

## THE PRESS &amp; DAKOTAN

THE DAKOTAS' OLDEST NEWSPAPER | FOUNDED 1861

Yankton Media, Inc., 319 Walnut St., Yankton, SD 57078

## CONTACT US

PHONE:  
(605) 665-7811  
(800) 743-2968  
NEWS FAX:  
(605) 665-1721  
ADVERTISING FAX:  
(605) 665-0288  
WEBSITE:  
www.yankton.net  
EMAIL ADDRESS:  
news@yankton.net

SUBSCRIPTIONS/  
CIRCULATION:  
Extension 104  
CLASSIFIED ADS:  
Extension 108  
NEWS DEPARTMENT:  
Extension 114  
SPORTS DEPARTMENT:  
Extension 106  
ADVERTISING OFFICE:  
Extension 122  
BUSINESS OFFICE:  
Extension 119  
NEW MEDIA:  
Extension 136  
COMPOSING DESK:  
Extension 129

\* \* \*

## MANAGERS

Gary L. Wood  
*Publisher*  
Michele Schievelbein  
*Advertising Director*  
Tonya Schild  
*Business Manager*  
Michael Hrycko  
*Circulation Director*  
Tera Schmidt  
*Classified Manager*  
Kelly Hertz  
*Editor*  
James D. Cimburek  
*Sports Editor*  
Beth Rye  
*New Media Director*  
Kathy Larson  
*Composing Manager*

\* \* \*

## DAILY STAFF

Melissa Bader  
Cassandra Brockmoller  
Rob Buckingham  
Randy Dockendorf  
Jeannine Economy  
Jordynne Hart  
Jeremy Hoeck  
Robert Nielsen  
Muriel Pratt  
Jessie Priestley  
Matt Robinson  
Cathy Sudbeck  
Sally Whiting  
JoAnn Wiebelhaus  
Brenda Willcuts  
Jackie Williams

\* \* \*

## Published Daily

## Monday-Saturday

Periodicals postage  
paid at Yankton,  
South Dakota, under  
the act of March 3,  
1979.

Weekly Dakotian  
established June 6,  
1861. Yankton Daily  
Press and Dakotian  
established April 26,  
1875.

Postmaster: Send  
address changes to  
Yankton Daily Press  
& Dakotian, 319 Wal-  
nut, Yankton, SD  
57078.

\* \* \*

## MEMBERSHIPS

The Yankton Daily  
Press & Dakotian is a  
member of the Associ-  
ated Press, the Inland  
Daily Press Associa-  
tion and the South  
Dakota Newspaper  
Association. The Asso-  
ciated Press is entitled  
exclusively to use of all  
the local news printed  
in this newspaper.

\* \* \*

## SUBSCRIPTION

## RATES\*

(Payable in advance)

CARRIER DELIVERY  
1-month . . . . \$12.09  
3 months . . . . \$36.27  
6 months . . . . \$72.53  
1-year . . . . \$133.09

## MOTOR ROUTE

(where available)

1 month . . . . \$14.51  
3 months . . . . \$43.53  
6 months . . . . \$87.05  
1 year . . . . \$139.14

## MAIL IN RETAIL

## TRADE ZONE

1-month . . . . \$16.93  
3 months . . . . \$50.79  
6 months . . . . \$101.57  
1-year . . . . \$148.82

## MAIL OUTSIDE

## RETAIL TRADE ZONE

1 month . . . . \$19.35  
3 months . . . . \$58.05  
6 months . . . . \$116.09  
1-year . . . . \$186.33

\* Plus applicable sales  
tax for all rates

## OPINION

## EB-5: Why Did This Take So Long?

An important blank was filled last week in the EB-5 immi-  
grant investor program probe.

But why did this take so long to fill it?

Last Tuesday, South Dakota Attorney General Marty Jackley told the Government Operations and Audit Com-  
mittee that he was preparing to bring criminal charges against for-  
mer Secretary of Tourism Richard Benda when Benda died of a  
self-inflicted gunshot wound.

Jackley revealed last week that he drafted a criminal complaint  
and an arrest warrant concerning Benda on Oct. 8 alleging numer-  
ous counts of grand theft. On Oct. 11, Jackley called for a grand jury  
to convene to consider the case.

Benda was found dead of what was ruled a self-inflicted gunshot  
wound near Lake Andes last Oct. 22, about two days after it's be-  
lieved he died.

