

Godzilla has good lawyers **1C**

Hempstead sweeps city soccer titles **1B**

Testimony weighs 'Pepsi incident' **3A**

THONLINE.COM

TELEGRAPH HERALD

High 58° Low 41° Partly cloudy, 6B

WEDNESDAY

May 14, 2014 • Dubuque, Iowa • 75 cents

Terminally happy

With just a short time to live, a longtime real estate agent gets together with friends for a laugh-filled evening that serves as sort of a 'wake.'

BY BEN JACOBSON
TH staff writer • ben.jacobson@wcinet.com

You will forgive Don Lochner for the gallows humor. With weeks, or maybe only days, left before the wisecracking Navy veteran and career real estate agent

succumbs to a terminal illness, every smile counts.

"Damn right (I'm upset)," Lochner, 66, said. "But what good does that do you? I'd rather go with the flow, and skip being mad."

Dozens of friends, collected throughout a lifetime in Dubuque, turned up to celebrate Lochner's life Tuesday evening at Mario's Italian Restaurant. The shindig served as a sort of "wake" for Lochner, who was diagnosed with Agent Orange-induced leukemia in January.

The seemingly grim party theme

TH 'go with the flow'
On video, Lochner explains why he had a party, **THonline.com**

might have seemed a tad unorthodox to some, Lochner admitted. But with so little time left, he said fun, laughs and friends are his priority.

"I've never died before. I don't know what the rules are," Lochner said. "I don't think there are any."

Lochner, a Dubuque native, served in the Navy from 1967 to 1971. While

See **PARTY, PAGE 2A**



DAVE KETTERING • *Telegraph Herald*
Randy Mesch (left) and Jack Hagerty, both of Dubuque, chat with Don Lochner during his celebration-of-life party Tuesday at Mario's Italian Restaurant.



DAVE KETTERING • *Telegraph Herald*
Vietnam veteran David Chappel, of Commerce, Mich., talks with Moriah Rhame, of Galena, Ill., Tuesday at the Hilton Garden Inn in Dubuque. Rhame organized

a reunion for members of the 765th Transportation Battalion Security Platoon in memory of her father, Robert, who served with the unit.

'Brotherhood' reunites

In memory of her father, a Galena woman organizes a Dubuque gathering of a security unit that served in Vietnam.

BY CRAIG D. REBER
TH staff writer
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Members of the U.S. Army's 765th Transportation Battalion Security Platoon on Tuesday rekindled memories and shared stories and pictures of nearly a half-century ago in Vietnam.

"Remembering the good times and bad times and to

reunite our brotherhood," said Art Simmons, 66, of Rochester, Mich., of the reunion that started Monday night at Hilton Garden Inn in Dubuque.

The unit was attached to the 765th Transportation Battalion, an aircraft maintenance unit, at Vung Tau Airfield in the Republic of Vietnam, where it conducted base defense operations. Located on a peninsula in the Mekong Delta, Vung Tau was a major airfield south of Saigon.

Eight members of the unit gathered in Dubuque, where they swapped stories and

See **REUNION, PAGE 2A**



Many of the vets brought photos, uniforms and hats. Several members of the unit reunited for the first time since the late 1960s, when they served together in Vietnam.

TH video
Attendees describe the reunion, **THonline.com**

Cascade council violating ordinance

Members agree to rectify what they say was an oversight and follow the policy, which was discovered after a council member suggested all city committee meetings be open to the public.

BY THOMAS J. BARTON
TH staff writer
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TH openness
On video, Hosch discusses the council's oversight, **THonline.com**

CASCADE, Iowa — Cascade city committees have been meeting behind closed doors in violation of city ordinance.

The discovery came Monday as City Council members debated a request from Council Member Bill Hosch to open all city committee meetings to the public.

Council members ultimately agreed unanimously to rectify what they say was an oversight and follow the policy, though some members have reservations.

Mayor Mike Henry and Council Member Pat Kearney said they were worried that having to provide advance notice would prevent committees from meeting in a timely fashion to address urgent city matters. Kearney also worried about increased public scrutiny of council.

"I'm not opposed to open meetings. ... (but)

it really opens the council people up to vulnerability of criticism and critiquing of everything you do," he said.

Chapter 5 of city ordinance dictates "[a]ll

meetings of the Council, any board or commission or any multi-membered body formally and directly created by"

council be open to the public, with "reasonable notice" — typically 24 hours — given and minutes of each meeting available for public inspection.

