

## The Press &amp; Dakotan

THE DAKOTAS' OLDEST NEWSPAPER | FOUNDED 1861

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## OPINION OTHER VIEWS

A Fact-Challenged  
Clean Energy Plan

THE ORANGE COUNTY REGISTER (Aug. 4): President Barack Obama at midnight Saturday posted a video on Facebook previewing the regulations he intends to impose upon the nation's power plants — without a vote of Congress.

The Obama regs portend a shutdown of hundreds of coal-fired plants, which currently generate nearly 40 percent of the nation's electricity, as well a freeze in construction of new power plants.

Obama apparently thinks that a small price to be paid to address the threat to humanity posed by global warming. It's "the biggest, most important step we've ever taken to combat climate change," he said in his Facebook vid.

Under the administration's so-called Clean Power Plan, the nation's roughly 7,300 power plants will be required by 2030 to cut carbon emissions 32 percent — not from 2015 levels, but 2005 levels.

Never mind that the Census Bureau projects that the U.S. population in 2030 will be 22 percent larger than in 2005; or that the U.S. economy will be 72 percent larger in 2030 than in 2005.

The Obama administration, as well as such confederate nongovernmental organizations as the National Resources Defense Council, suggests that coal can be regulated out of existence by 2030, and it will have little or no deleterious economic effects.

In fact, claims a White House fact sheet, ridding America of coal will "create tens of thousands of jobs," "prevent 300,000 missed work and school days," "save consumers a total of \$155 billion from 2020-30," and "avoid up to 3,600 premature deaths."

Well, if we thought those claims closer to "fact" than fiction, we might entertain the idea of supporting Obama's Clean Power Plan. But to accept the White House fact sheet at face value requires a suspension of disbelief of which we are incapable.

For example, the supposed consumer savings of \$155 billion from 2020-30 assume that wind and solar energy will not only replace the megawatts generated by coal, but also do so at lower cost. But coal remains the cheapest source of electricity, especially if wind and solar were no longer subsidized by the government.

Obama apparently has forgotten the remarks he made in 2012 when he called for "an all-of-the-above strategy for the 21st century that develops every source of American energy" — including coal.

We commended the president then for his rational energy strategy. That's why we are so chagrined he has walked back that strategy.

## OUR LETTER POLICY

The **PRESS & DAKOTAN** invites its readers to write letters to the editor. We ask that a few simple guidelines be followed:

- Please limit letters to 300 words or less. Letters should deal with a single subject, be of general interest and state a specific point of view. Letters are edited with brevity, clarity and newspaper style in mind.

- In the sense of fairness and professionalism, the **PRESS & DAKOTAN** will accept no letters attacking private individuals or businesses.

- Specific individuals or entities addressed in letters may be given the opportunity to read the letter prior to publication and be allowed to answer the letter in the same issue.

- Only signed letters with writer's full name, address and daytime phone number for verification will be accepted. Please mail to: Letters, 319 Walnut, Yankton, SD 57078, drop off at 319 Walnut in Yankton, fax to 665-1721 or email us at [kelly.hertz@yankton.net](mailto:kelly.hertz@yankton.net).

## IN HISTORY

## By The Associated Press

Today is Thursday, August 6, the 218th day of 2015. There are 147 days left in the year.

**Today's Highlight in History:** On August 6, 1945, during World War II, the United States dropped an atomic bomb on Hiroshima, Japan, resulting in an estimated 140,000 deaths. (Three days later, the United States exploded a nuclear device over Nagasaki; five days after that, Imperial Japan announced its surrender.)

**On this date:** In 1813, during the Venezuelan War of Independence, forces led by Simon Bolivar recaptured Caracas.

In 1825, Upper Peru became the autonomous republic of Bolivia.

In 1862, the Confederate ironclad CSS Arkansas was scuttled by its crew on the Mississippi River near Baton Rouge, Louisiana, to prevent capture by the Union.

In 1914, Austria-Hungary declared war against Russia and Serbia declared war against Germany.

