoka, Minn.

No smaller class school has ever won the overall championship but that isn't for want of effort. A detriment to those with very difficult shows is the earliness of Tri-State.

"By the time the season is done, we'll have the show to beat all shows," M-OC director Steve Connell said. "This is the toughest show I've ever designed."

The difficulty of the show was indicated by the roughness of a preview performance at De Valois Field Tuesday night. It was the first performance before an audience for the group this season. "We need a little work musically and the flags need work," Connell said. "It was exactly what I expected."

POD marches with 115 members and they are using 33 freshmen. The band has two drum majors, five rifles, 16 flags, 15 percussion and 77

diver wall in the plant.

Council members thought about doing all the improvements to the plant, but state law prohibits governmental units from exceeding \$25,000 in expenditures without first taking bids.

Orange City plans to make improvements to the plant without taking bids, and Akyruok believes the first two suggested modifications to the plant could be done.

Councilmen Bill Tolman said those items needed for the plant modification could be fabricated locally and most are "off the shelf" items.

Akyruok also told the council he didn't think Orange City would be able at this time to get federal grant money to build a new sewage treatment plant.

The engineer felt any money would probably go to larger communities to meet their needs, and Orange City would not be eligible for a state grant until 1986 or 1987.

Akyruok didn't know if Orange City would be eligible for a grant then. Funding for those programs might be doubtful, he added.



A lot of brass

Pride of the Dutchman band member Alan Toenjes, center, plays a trombone solo number during

"Higher and Higher" in preparation for the Tri-State Band Festival in Luverne, Minn., this

Saturday. Tuba players Chad Vogel, left, and Brian Wiese accompany Toenjes.

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wind instruments.

The competitive field show POD uses begins with **Roman Opener**. "The basic object is to get the crowd's attention and this does that. We get into a formation and rotate the entire band while staying in that formation."

"That's the most difficult formation a band can do and we do it three times in our show. I'm extremely pleased with how the band does it."

A drum interlude comes next and the band moves into **Light Cavalry Overture**. It is the competitive set's concert number and features the band's sound. "It's a tune that we probably ought to play better than any other, it is the most difficult."

A highlight of that piece is a trumpet trio of Nate Vander Weide, Randy Siders and Paul Grossmann.

The drum solo is an unpublished chart for **Eye of the Tiger**. Connell says this showcases the percussion section as an ensemble and allows the rest of the band to do formations that would be difficult to undertake while playing.

Higher and Higher, a rock ballad, is the production number, a piece that puts the flags, rifles and music at the forefront. Alan Toenjes does a trombone solo and the flags and rifles do a dance. A tuba solo is performed by Dave Aalberts, Brian Wiese and Chad Vogel.

POD (Cont'd. on 2)