But the attorney general didn't reveal his legal processes until  
last week, after more than nine months on inquiries, reports and  
questions.

The revelation connects some dots that, to be honest, most peo-  
ple probably had linked together already: that Benda had likely got-  
ten wind of what was coming and saw no escape from the threat of  
ruination that loomed, and so he took matters into his own hands.

Still, why didn't this come out many months ago as investiga-  
tions at the state and federal levels began digging into this matter?  
This makes very little sense, and adds a new, frustrating mystery to  
this complex tale of corruption and suicide.

One of the charges Jackley was preparing to file alleged that  
Benda shifted more than \$500,000 from a state grant that he over-  
saw to be used to pay two years of Benda's salary when he left the  
employment of the state. The money was part of a Future Fund  
grant for Northern Beef Packers of Aberdeen in 2010.

Another charge was to claim that the \$500,000-plus was obtained  
through embezzlement and deception.

Jackley's late-game admission would seem to suggest that more  
questions need to be answered, one way or another.

But apparently not. When Government Operations and Audit  
Committee member Rep. Susan Wismer (a Democrat running for  
governor) asked that the other committee members, all of whom  
are Republican, to subpoena Joop Bollen — the president of the  
South Dakota Development Corp., which acted as an intermediary  
between the state and Northern Beef, and a person with whom  
Benda had developed close professional ties — the proposal died  
for a lack of a second. Later, committee chairman Sen. Larry Tide-  
mann declared that the EB-5 probe by the panel, which was empow-  
ered to conduct the inquiry by Joint Resolution HB 1010 passed last  
winter, appears to be finished, unless a federal investigation creates  
new questions.

Whether or not that means this has been reduced to a political  
football is problematic — and, if so, unfortunate.

South Dakotians have watched this grim matter play out for  
months. Last week's admission by the attorney general brought a  
curious new light to this subject, but the state doesn't seem overly  
curious to wonder why it came out now and what else — if anything  
— had yet to be revealed.

South Dakotians deserve the whole story. At least they need to  
know that the veins of evidence have been thoroughly mined. Jack-  
ley's actions last week suggest they haven't. It may indeed be the  
last substantive word on the matter, but we need to know that for  
sure.

After all these months, we need to know more, or at least we  
need to know that this matter has been extensively exhausted. We  
also need to know that state officials are curious enough to take this  
to that end, or if they are more interested in letting it fade away.

kmh

## ON THIS DATE

## By The Associated Press

Today is Tuesday, August 5, the  
217th day of 2014. There are 148 days  
left in the year.

**Today's Highlights in History:** On  
August 5, 1914, what's believed to be  
the first electric traffic light system was  
installed in Cleveland, Ohio, at the in-  
tersection of East 105th Street and  
Euclid Avenue. Montenegro declared  
war on Austria-Hungary at the start of  
World War I.

**On this date:** In 1864, during the  
Civil War, Union Adm. David G. Far-  
ragut led his fleet to victory in the Bat-  
tle of Mobile Bay, Alabama.

In 1884, the cornerstone for the  
Statue of Liberty's pedestal was laid  
on Bedloe's Island in New York Har-  
bor.

In 1924, the comic strip "Little Or-  
phan Annie" by Harold Gray made its  
debut.

In 1933, President Franklin D.  
Roosevelt established the National  
Labor Board, which was later replaced  
with the National Labor Relations  
Board.

In 1953, Operation Big Switch  
began as remaining prisoners taken  
during the Korean War were ex-  
changed at Panmunjon.

In 1954, 24 boxers became the  
first inductees into the Boxing Hall of  
Fame, including Henry Armstrong,  
Gentleman Jim Corbett, Jack  
Dempsey, Jack Johnson, Joe Louis  
and John L. Sullivan.

In 1962, actress Marilyn Monroe,  
36, was found dead in her Los Ange-  
les home; her death was ruled a prob-  
able suicide from "acute barbiturate  
poisoning." South African anti-  
apartheid activist Nelson Mandela  
was arrested; it was the beginning of  
27 years of imprisonment.

In 1964, U.S. Navy pilot Everett Al-  
varez Jr. became the first American  
flier to be shot down and captured by  
North Vietnam; he was held prisoner  
until February 1973.

In 1969, the U.S. space probe  
Mariner 7 flew by Mars, sending back  
photographs and scientific data.

