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OPINION | OUR VIEW

NSA's Setback And The Choice We Face

A federal judge has, at least for the moment, struck a powerful blow against secret surveillance in this country. U.S. District Judge Richard Leon's 68-page opinion ripping apart the National Security Agency's (NSA) vast program of mining metadata from American telephone records was a major judicial pushback against a secretive program that has been with us for years but few people knew about until Edward Snowden famously, or infamously, blew the lid off the situation earlier this year.

For that aforementioned moment, it's a victory of sunlight over dark secrecy — specifically, over a shadow legal system that functions out of sight but touches millions of lives.

This decision, which was handed down in a District of Columbia court Monday, may be overturned by an appeal filed by the government. But the "damage" — if that's the word you'd want to use here — has already been done: the darkness has been exposed to the light, and there is no going back into hiding for this particular program, at least.

Leon ruled that the NSA's collecting of metadata — which are phone records showing the number of calls made and the times they were made, as opposed to the content — was "probably unconstitutional." Issuing the opinion in favor of five plaintiffs who challenged the practice, Leon said the NSA's program "surely ... infringes on 'that degree of privacy' that the Founders enshrined in the Fourth Amendment." That amendment declares that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated ..." Obviously, the Founders knew nothing of telephones, let alone wireless connections and metadata; but the spirit of their idea remains valid, clear and alive.

Leon added that the government's defense of the program — that it's designed to root out foreign-generated threats to U.S. security — "does not cite a single instance in which analysis of the NSA's bulk metadata collection actually stopped an imminent attack, or otherwise aided the government in achieving any objective that was time-sensitive in nature."

This potent rebuke certainly adds more fuel to the fiery debate over this kind of domestic surveillance.

But it also further blurs the uncomfortable line we face as we try to protect our country and our liberties — two essential objectives that sometimes seem at odds with one another.

Americans are both guided and hounded by the observation of Benjamin Franklin, who (in various ascribed wordings) remarked, "Those who surrender freedom for security will not have, nor do they deserve, either one." That's a blunt warning, to be sure. But if the alternative to surrendering freedom for security is to be free but defenseless ... well, the choice becomes rather more difficult.

Monday's court decision, which won't nearly be the last word on the matter, forces us again to weigh the value of our liberty and whether it's sometimes a counterweight to our security. We all demand our freedom, but there will again come a time when — in the aftermath of something tragic and, at this moment, unthinkable — we will wonder if we did enough.

Is our freedom worth enough to compromise it? That sounds like a paradox, but in this post-9/11 age of phantoms and nightmares, nothing can be so easily dismissed as a needless and unrealistic contradiction.

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SPEAK UP!

Share your thoughts with us. Write to the PRESS & DAKOTAN on a topic of the day or in response to an editorial or story. Write us at: Letters, 319 Walnut, Yankton, SD 57078, drop off at 319 Walnut in Yankton, fax to 665-1721 or email to views@yankton.net.

ON THIS DATE

By The Associated Press

Today is Wednesday, Dec. 18, the 352nd day of 2013. There are 13 days left in the year.

Today's Highlight in History: On Dec. 18, 1865, the 13th Amendment to the Constitution, abolishing slavery, was declared in effect by Secretary of State William H. Seward.

On this date: In 1787, New Jersey became the third state to ratify the U.S. Constitution.

In 1863, in a speech to the Prussian Parliament, Prime Minister Otto von Bismarck declared, "Politics is not an exact science."

In 1892, Tchaikovsky's ballet "The Nutcracker" publicly premiered in St. Petersburg, Russia.

In 1912, fossil collector Charles Dawson reported to the Geological Society of London his discovery of supposedly fragmented early human remains at a gravel pit in Piltdown.

In 1915, President Woodrow Wilson, widowed the year before, married Edith Bolling Galt at her Washington home.

In 1940, Adolf Hitler ordered secret preparations for Nazi Germany to invade the Soviet Union. (Operation Barbarossa was launched in June 1941.)