In 1926, Gertrude Ederle became the first woman to swim the English Channel, arriving in Kingsdown, England, from France in 14 1/2 hours.

In 1930, New York State Supreme Court Justice Joseph Force Crater went missing after leaving a Manhattan restaurant; his disappearance remains a mystery.

In 1956, the DuMont television network went off the air after a decade of operations.

In 1961, Soviet cosmonaut Gherman Titov became the second man to orbit Earth as he flew aboard Vostok 2.

In 1965, President Lyndon B. Johnson signed the Voting Rights Act.

In 1978, Pope Paul VI died at Castel Gandolfo at age 80.

In 1986, William J. Schroeder died at Humana Hospital-Audubon in Louisville, Kentucky, after living 620 days with the Jarvik 7 artificial heart.

In 1993, Louis Freeh won Senate confirmation to be FBI director.

**Ten years ago:** Anti-war activist Cindy Sheehan, whose soldier-son, Casey, was killed in Iraq, began a weeks-long protest outside President George W. Bush's Texas ranch. Former British Foreign Secretary Robin Cook, who'd quit Prime Minister Tony Blair's Cabinet to protest the Iraq war, died in Inverness,

Scotland, at age 59. A Tunisian airliner plunged into the Mediterranean while trying to make an emergency landing in Sicily; 16 of the 39 people aboard were killed.

**Five years ago:** In a stunning announcement, Hewlett-Packard Co. said it had ousted CEO Mark Hurd after an investigation of a sexual harassment complaint found that he had falsified expense reports and other documents to conceal a relationship with a contractor.

**One year ago:** President Barack Obama closed a three-day U.S.-Africa summit in Washington which brought together leaders from more than 50 African nations. Michael Worthington was put to death by the state of Missouri for raping and killing college student Melinda "Mindy" Griffin in 1995, making him the first U.S. prisoner executed since a lethal injection in Arizona the previous month in which an inmate took nearly two hours to die.

**Today's Birthdays:** Children's performer Ella Jenkins is 91. Actor-director Peter Bonerz is 77. Actress Louise Sorel is 75. Actor Michael Anderson Jr. is 72. Actor Ray Buktenica is 72. Actor Dorian Harewood is 65. Actress Catherine Hicks is 64. Rock singer Pat MacDonald (Timbuk 3) is 63. Country musician Mark DuFresne (Confederate Railroad) is 62. Actress Stephanie Kramer is 59. Actress Faith Prince is 58. Rhythm-and-blues singer Randy DeBarge is 57. Actor Leland Orser is 55. Actress Michelle Yeoh is 53. Country singers Patsy and Peggy Lynn are 51. Basketball Hall of Famer David Robinson is 50. Actor Jeremy Ratchford is 50. Actor Benito Martinez is 47. Country singer Lisa Stewart is 47. Movie writer-director M. Night Shyamalan is 45. Actress Merrin Dungey is 44. Singer Geri Halliwell is 43. Actor Jason O'Mara is 43. Singer-actor David Campbell is 42. Actress Vera Farmiga is 42. Actress Ever Carradine is 41. Actress Soleil Moon Frye is 39. Actress Melissa George is 39. Rock singer Travis McCoy (Gym Class Heroes) is 34. Actor Leslie Odom Jr. is 34. Actress Romola Garai is 33. Rock musician Eric Roberts (Gym Class Heroes) is 31.

**Thought for Today:** "If you want something done, ask a busy person to do it. The more things you do, the more you can do." — Lucille Ball, American actress-comedian (born this date in 1911, died 1989).

## FROM THE BIBLE

Consider yourselves dead to sin and alive to God in Christ Jesus. Romans 6:11. Portals of Prayer, Concordia Publishing House, St. Louis.

## LETTERS TO THE EDITOR

## 'Delightful' Play

Pat Cerny, Yankton

If you have wondered about the latest Lewis and Clark Theater Company production, "Young Frankenstein," don't wonder — go buy a ticket. This is a delightful spoof on the original Frankenstein story. The cast is super, the choreography is great, the scene changes are very well done and the changes go quite smoothly. The orchestra does a wonderful job.