Hosch first raised the issue at the council's April 14 meeting, questioning whether committees should conduct deliberations about city business behind closed

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today's TH

201 dead, 200 more trapped in Turkey coal mine collapse **3C**

Court halts execution over mental-health **5B**

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178th year,
No. 134

Ruling limits search engines' release of personal information

Some see the decision, which applies only in Europe, as a victory for privacy. Others say it could lead to online censorship.

BY TOBY STERLING
The Associated Press

AMSTERDAM — Google and other search engines were thrust into an unwanted new

role Tuesday — caretaker of people's reputations — when Europe's highest court ruled that individuals should have some say over what information comes up when their names are Googled.

The landmark ruling by the Court of Justice of the European Union will force search engines to decide when to censor computer users' search results across the 28-nation bloc of over 500 million people.

The court decision — which

cannot be appealed — was celebrated by some as a victory for privacy rights in the Internet age. Others warned it could lead to online censorship.

The ruling applies to EU citizens and all search engines in Europe, including Yahoo and Microsoft's Bing.

It has no immediate impact on the way Google and other search engines display their results in the U.S. or other

See **RULING, PAGE 2A**

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almanac

Today is Wednesday, May 14, the 134th day of 2014. There are 231 days left in the year.

ON THIS DATE

- In 1643, Louis XIV became King of France at age 4 upon the death of his father, Louis XIII.
- In 1796, English physician Edward Jenner inoculated 8-year-old James Phipps against smallpox by using cowpox matter.
- In 1804, the Lewis and Clark expedition to explore the Louisiana Territory as well as the Pacific Northwest left camp near present-day Hartford, Illinois.
- In 1863, Union forces defeated the Confederates in the Battle of Jackson, Miss..
- In 1900, the Olympic games opened in Paris, held as part of the 1900 World's Fair.
- In 1948, by the current-era calendar, the independent state of Israel was proclaimed in Tel Aviv.

The Associated Press

lotteries

Drawings from Tuesday, May 13, 2014

IOWA

- Pick 3-Midday:** 5-2-8
- Pick 3-Evening:** 9-4-6
- Pick 4-Midday:** 2-0-2-6
- Pick 4-Evening:** 0-5-2-7
- All or Nothing-Midday:** 1-2-3-6-10-11-17-20-21-22-23-24
- All or Nothing-Evening:** 6-8-11-14-15-16-17-19-21-22-23-24

ILLINOIS

- My 3-Midday:** 6-8-6
- My 3-Evening:** 1-7-0
- Pick 3-Midday:** 6-6-6
- Pick 3-Evening:** 5-4-3
- Pick 4-Midday:** 2-0-8-1
- Pick 4-Evening:** 2-7-3-1
- Lucky Day Lotto-Midday:** 11-20-23-28-31
- Lucky Day Lotto-Evening:** 10-11-16-20-28
- Estimated Lotto jackpot:** \$5.5 million

WISCONSIN

- Daily Pick 3:** 6-5-7
- Daily Pick 4:** 9-4-3-2
- 5 Card Cash:** KC-QD-7C-5D-2S
- Badger 5:** 11-20-22-24-31
- Supercash:** 10-12-35-36-38-39
- Doublin:** N

MEGA MILLIONS

- 37-46-48-70-74
- Mega Ball:** 1
- Megaplier:** 2
- Jackpot:** \$121 million

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people, etc.

Alec Baldwin arrested in NYC after bike flap

NEW YORK — Actor Alec Baldwin was arrested and issued two summonses after allegedly acting belligerently toward two officers who had stopped him for riding his bicycle the wrong way down a New York City street, police said Tuesday.



The “30 Rock” star was riding his bike the wrong way at 16th Street and Fifth Avenue near Union Square Park in Manhattan when he was stopped at about 10:15 a.m. and asked to show identification, they said.

That’s when Baldwin, 56, refused to show his ID and acted belligerently, prompting the officers to handcuff him and take him, and his bicycle, to a nearby precinct, they said.

Baldwin was issued two summonses — for riding a bike the wrong way down a street and for disorderly conduct — and was then released, police said.

He is scheduled to appear in Manhattan Criminal Court on the disorderly conduct summons July 24.

A representative for Baldwin didn’t immediately return a request for comment. But from his verified Twitter account, Baldwin said he’d been handcuffed for riding the wrong way on Fifth Avenue and posted the last name and badge number of the arresting officer.

ABC adds 12 shows

NEW YORK — ABC will add a new drama from “Scandal” and “Grey’s Anatomy” powerhouse producer Shonda Rhimes to its fall schedule, giving her ownership of Thursday night on a network that’s lag-

ging behind its competitors among advertiser-favored young adults.