In 1958, the world's first communications satellite, SCORE (Signal Communication by Orbiting Relay Equipment), nicknamed "Chatterbox," was launched by the United States aboard an Atlas rocket.

In 1971, the Rev. Jesse Jackson announced in Chicago the founding of Operation PUSH (People United to Save Humanity).

In 1972, the United States began heavy bombing of North Vietnamese targets during the Vietnam War. (The bombardment ended 11 days later.)

In 1980, former Soviet Premier Alexei N. Kosygin died at age 76.

In 1998, the House debated articles of impeachment against President Bill Clinton. South Carolina carried out the nation's 500th execution since capital punishment resumed in 1977.

In 2011, the last convoy of heavily armored U.S. troops left Iraq, crossing into Kuwait in darkness in the final moments of a nine-year war.

Ten years ago: Two federal appeals courts ruled the U.S. military could not indefinitely hold prisoners without access to lawyers or American courts. A jury in Chesapeake, Va., convicted teenager Lee Boyd Malvo of two counts of capital murder in the Washington-area sniper shootings (he was later sentenced to life in prison without parole). A judge in Seattle sentenced confessed Green River

Killer Gary Ridgway to 48 consecutive life terms. Michael Jackson was formally charged with molesting a cancer-stricken boy at his Neverland Ranch; Jackson was acquitted at trial.

Five years ago: A U.N. court in Tanzania convicted a former Rwandan army colonel, Théoneste Bagosora, of genocide and crimes against humanity for masterminding the killings of more than half a million people in a 100-day slaughter in 1994. (Bagosora was sentenced to life in prison, but had his sentence reduced in 2011 to 35 years.) W. Mark Felt, the former FBI second-in-command who'd revealed himself as "Deep Throat" three decades after the Watergate scandal, died in Santa Rosa, Calif., at age 95. "Star Trek" actress Majel Barrett Roddenberry, widow of series creator Gene Roddenberry, died in Los Angeles at age 76.

One year ago: Classes resumed in Newtown, Conn., except at Sandy Hook Elementary School, the scene of a massacre four days earlier. Two bank robbers pulled off a daring escape from downtown Chicago's high-rise jail by scaling down 17 stories using a makeshift rope. (Kenneth Conley and Jose Banks were later recaptured.) Texas A&M quarterback Johnny Manziel became the first freshman to be voted The Associated Press Player of the Year in college football.

Today's Birthdays: Former U.S. Attorney General Ramsey Clark is 86. Actor-producer Roger Smith is 81. Blues musician Lonnie Brooks is 80. Actor Roger Mosley is 75. Rock singer-musician Keith Richards is 70. Writer-director Alan Rudolph is 70. Movie producer-director Steven Spielberg is 67. Blues artist Ron Piazza is 66. Movie director Gillian Armstrong is 63. Movie reviewer Leonard Maltin is 63. Rock musician Elliot Easton is 60. Actor Ray Liotta is 58. Comedian Ron White is 57. Actor Brad Pitt is 50. Professional wrestler-turned-actor "Stone Cold" Steve Austin is 49. Actor Shawn Christian is 48. Actress Rachel Griffiths is 45. Singer Alejandro Sanz is 45. Country/rap singer Cowboy Troy is 43. Rapper DMX is 43. International Tennis Hall of Famer Arantxa Sanchez Vicario is 42. DJ Lethal (Limp Bizkit) is 41. Country singer Randy Houser is 37. Actor Josh Dallas is 35. Actress Katie Holmes is 35. Singer Christina Aguilera is 33. Christian rock musician Dave Luetkenhoelter (Kutless) is 31. Actress Ashley Benson is 24. Actress-singer Bridgit Mendler is 21. Actress Isabella Cramp (TV: "The Neighbors") is nine.

Thought for Today: "No one worth possessing can be quite possessed." — Sara Teasdale, American author and poet (1884-1933).