In 1974, the White House re-  
leased transcripts of subpoenaed tape  
recordings showing that President  
Richard Nixon and his chief of staff,  
H.R. Haldeman, had discussed a plan  
in June 1972 to use the CIA to thwart  
the FBI's Watergate investigation; re-  
velation of the tape sparked Nixon's  
resignation.

In 1984, actor Richard Burton died  
in Geneva, Switzerland, at age 58.

In 1994, a three-judge panel of the  
U.S. Court of Appeals in Washington  
chose Kenneth W. Starr to take over  
the Whitewater investigation from  
Robert Fiske.

**Ten years ago:** New York City's  
director of ferries pleaded not guilty to

11 counts of manslaughter in the  
wreck of a Staten Island ferry. (Patrick  
Ryan later pleaded guilty to negligent  
manslaughter and was sentenced to  
a year in prison.) Two-year-old twins  
from the Philippines, Carl and  
Clarence Aguirre, born with the tops  
of their heads fused together, were  
separated after a 17-hour operation at  
Montefiore Medical Center in New  
York City. The Georgia men's basket-  
ball team was placed on four years'  
probation for rules violations under  
former coach Jim Harrick.

**Five years ago:** Journalists Laura  
Ling and Euna Lee arrived in Bur-  
bank, California, for a tearful reunion  
with their families after a flight from  
North Korea, where they'd been held  
for 4 1/2 months until former President  
Bill Clinton helped secure their re-  
lease. Mahmoud Ahmadinejad was  
sworn in for a second term as Iran's  
president. Budd Schulberg, 95, who'd  
written the Oscar-winning screenplay  
for the Marlon Brando classic "On the  
Waterfront," died in Westhampton  
Beach, Long Island, New York.

**One year ago:** A gunman opened  
fire at a municipal meeting in Ross  
Township, Pennsylvania, killing three  
people before he was tackled and  
shot with his own gun; authorities say  
the shooting stemmed from a dispute  
over living conditions at his ram-  
shackle, trash-filled property. (Prose-  
cutors are seeking the death penalty  
for Rockne Newell.) Alex Rodriguez  
was suspended through 2014 and All-  
Stars Nelson Cruz, Jhonny Peralta  
and Everth Cabrera were banned 50  
games apiece as Major League Base-  
ball disciplined 13 players in a drug  
case.

**Today's Birthdays:** Actor John  
Saxon is 78. College Football Hall of  
Famer and former NFL player Roman  
Gabriel is 74. Country songwriter  
Bobby Braddock is 74. Actress Loni  
Anderson is 69. Actress Erika Slezak  
is 68. Rock singer Rick Derringer is  
67. Actress Holly Palance is 64. Singer  
Samantha Sang is 61. Actress-singer  
Maureen McCormick is 58. Rock  
musician Pat Smear is 55. Author  
David Baldacci is 54. Actress  
Tawney Kitaen is 53. Actress Janet  
McTeer is 53. Country musician Mark  
O'Connor is 53. Basketball Hall-of-  
Famer Patrick Ewing is 52. Actor  
Jonathan Silverman is 48. Country  
singer Terri Clark is 46. Retired MLB  
All-Star John Olerud is 46. Rock mu-  
sician Eicca Toppinen (Apocalyptica)  
is 39. Actor Brendon Ryan Barrett is  
28.

**Thought for Today:** "We are all  
snobs of the Infinite, parvenus of the  
Eternal." — James Gibbons Huneker,  
American author and critic (1860-  
1921).

## FROM THE BIBLE

But they did not understand the saying, and were afraid to ask  
Him. Mark 9:32. Portals of Prayer, Concordia Publishing House, St.  
Louis



## The Rez Of The Story

## Coping With Corruption

BY VINCE TWO EAGLES

Hau Mitakuepi (Greetings My Relatives),  
"We cultivate love when we allow our most vul-  
nerable and powerful selves to be deeply seen and  
known, and when we honor the spiritual connec-  
tion that grows from the offering of trust,  
respect, kindness and affection. Love is  
not something we give or get; it is some-  
thing that we nurture and grow, a connec-  
tion that can only be cultivated between  
two people[s] when it exists within each  
one of them — we can only love others as  
much as we love ourselves. Shame,  
blame, disrespect, betrayal and the with-  
holding of affection damage the roots  
from which love grows. Love can only  
survive these injuries if they are acknowl-  
edged, healed and rare," writes the con-  
temporary author, Brene Brown.