Rhimes’ “How to Get Away with Murder,” a legal thriller starring Viola Davis, is among 12 new series that will occupy an ABC schedule that’s heavy on crime dramas and rich in ethnic diversity.

The new sitcoms include “Black-ish,” starring Anthony Anderson and Tracee Ellis Ross as a suburban family trying to embrace their black identity, and “Fresh Off the Boat,” about an immigrant Chinese family pursuing the American dream.

ABC canceled “Trophy Wife,” “Mixology,” “The Neighbors,” “Suburgatory,” “Super Fun Night,” “Killer Women,” “Lucky 7,” “Betrayal,” “Back in the Game” and “Once Upon a Time in Wonderland.”

The Associated Press

happy birthday

- HAPPY BIRTHDAY** *movie producer George Lucas, 70 • actress Meg Foster, 66 • movie director Robert Zemeckis, 63 • rock singer David Byrne, 62 • actor Tim Roth, 53 • rock singer Ian Astbury (The Cult), 52 • rock musician Mike Inez (Alice In Chains), 48 • actress Cate Blanchett, 45 • movie writer-director Sofia Coppola, 43 • rock musician Mike Retondo (Plain White T's), 33 • actress Amber Tamblyn, 31 • Facebook founder Mark Zuckerberg, 30 • actress Miranda Cosgrove, 21*

CASCADE: Ordinance ‘specific’

Continued from Page 1A

doors, noting the Iowa League of Cities and Iowa attorney general caution against it.

Hosch said he was not aware of the ordinance at that time. A curious city staff member notified him of the policy following the April 14 meeting.

“I’m just glad we finally have this resolved,” Hosch said.

Henry and other council members initially disagreed with Hosch, saying the meetings are not required to be open to the public since a majority of council is not present, no action is taken and all recommendations are forwarded to the full council for consideration at its public meetings.

A legal opinion from City Attorney Ted Huinker, of Dubuque law firm Fuerste, Carew, Juergens & Sudmeier, supported that determination.

Iowa law states meetings of “an advisory board, advisory commission, advisory committee, task force or other body created by ... a political subdivision of this state to develop and make recommendations on public policy issues” must be open to the public, unless there is a clear showing of need for a closed meeting specifically authorized by law.

Council members in January created eight committees, whose members were appointed by Henry. Each committee consists of two council members and meets infrequently with the mayor and city staff to discuss city business and advise the full council on personnel, finance, public safety, building, recreation and water and sewer issues.

Huinker, in a letter to the council Mon-

day, determined city committees were engaged purely in fact finding, not policy-making, and thus were not subject to the open-meetings law. He cited a 2005 Iowa Supreme Court decision that ruled a negotiating committee appointed by the Vision Iowa Board only could suggest a course of action to the board, which had the final decision, thus its meetings were not subject to the open-meetings law.

Huinker’s letter makes no mention of city ordinance, but it cautions committees to refrain from making any recommendation to council and from “filtering gathered information.”

A state agency that opened last year to handle complaints, mediate problems and enforce the open-meetings law is examining whether changes are needed to clarify under what circumstances advisory committees, task forces and the like should be required to comply with the law.

Regardless, “we have to adhere to what’s in our ordinance,” Hosch said during the meeting. “There can be a lot of ands, ifs or buts about court cases and interpretation of the law, but Cascade ordinance is very specific that all meetings are to be open.”

He said the closed committee meetings breed suspicion of government and that open meetings allow broader public participation, understanding and insight into city matters and council decisions.

As for why it chose to ignore city ordinance, Hosch replied: “I imagine the last time around, (the ordinance) was updated to (comply) with Iowa’s open-meetings law. My guess is no one actually realized it at the time, and (it) has been going on for 15 or 20 years.”

REUNION: Little documentation

Continued from Page 1A

examined maps, photos and numerous military documents.

Moriah Rhame, of Galena, Ill., an Army veteran who served in the Middle East, organized the reunion in memory of her father, Robert L. Rhame Jr. He served as a military police officer with the unit from 1965 to 1966. Robert died Dec. 7, 2012, in Charleston, S.C., of congestive heart failure.

Simmons remembered Robert Rhame.

“He was a good guy,” he said. “We were all 18 or 19 and a little on the crazy side.”

Simmons located Robert after an extensive search, with thoughts of a reunion, shortly before he died.

“He was in pretty rough shape; he’d been looking for us, too,” Simmons said.

He stopped at Robert’s grave and rendered a final salute.

Robert Rhame worked as a corrugated engineer throughout the Midwest, including in Galena, where he raised his two daughters, Moriah and Marnie.