FROM THE BIBLE

"I will not forget you." Isaiah 49:15. Portals of Prayer, Concordia Publishing House, St. Louis



Charity Begins At Home — Especially Wealthy Homes

BY ROBERT B. REICH

Tribune Content Agency

It's charity time, and not just because the holiday season reminds us to be charitable. As the tax year draws to a close, the charitable tax deduction beckons.

America's wealthy are its largest beneficiaries. According to the Congressional Budget Office, \$33 billion of last year's \$39 billion in total charitable deductions went to the richest 20 percent of Americans, of whom the richest 1 percent reaped the lion's share.

The generosity of the super-rich is sometimes proffered as evidence they're contributing as much to the nation's well-being as they did decades ago, when they paid a much larger share of their earnings in taxes. Think again.

Undoubtedly, super-rich family foundations, such as the Bill and Melinda Gates Foundation, are doing a lot of good. Wealthy philanthropic giving is on the rise, paralleling the rise in super-rich giving that characterized the late 19th century, when magnates (some called them "robber barons") like Andrew Carnegie and John D. Rockefeller established philanthropic institutions that survive today.

But a large portion of the charitable deductions now claimed by America's wealthy are for donations to culture palaces — operas, art museums, symphonies and theaters — where they spend their leisure time hobnobbing with other wealthy benefactors.

Another portion is for contributions to the elite prep schools and universities they once attended or want their children to attend. (Such institutions typically give preference in admissions, a kind of affirmative action, to applicants and "legacies" whose parents have been notably generous.)

Harvard, Yale, Princeton and the rest of the Ivy League are worthy institutions, to be sure, but they're not known for educating large numbers of poor young people. (The University of California at Berkeley, where I teach, has more poor students eligible for Pell Grants than the entire Ivy League put together.) And they're less likely to graduate aspiring social workers and legal defense attorneys than aspiring investment bankers and corporate lawyers.

I'm all in favor of supporting fancy museums and elite schools, but face it: These aren't really charities as most people understand the term. They're often investments in the lifestyles the wealthy already enjoy and want their children to have as well. Increasingly, being rich in America means not having to come across anyone who's not.

The Saddest Wish Lists Ever

BY DIANA WAGMAN

© 2013, Los Angeles Times

I was standing in line at the post office when a sign caught my eye: "Operation Santa 2013." According to the poster, "answering letters to Santa has been a holiday custom for over 100 years." Those who wanted to participate could choose one of the many letters to Santa received by the post office and write back as Santa, sending the gift requested.

How cute, I thought. Kids request presents from "Santa" and they actually arrive.

I remember walking to the mailbox with my own letters to Santa as a child. One of my mother's favorite Christmas stories was how, when I was 4, I mistakenly threw my peanut butter sandwich into the mailbox instead of my letter. Santa brought me a whole jar of peanut butter that year.

I couldn't wait until my kids were old enough to write letters to Santa. Now they are too old for Santa Claus and I miss him, so Operation Santa seemed perfect for me.

Bright and early on Dec. 3, the first day the program got under way, I drove to the main Los Angeles post office at Gage and Central to choose my letter. I walked into a large, decorated room where Cleo, the "elf in charge," was waiting. I expected letters full of misspelled words and little-kid grammar, asking for Legos and Barbies, skateboards and My Little Pony. I knew there'd be those who asked for phones or iPads or Xboxes, or other things out of my price range, but I figured I could find some little boy who still wanted a fire engine.

What I found were pleas from parents. A mother out of work said her family would eat, but there wouldn't be any presents. A dad wrote that his kids needed school supplies. Parents with two kids, three kids, maybe more, were hoping for help with what they couldn't provide. A dad just out of prison

YOUR LETTERS

Successful Benefit

Pat and Aaron Schulte, Yankton
We would like to say thank you to all those that helped in any way through donations, selling tickets, donating prizes and prayers and good wishes for the Patrick Schulte Benefit for follicular lymphoma. People gave things from Yankton to Burke, Gregory and all over.