We were in awe of the amount of memorizing that the lead role — Dr. Frankenstein — had to not only learn, but remember as well. Kudos to all the cast, the director, the choreographer, the "behind the scene" workers who created great backdrops and the musicians. This is one of the best we have seen in numerous communities.

Thank you for giving so much of your time and talent to the community.

STAR TRIBUNE EagleCartoons.com



Thomas E. Simmons

A Tale Of Horseplay And  
Workers' Compensation

BY THOMAS E. SIMMONS

University of South Dakota

Today, when Congress seems paralyzed by the conflicting ideologies of the major parties, the workers' compensation system represents an earlier age (about a hundred years earlier) when compromise, perhaps, was easier to achieve.

The compromise at the core of workers' compensation law is limited coverage for workplace injuries on the one hand, with a no-fault basis of recovery and a ready pool of funds for those workers on the other. Workers injured on the job do not need to prove employer negligence, but their damages are capped. An injury must "arise out of" and occur "in the course of" employment to be compensable.

In Petrick vs. JJ Concrete, Inc., Jason Petrick sought workers' compensation benefits for a broken ankle he'd suffered at work.

Petrick worked as a concrete laborer for JJ Concrete. Petrick pinned footings, placed stake lines, and set foundation forms at various job sites. Periods of idleness were common when he and his co-workers needed to wait for other work to be completed or for a concrete truck to arrive. During breaks, Petrick was expected to put away tools and clean up the site.

Petrick and his co-workers preferred playing tricks to engaging in busy work during these lulls. They liked to fill someone's lunchbox with dirt. They enjoyed putting chalk in someone's gloves.

On one hot day in August 2012, Petrick was on his lunch break waiting for a load of concrete to arrive on the site. Some of the workers were relaxing in an air-conditioned truck. Petrick walked up to the truck and told Kevin Cole that one of the workers at the other end of the job site needed to talk to him. Cole exited. Petrick happily took a seat inside the truck. He cooled off and smoked a cigarette.

Five minutes later, Petrick went back to the job site. He met glances with the perturbed Cole, who scowled at him. Petrick took off running. Cole

chased him. As Petrick jumped over a four-foot trench, he landed awkwardly and broke his ankle.

JJ Concrete and its insurer refused to pay for Petrick's medical expenses and temporary disability payments while he was off work. JJ Concrete specifically prohibited horseplay on the job.

Therefore, Petrick's broken ankle did not arise out of his employment, JJ Concrete concluded. After all, chasing a co-worker across a construction site in no way furthered JJ Concrete's business interests.

On the other hand, Petrick was injured in part because he was required to standby and remain idle until a concrete truck arrived. And construction workers playing pranks on their co-workers during these idle periods are probably quite common.

The South Dakota Supreme Court turned to a four-factor horseplay test for such scenarios first articulated in a 1992 case against the John Morrell

company. The factors consider the extent and completeness that horseplay deviated from job duties, how expected horseplay among co-workers might be, and whether horseplay had become acceptable on the job in question.

JJ Concrete described Petrick's running as "screwing around, a personal frolic." The Court characterized Petrick's mischief as minor and a fairly predictable occurrence for construction workers. "However misguided, the extent of Petrick's momentary and impulsive deviation during a lull in work was insubstantial," said the Court, citing a case where a firefighter had joked and wrestled around with another firefighter coming on duty.

Because workers' compensation laws are intended to be construed liberally in favor of the injured worker, even when he is a bit of a prankster, the court held for Petrick.

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

## When Ex-Presidents Cash In

BY STEVEN STRAUSS

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President Harry Truman once said that he would never lend himself "to any transaction, however respectable, that would commercialize on the prestige and dignity of the office of the presidency." His successors have not held themselves to the same standard.

