

Injured infant's mom doesn't testify in father's abuse trial

Twins sweep Tigers, Page D1

THURSDAY

# The Free Press



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## Pawlenty's unallotment struck down

### State Supreme Court rules he overstepped

The Associated Press

**ST. PAUL** — A divided Minnesota Supreme Court dealt Gov. Tim Pawlenty a significant blow Wednesday, saying he exceeded his authority when he trimmed \$5.3 million from a state program — a ruling that raises questions about \$2.7 billion in budget cuts.

The decision means Pawlenty and state lawmakers may see the current deficit grow to more than \$3 billion, unless Democrats who run the Legislature ratify his cuts or come up with a new plan to balance the budget.

Calling what Pawlenty did “unlawful and void,” the ruling affirms a lower court decision against the

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The Vikings stadium proposal hits snags at Capitol.

Republican governor's use of a power called unallotment to make cuts without legislative approval.

The case dealt specifically with Pawlenty's cuts to a nutrition program for elderly and disabled adults, but throws into doubt the status of other programs affected by Pawlenty's much larger spending cuts last summer.

It also complicates the end of the legislative session, with less than two weeks remaining before a constitutional adjournment

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## Ruling a stunner for state legislators

By Mark Fischenich  
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The seven people with the room on the east side of the state Capitol told the guy with the office on the west side that he'd been a bit too clever — in an unconstitutional kind of way — in his dealings a year ago with the other 201 folks who share Minnesota's seat of government.

Beyond that basic civics lesson delivered by the Minnesota Supreme Court to Gov. Tim Pawlenty Wednesday, the immediate impact of the ruling was largely one of confusion.

“Really, the budget for this biennium hasn't been written,” said Rep. Kathy Brynaert, DFL-Mankato, of the \$33 billion two-year

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## Cities, counties applaud ruling, doubt it will help

By Dan Linehan  
dlinehan@mankatofreepress.com

**MANKATO** — In light of the Minnesota Supreme Court's Wednesday decision, Mankato could sue the state for the \$3 million of state aid payments it lost through unallotment. And it might win.

“That might make some sense from a legal standpoint,” Tom Grundhoefer, general counsel for the League of Minnesota Cities, said of cities suing the state.

He said the league hasn't decided yet if it'll sue on behalf of its members.

But suing someone who can't pay, even when it's the state of Minnesota, might not be a fruitful strategy.

Even if a city like Mankato got its money back, it could lose it again — maybe even through unallotment, which could be legal in this situation.

“The reality of it is they (the state) don't have the

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## BREEZY DAY



Pat Christman

High winds whipped around blossoms on a tree on the Gustavus Adolphus College campus Wednesday afternoon.

## Kidnap, rape charges filed in abduction

The Associated Press

**OLIVIA** — A 25-year-old man threatened to shoot a 14-year-old girl delivering newspapers in Fairfax, then dragged her into his car, drove her to a cemetery and raped her before she escaped, authorities said Wednesday.

Matthew Thomas Fahey, of Marshall, was charged Wednesday with four

counts, including kidnaping, first-degree criminal sexual conduct and criminal sexual predatory conduct — a charge that carries a maximum 50-year prison sentence.

Authorities say Fahey abducted the girl while she was delivering papers Tuesday morning in Fairfax, about 75 miles west of Minneapolis. Her mother contacted police

after the girl didn't come home on time and her mother found her abandoned bicycle along her route.

According to Renville County Sheriff Jerry Agre, the girl lost her bearings as Fahey drove around but continued to struggle.

“Defendant states that if she did not stop fighting and struggling, she would get her first broken arm,”

the sheriff wrote in a statement accompanying the criminal complaint.

Fahey drove the girl to a cemetery and raped her on the dirt driveway, then put her back in his car and drove off, Fahey wrote.

The girl eventually was able to climb into the back seat, then jump out of the suspect's car when he

Please see FAIRFAX, Page A7



File photos

The Tacy House at 332 Center Street, above, and the Betsy House at 333 Center, below, have been designated National Literary Landmarks.



## Betsy, Tacy houses named literary landmarks

By Tanner Kent  
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**MANKATO** — The Betsy and Tacy homes are going national.

Unofficially, the houses made famous by Maud Hart Lovelace have been literary landmarks for years. The Mankato-based Betsy-Tacy Society, which has owned and offered tours in the homes for the past decade and works to preserve Lovelace heritage, has a nationwide membership of more than 1,000 people. Last year, the national Betsy-Tacy convention was in Mankato.