We would also like to thank Hy-Vee for letting us sit in the lobby for a day and sell raffle tickets. The Benefit was a huge success and has helped them with bills, etc. Of course there will be lots to come but we are all so thankful for the good people of the area.
It's impossible to mention name by name but

They're also investments in prestige — especially if they result in the family name being engraved on a new wing of an art museum, symphony hall or ivied dorm.

It's their business how they donate their money, of course. But not entirely.

As with all tax deductions, the government has to match the charitable deduction with additional tax revenues or spending cuts; otherwise, the budget deficit widens.

In economic terms, a tax deduction is exactly the same as government spending. Which means the government will, in effect, hand out \$40 billion this year for "charity" that's going largely to wealthy people who use much of it to enhance their lifestyles.

To put this in perspective, \$40 billion is more than the federal government will spend this year on Temporary Assistance for Needy Families (what's left of welfare), school lunches for poor kids and Head Start put together.

Which raises the question of what the adjective "charitable" should mean. I can see why a taxpayer's contribution to, say, the Salvation Army should be eligible for a charitable tax deduction. But why, exactly, should a contribution to the Guggenheim Museum or to the Harvard Business School?

A while ago, New York's Lincoln Center held a fundraising gala supported by the charitable contributions of hedge-fund industry leaders, some of whom take home \$1 billion a year. I may be missing something, but this doesn't strike me as charity, either. Poor New Yorkers rarely attend concerts at Lincoln Center.

What portion of charitable giving actually goes to the poor? The *Washington Post's* Dylan Matthews looked into this, and the best he could come up with was a 2005 analysis by Google and Indiana University's Center for Philanthropy showing that even under the most generous assumptions, only about a third of "charitable" donations were targeted to helping the poor.

At a time in our nation's history when the number of poor Americans continues to rise, when government doesn't have the money to do what's needed, and when America's very rich are richer than ever, this doesn't seem right.

If Congress ever gets around to revising the tax code, it might consider limiting the full charitable deduction to real charities.

Robert Reich, former U.S. Secretary of Labor, is professor of public policy at the University of California at Berkeley and the author of "Beyond Outrage," now available in paperback. His new film, "Inequality for All," was released last month. He blogs at www.robertreich.org.)

wanted to make Christmas special for the kids he hadn't seen for so long. A disabled grandmother asked for a church dress for her granddaughter.

I was overwhelmed. Many of the letters — even the ones from kids — asked for groceries and shoes, clothing and shampoo. One child wrote: "Please bring my mommy some food. She's been good this year."

Elf Cleo sat beside me at the table checking in a new batch of letters. She told me 90 percent of the Santa requests sent to the post office never get answered. Many are written at homeless shelters and city food banks and after-school programs. (I found one letter in which a young teenager asked for gifts for the shelter workers.) Cleo said that every once in a while a family's gift comes back unopened, marked address unknown. She wonders: Have they moved into a shelter? A car? Onto the street?

I read a lot of letters, and I felt worse and worse. I didn't know how to choose. The single dad who needed diapers? The 17-year-old asking for a backpack for her little sister? I believe in holiday magic, but there just didn't seem to be enough of it to go around.

I selected letters from two families, one with four kids, one with three. One of the girls asked for a truck for her little brother, "he make-believes our shoes are cars and trucks." I'll send some toys, but mostly it'll be clothes and supplies and gift cards to grocery stores.

Nobody in the letters I selected asked for an Xbox, but I wish I had the money for one to send to the 11-year-old boy living in a shelter who wrote this: "Dear Santa: I want an Xbox. I ask for it every year and I never get it. I guess I have been too bad."

Diana Wagman's most recent novel is "The Care and Feeding of Exotic Pets." She wrote this for the *Los Angeles Times*.

God bless you all. It really puts love in your hearts to know people still care and are willing to help when some one needs it. We still need a lot of prayers and encouragement. You have all helped make our holiday season a little brighter knowing you care.
Thank you and may God Bless you and yours.

Kindness

Danika Novak, Wagner
A random act of kindness: I would like to thank the woman who saw a poor college student and stepped forward and paid my bill. I will never forget this and you have no idea how grateful I am. You truly are a great lady and I thank you!