It has long been a hope of mine that  
Indian and non-Indian alike acknowledge  
our convergent histories in a way that is  
totally transparent — leaving nothing to be swept  
under the rug. "Out of sight out of mind," so goes  
the saying — to hide from the past without dwelling  
on it, disrespects the very foundations of freedom  
and reconciliation we all claim to hold dear.

Here in two parts, using Struck By The Ree's  
own words, a picture is painted about those hard  
times.

Case in point: Peter Nabokov's chronicle of In-  
dian-White relations entitled, "Native American Tes-  
timony," tells us, "When congressional investigators  
traveled west in 1865, they heard of Indian misery  
in Dakota Territory. The following account was  
recorded by the Dolittle Commission from Struck  
By The Ree of the Yankton Sioux. ...

"Struck By The Ree offers a litany of grievances  
against Indian agents and soldiers assigned to keep  
the peace on his reservation. Struck By The Ree  
was born in August 1804. That very week the ex-  
plorers Lewis and Clark were guests in his village; it  
was said that Captain Meriwether Lewis had swad-  
dled the baby in the national flag, baptizing him  
publicly "an American." Much later, during the 1862  
outbreak of the Eastern Sioux, Struck by the Ree re-  
portedly cordoned his warriors so as to protect  
white settlements from hostile Indians.

Struck By The Ree: "The first agent was Red-  
field; and when he came there he borrowed blan-

Vince  
TWO EAGLES

kets from me to sleep upon, and agreed to return  
them, but never did, though I asked for them.

Goods have been stored up stairs in the warehouse,  
and have all disappeared; perhaps the rats eat  
them; I don't know what became of them. If they  
bring any goods for the Indians to eat and put them  
in the warehouse, the agents live out of  
them, and the mess house where travel-  
ers stop has been supplied from the Indi-  
ans' goods, and pay has been taken by  
the agents, and they have put the money  
in their pockets and taken it away with  
them. I have seen them take the goods  
from the store house of the Indians and  
take them to the mess-house, and I have  
had to pay for a meal for myself at the  
mess house, and so have others of our In-  
dians had to pay for meals at the mess-  
house, prepared from their own goods ...

"When Redfield left the agency, a  
steamboat came in the night and took  
away fifteen boxes of goods, so the Indi-  
ans would not know it; but the Indians  
were to sharp for him. ... Mr. Redfield said to me,  
"When I am gone you will meet with a great many  
agents; but you will never meet one like me." I think  
I never want to see one like him. ...

"The reason the whites have trouble with the In-  
dians is on account of the agents. When the goods  
come they are not according to the treaty; they  
never fulfill the treaty. When the agent goes away he  
is going to leave these things to be done by his suc-  
cessor. When agent Burleigh came he made fine  
promises of what he would do. I asked for my in-  
voice, but he would not let me have it; and I told  
him what my grandfather told me. I think the agents  
are all alike. The agent puts his foot on me as  
though I were a skunk. And the agents are all getting  
rich and we are getting poor ...

Next week, I'll conclude Struck By The Ree's re-  
port of the early struggles of our people at the  
hands of Indian agents representing the U.S. govern-  
ment. It is indeed sad to know what our elders had  
to endure in order to "get along" with non-Indians  
moving into our territory and how corruption had  
to be a part of the relationship between Indian and  
non-Indian people in those early years. More on this  
next week.

Doksha (later) ...

## Thomas E. Simmons

## Caregiver's Care Is Arresting

BY THOMAS E. SIMMONS

University of South Dakota

If you travel almost directly south of Tabor for  
about 200 miles, you come across a similarly-sized  
town going by the name of Wilber in southeastern  
Nebraska. Every summer, Wilber hosts a Czech fes-  
tival that rivals Tabor's.

Coming out of Wilber is a story reported by the  
Nebraska Court of Appeals in its decision captioned  
Nebraska vs. Rakosnik. While the surname Rakos-  
nik resonates with the ethnic celebrations of both  
Tabor and Wilber, there is nothing celebratory in  
the facts that led to Lewis Rakosnik's conviction by  
a jury of 39 counts of the crime of abuse of a vul-  
nerable adult. He was sentenced to five years in prison.