Ronald Reagan had a lucrative post-White House career trading on his presidential experience. So did George H.W. Bush. But George W. Bush and Bill Clinton have achieved new lows. Clinton has received more than \$100 million just in speaking fees. He charged \$500,000 to appear at a 2014 fundraiser for tsunami relief (which he donated to his own foundation), while Bush (who initiated the Iraq war) charged the veterans' charity Wounded Warriors \$100,000, along with transportation by private jet, to speak at a 2012 event.

Since we have no uniform reporting standard on the activities of former presidents, we don't even know the full extent of these payments, their sources and what they are intended to accomplish. With the spirit of Truman long gone, it's time for Congress to impose some restrictions.

It's not as if former presidents would risk poverty if they avoided the lecture circuit. By law, each ex-president receives a pension of about \$200,000 a year, Secret Service protection, and support (currently about \$1 million a year) to pay for maintaining a personal office and staff. Book publishers also pay former presidents exceedingly well for their memoirs (advances are now routinely in the seven figures).

Accepting cash from a charity may seem harmless enough. Charities pay former presidents to appear at events because their presence adds cachet and boosts ticket sales. Even after speaking fees, the charities clear a profit. But there's a risk that donors will — quite wrongly — believe the former president is personally involved in the charity when, in fact, he's just a gun for hire. And shilling, even for a good cause, isn't exactly presidential — at least not in the old sense of that word.

Additional concerns arise from paid speeches in countries whose values (on human rights, free speech, etc.) are very different from our own, and where a former president's appearance may be spun as American support for despicable policies. George W. Bush and Clinton have accepted money to speak in Saudi Arabia, the United Arab Emirates, China and Russia.

These two former presidents have also rented their prestige to a long list of private, moneymaking entities — Goldman Sachs, Morgan Stanley Dean Witter, Cayman Island Alternative Investment Conference and Union Bank of Switzerland — with an obvious interest in influencing federal regulatory policy.

UBS is a particularly troubling example be-

cause it has had so much trouble with the law.

Over the last two decades, it's paid billions in fines, admitted criminal guilt under deferred prosecution agreements and/or settled charges for numerous violations. These include the following multiyear conspiracies (the dates reflect when UBS admitted guilt and/or paid fines to settle charges): In 1998, the theft of assets belonging to Holocaust victims; in 2004, illegally transferring funds to countries under U.S. trade embargo; in 2009, operating schemes to help U.S. citizens illegally avoid payment of income tax; in 2011, rigging the U.S. municipal bond market; in 2012, rigging the LIBOR interest rate market; in 2014, defrauding the Federal Housing Agency; and most recently, in 2015, rigging foreign exchange markets.

This dubious organization employed George W. Bush and Clinton at a series of events from 2011 through 2015, and paid them well for their services — about \$100,000 to \$200,000 for each appearance. It's not difficult to imagine UBS telling clients: If two former presidents are willing to work with us and be prominently listed on our website, with a company logo next to their pictures, why should anyone question our integrity?

When a former president appears at an event, that sends a message to prosecutors, regulators and the State Department. The message: The sponsoring organization, country or person has friends in high places, and ought to be treated very carefully.

The United States has laws, however imperfect, restricting what civil servants and members of Congress can do after leaving office. Former senior civil servants, for instance, are subject to a one-year prohibition on working in any capacity for a foreign government, if their intent is to influence a U.S. department or agency. And federal law bars former senators from communicating with their former colleagues for two years after leaving office, if their intent is to influence official actions. Violations are a criminal offense.

Why not rein in former presidents too, possibly by making their pensions and other benefits contingent on good behavior?

Former presidents shouldn't be allowed to accept payments from any foreign country whatsoever, or from any company under criminal investigation or with a guilty plea (or settlement) for criminal charges. They should also publicly report all donations and fees received from all sources (including charities). Disclosure of these transactions should help police the process.

At any rate, something has to change; the current situation is a national embarrassment.

Steven Strauss is a visiting professor at Princeton University's Woodrow Wilson School of Public and International Affairs. He has advised senior public sector leaders in Europe, the Middle East and the United States. He wrote this for the Los Angeles Times.