But, now it's official: The childhood homes of Maud Hart Lovelace (Betsy house) and her best

### If You Go

**What**  
Dedication for Betsy and Tacy Homes as National Literary Landmarks

**When**  
6 p.m. May 20 with H. Roger Smith's presentation on Mankato history following at 7 p.m.

**Where**  
Betsy and Tacy homes, at 333 and 332 Center St. in Mankato

**Note**  
Event is free and open to the public

friend Frances Kenney (Tacy house) will be designed

Please see HOUSES, Page A7

### UPCOMING

TOMORROW IN THE FREE PRESS

**African metal**  
Hard rock band Seether will play live and loud at the Verizon.

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Three die in riot over Greek debt

### Track police activity on the web

You can now track police calls in Blue Earth and Brown counties and for the city of Mankato as well as Department of Natural Resource officer reports for all of southern Minnesota on [mankatofreepress.com](http://mankatofreepress.com)

The reports are displayed at the top right hand side of the homepage.

Sgt. Jacalyn Sticha of the Minnesota State Patrol now also writes a column for [mankatofreepress.com](http://mankatofreepress.com). It also appears under “Police Logs” and the category “Community.”

WEATHER, PAGE B8

Bring a jacket

Mostly cloudy and cool, with a shower. High 57. Low 44.



## Mother's Day

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Mankato, Minnesota

# Nashville's less affluent wonder how they'll recover

The Associated Press

NASHVILLE, TENN. — Raging torrents had shot furniture through walls and pushed houses into the street near Nashville's historically black Fisk and Tennessee State universities. Only a few tent tops poked above the floodwaters on Wednesday where dozens of homeless once lived along the still-swollen banks of the Cumberland River.

As the city's vibrant country music scene gets the attention, less affluent victims wondered Wednesday how they will recover from the deadly floods. "Being a minority we're the last on the list. That's just the way it is," said Troy Meneese, a 47-year-old custodian, as he aired out water-logged shoes, a couch and chairs in his yard in front of his brick one-story home in north Nashville.

As Nashville's Cumberland River continued to recede Wednesday, Mayor Karl Dean estimated the damage from weekend flooding could easily top \$1 billion. The flooding and weekend storms killed at least 29 people in three states. The flooding caused by record-breaking rains of more than 13 inches in two days sent water rushing through hundreds of homes, forcing thousands to evac-

uate — some by boat and canoe — affecting both rich and poor in this metropolitan area of about 1 million. In Meneese's neighborhood, some residents and community members said they felt neglected, especially compared to the attention they believed country music attractions and more affluent neighborhoods were receiving. Thurman Bryant stood in his brother's home and described how

powerful flood waters made it look as though somebody set off dynamite. The house had four large holes from where furniture went blasting through the walls, and a water line could be seen about 5½ feet above the floor. "It was like a raging river that came in here," said Bryant, 58. Police conducted house-to-house searches in north Nashville on Wednesday, but some thought they should have come earlier.

# BP got OK to bypass blowout planning

The Associated Press

NEW ORLEANS — A rule change two years ago by the federal agency that regulates offshore oil rigs allowed BP to avoid filing a plan specifically for handling a major spill from an uncontrolled blowout at its Deepwater Horizon project — exactly the kind of disaster now unfolding in the Gulf of Mexico.

Oil rig operators generally are required to submit a detailed "blowout scenario." But the federal Minerals Management Service issued a notice in 2008 that exempted some drilling projects in the Gulf under certain conditions.

BP met those conditions, according to MMS, and as a result, the oil company had no plan written specifically for the Deepwater Horizon project, an Associated Press review of government and industry documents found.

In a series of interviews, BP spokesman William Salvin insisted the company was nevertheless prepared to handle a blowout at that project because it had a detailed, 582-page regional plan for dealing with a catastrophic spill anywhere in the central Gulf.

"We have a plan that has sufficient detail in it to deal with a blowout," Salvin said.

Still, the lack of a specific plan for the Deepwater Horizon project raises questions about whether the company could have been better prepared to deal with the oil leak, which is still spewing out of control at a rate estimated at more than 200,000 gallons a day.

MMS, which is part of the Interior Department, has long been criticized as too cozy with the industry it regulates.

Robert Wiygul, an Ocean Springs, Miss., environmen-

tal lawyer, said the lack of a blowout scenario "is kind of an outrageous omission, because you're drilling in extremely deep waters, where by definition you're looking for very large reservoirs to justify the cost."

"If the MMS was allowing companies to drill in this ultra-deep situation without a blowout scenario, then it seems clear they weren't doing the job they were tasked with," he said.