Beginning in 2010, Lewis, who had previously  
worked as a physical therapist in Arizona, moved in  
with his uncle, Mike Rakosnik, to help care for him  
in his final illness. Mike was soon presented with a  
power of attorney. At first, Mike did not understand  
that the document would grant his nephew powers  
over his assets, but he eventually relented, saying, "I  
guess that would be okay." A notary public sup-  
ported Mike's hand as he signed.

Just ten days later, Lewis entered the local bank  
and began to change the payable-on-death designa-  
tions on Mike's certificates of deposit from Mike's  
longtime girlfriend, Evelyn Doeschot. Lewis began  
to use his uncle's accounts to pay his own bills. He  
cashed in an investment account.

Mike's will provided that his 208 acre parcel of  
land and home would pass to Lewis and his siblings  
with the stipulation that the land not be sold for  
one generation and that Evelyn be allowed to stay  
on the property for as long as she liked. Using the  
power of attorney, Lewis signed a deed conveying  
the property to himself and his siblings at Mike's  
death free of the stipulations in Mike's will.

Trooper Cory Townsend, an investigator with  
the Nebraska State Patrol, began to look into com-

plaints about the way Mike was being treated. He in-  
terviewed Mike, but Mike could not articulate how  
he was related to Lewis. He claimed that Lewis "was  
a hunter who had shown up asking for permission  
to hunt and had then just moved into the house."

Criminal charges were filed against Lewis in  
April 2012 and Mike died less than two weeks later.

But Mike's death did not end the criminal pro-  
ceedings.

Lewis asserted that the State had failed to prove  
beyond a reasonable doubt that his uncle was a vul-  
nerable adult; that Mike suffered 'substantial mental  
or functional impairments' as required by the  
statute. Mike's mental state would vary from day to  
day. On some days, he was relatively clear-headed.  
The State, however, introduced a CT scan showing  
brain shrinkage along with testimony from other  
caregivers.

An adult protective services worker testified  
that when he met Mike in 2011 he asked him about  
his family, and the only name Mike could remember  
was 'Mike.' When questioned about his date of  
birth, Mike replied that he had had a birthday party,  
but he could not remember when. Shown a photo-  
graph of Mike's nieces and nephews, Mike indicated  
that he believed the photograph was of his father  
and his brothers.

"The evidence suggests Lewis did not use the  
power of attorney to promote Mike's best interests,"  
the Nebraska Court of Appeals concluded. "Rather,  
it was used to ensure Lewis and his siblings would  
profit from Mike's holdings."

The evidence supported the jury's verdict, and  
Lewis' conviction was affirmed.

Thomas E. Simmons is an assistant professor at  
the University of South Dakota School of Law in Ver-  
million. Simmons' views are his own and not those  
of USD.

## YOUR LETTERS

## Fighting Hunger

Dave Hansen, Irene

Founder Helping Hands for Haiti

Steve Mach, Yankton

Kids Against Hunger

On behalf of Helping Hands for Haiti and  
Kids Against Hunger of Yankton, we would like  
the thank Thrivent Financial and the more than  
200 volunteers who came out Saturday, July 19,  
to pack meals for the children of Haiti. More  
than 53,000 meals were packed that day. That  
will feed the 1,200 children who come to the six  
schools sponsored by Helping Hands for about  
2 months. These meals, along with others  
packed, will be delivered later this fall with the  
partnership of Orphan Grain Train of Norfolk.

We are so grateful for the generosity of both  
time and resources given so graciously by the  
hundreds of volunteers that have come to pack  
meals for children at Kids Against Hunger here  
in Yankton. You are making a life-changing dif-  
ference in their lives.

## Online Opinion

The results of the most recent Internet poll on the  
Press & Dakotan's Web site are as follows:

## LATEST RESULTS:

Do you support congressional Republican ef-  
forts to sue President Obama?

No . . . . . 55%  
Yes . . . . . 41%  
Not sure . . . . . 4%  
TOTAL VOTES CAST . . . . . 319

The Press & Dakotan Internet poll is not a scientific  
survey and reflects the opinions only of those who  
choose to participate. The results should not be con-  
strued as an accurate representation or scientific meas-  
urement of public opinion.

— — —

## CURRENT QUESTION:

Are you concerned about bringing American  
Ebola patients back to the U.S. from Africa for treat-  
ment.

To vote in the Press & Dakotan's Internet poll, log on to  
our website at www.yankton.net.