“This reunion is very important to me,” Moriah said. “When my dad was in hospice at the VA in Charleston, his last wish was to be reunited with his platoon members. To me, this is an absolutely wonderful gift to my dad, and I can feel him here.”

One hitch that added intrigue to the reunion is there appears to be little official military documentation of the unit’s existence.

“We don’t officially exist in the records and the papers, so any time you make a claim, they can’t find you,” said George Petersen, of Alexandria, Va., a unit member from December 1965 to December 1966. “The Army says we didn’t really exist, and yes, we did exist. This is the problem.”

“It’s not just our unit, but there’s lots of units from Vietnam and other wars. It’s just a hell of a time trying to prove that you exist and you were there. We’ve done a lot of paperwork. We’ve shown up. We want to be recognized.”

Simmons, who went directly to Vung Tau from Fort Dix, N.J., in August 1965, recalled the base commander determined that mechanics providing security of the transportation battalion wasn’t the best idea.

“Verbally, we had no hard orders cut,” he said. “We did our job. We knew what we had to do. Every time there was a round, a shot fired, we had to file a report. As we’re finding out from our investigative work, some of our leaders may not have done their job by sending the information to the top for records. They had no idea we existed.”

While the quest for documentation continues, the eight veterans at the reunion reveled in reconnecting.

Petersen, a military historian and memorabilia collector who’s been to Vietnam numerous times, said there was no way he was going to miss the reunion.

“Seeing friends again is good,” he said.

RULING: Investors not worried

Continued from Page 1A

countries outside Europe.

In its ruling, the EU court said search engines must listen and sometimes comply when people ask for the removal of links to newspaper articles or other sites containing outdated or otherwise objectionable information about themselves.

Google Inc. has long maintained that people with such complaints should take it up with the websites that posted the material.

“This is a disappointing ruling for search engines and online publishers in general,” the Mountain View, Calif., company said in a statement.

Though Europe is one of Google’s biggest markets, the decision isn’t expected to have

much effect on the company’s earnings. That’s because it has no direct bearing on the online ads that Google places alongside its search results.

Investors evidently weren’t worried. Google’s most widely traded class of stock gained \$3.11 to close at \$541.54 Tuesday.

It’s unclear exactly how the European court envisions Google and others handling complaints.

Google, though, has dealt with similar situations in the past.

The company already censors some of its search results in several countries to comply with local laws. For instance, Google and other search engines are banned from displaying links to Nazi paraphernalia and certain hate speech in Germany and France.

PARTY: Leukemia has not inflicted suffering

Continued from Page 1A

deployed during the Vietnam War, Lochner said he was exposed to Agent Orange, a chemical agent that has since been linked to widespread health concerns.

After his service, Lochner returned home, where he began a 38-year career as a real estate agent. He still serves on the city of Dubuque board of review, and he played a crucial role in the restoration of the Eagle Point Park fish pond in the mid-1980s.

“I always liked (the pond) when I was a kid, and the fact that it wasn’t there just made me mad,” Lochner recalled.

Vance DeLire said he met Lochner through his father, who had established a working relationship with the real estate agent. When DeLire started buying and selling properties himself, he didn’t have to look too far for help.

The relationship has been fruitful and exciting, DeLire said.

“It’s always interesting. It’s always wild,” DeLire said of working with Lochner. “Don’s always had a good way to make things happen when nobody else could.”

Linda Budde has known Lochner since grade school. After a good life, in which he made many good

friends, she said she supported Lochner taking an opportunity to celebrate.

“I think it’s a wonderful idea,” Budde said. “The doctors haven’t given him long to live, but he’s going to enjoy life for as long as he can. He wants to celebrate with his friends now, instead of his friends celebrating his life after he’s gone.”

Lochner, who has a son and granddaughter, has been receiving treatment at the Iowa City Veterans Affairs hospital, and he said the “stupendous” hospital staff has been providing the best care possible.

He said he was thankful that his leukemia, despite being terminal, hadn’t inflicted on him the suffering he’s seen others endure while in treatment.

Even those hospital visits can be mined for laughs. Lochner told the story about a young, shovel-carrying construction worker who boarded an elevator already filled with hospital patients.

“I said, ‘Young man. You don’t get on an elevator with people that are sick and dying carrying a spade. Are you trying to scare the (crap) out of us?’” he said, laughing. “Hey, if you can’t laugh at it, all you’ll do is sit in the corner and cry.”

DeLire said Lochner’s positive attitude is typical. “That’s pretty much Don.”

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