The disaster was set in motion when the offshore platform 50 miles out in the Gulf of Mexico exploded April 20 and sank days later in 5,000 feet of water. Eleven workers were killed in the accident.

AP pressed MMS for an explanation of why the rules were changed, but no official would speak on the record. However, one MMS official who spoke on condition of anonymity because the official wasn't author-

ized to discuss the matter said the rules were changed because some elements were impractical for some deepwater drilling projects in the Gulf.

But Wiygul said: "The MMS can't change the law just by telling people that they don't have to comply with it. I think it really indicates that somebody at MMS was asleep at the switch on this."

Speaking with reporters after touring a boom operation in Gulf Shores, Ala., Interior Secretary Ken Salazar said that he understood that BP was required to file plans for coping with a blowout at the well that failed.

"My understanding is that everything was in its proper place," Salazar said.

However, an AP review of BP's regional oil-spill plan found that it failed to address all of the points required by the MMS.

# FAIRFAX: Says 'I'm sorry' as he leaves

Continued from Page A1

slowed down, the sheriff wrote. She sustained only minor injuries, Fahey said Tuesday.

Fahey stopped some distance away, threw her disassembled cell phone into a field, then drove back past where she was laying in the road and told her, "I'm sorry," the complaint alleges.

The girl found her phone and its battery, put it back together and called her mother for help, the sheriff wrote. Officers found her about 10 miles south of Fairfax, took her home, and then for medical treatment.

Fahey said the girl gave detectives a good description of the suspect and a license plate number. Police arrested the suspect in his apartment in Marshall at

about 4 p.m. Tuesday.

Fahey was due to make his first appearance in Renville County District Court at 10 a.m. Thursday. He was being held in the county jail Wednesday, where an administrator said he could not take a phone call for comment because he hadn't been arraigned. He has applied for a public defender, but it wasn't clear if an attorney had been assigned to his case.

Court records show that Fahey, who originally had a Fairfax address, has convictions for burglary, possession of marijuana, underage drinking and most recently, indecent exposure. The terms of his probation for that offense required him to live with a family member in Fairfax, according to court records.

# HOUSES: One other such landmark in state

Continued from Page A1

nated as National Literary Landmarks during a local ceremony May 20.

"We're pretty proud of this," said Julie Schrader, executive director of the Betsy-Tacy Society.

The designation does not come with any additional funding. In fact, the Betsy-Tacy Society pursued a grant from the Traverse des Sioux Library System to pay for the bronze plaques that must be placed at each home to proclaim their landmark status.

But Jennifer Rath, marketing director of Mankato's Convention and Visitors Bureau, said the designation is important if only for the added attention.

Rath said the Betsy-Tacy homes continue to be major tourist draws for Mankato and that their placement on the list of literary landmarks will only widen their appeal.

"These books have such a following," Rath said. "It's another way to put Mankato in people's minds."

But the designation isn't

only for tourists.

Sue Beilke is a teacher at Mount Olive Lutheran School in Mankato and teaches the first book in the Betsy-Tacy series to her second-grade classes (although she added that she is filling in with a kindergarten class this year).

Beilke said she would wait until spring to start the Betsy-Tacy unit so that her class could tour the homes, walk around the neighborhood and get a sense of the local history in Lovelace's work.

"The books come alive," Beilke said. "Every child in Mankato should read them."

Earning a place on the registry puts Lovelace in pretty lofty literary company.

The registry comprises about 100 sites across the country and includes such locations as 891 Post St., the San Francisco apartment building where famed mystery writer Dashiell Hammett lived while writing "The Maltese Falcon"; several public libraries, including one that houses the papers of Revolution-era radical Thomas Paine; and residences of many notable American authors, including the birthplace of Pearl S. Buck in West Virginia, the estate where Frederick Douglass died in Washington, D.C., and the lifelong home of William Carlos Williams in New Jersey.

The only other Minnesota location on the

list is 481 Laurel Ave. in St. Paul, the birthplace of "The Great Gatsby" author F. Scott Fitzgerald.

"We wanted to have a way to mark our literary heritage across America," said Sally Reed, executive director of the Association of Library Trustees, Advocates, Friends and Foundations — the organization that began the registry in 1986.

"We really have a wonderful, eclectic variety of landmarks."

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**MARKETING Insanity**

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Time: **6:30 p.m. to 8:30 p.m.**  
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Cost: **\$10.00**  
Instructor: **Scott Taylor**

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This seminar will help you discover what is and isn't working in marketing and where you should be putting your marketing efforts.

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