

The Press & Dakotan

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OPINION OTHER VIEWS

No Sympathy For Clock-Making Teen

PITTSBURGH POST-GAZETTE (Nov. 30): Whatever sympathy America had for Ahmed Mohamed has been extinguished, thanks to a shameless money grab by the teen's family.

The 14-year-old who was handcuffed and detained after taking a homemade clock to school in Irving, Texas, became a celebrity and a symbol of American Islamophobia.

The family's actions since the arrest, however, erase months of goodwill and have even raised suspicions in some circles that the incident was actually a stunt.

“Cool clock, Ahmed. Want to bring it to the White House?”

In response to this outpouring of affection, what did Ahmed's family do? First, they announced they were moving to Qatar. Then, last week, their attorney said they would be seeking formal apologies from the school district and police, as well as \$15 million in damages for suffering that they recently realized they experienced. “Everyone in the country and around the world believes this has been a wonderful experience for Ahmed's family, and in some ways, it has been. But now they are settled in Qatar, they have realized they are tremendously traumatized,” a family friend told *The Washington Post*.

It's more likely that now that they are settled in Qatar, they realize a couple of million dollars would come in handy. Ahmed's detention, while unfortunate, was short-lived, and America embraced him and his family in its wake. Their departure and subsequent demands make them look like opportunists, or worse.

P&D 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.

IN HISTORY

By The Associated Press

Today is Thursday, Dec. 3, the 337th day of 2015. There are 28 days left in the year.

Today's Highlight in History: On Dec. 3, 1965, The Beatles' sixth studio album, “Rubber Soul,” was released in the United Kingdom by Parlophone (it was released in the U.S. by Capitol Records three days later).

On this date: In 1810, British forces captured Mauritius from the French, who had renamed the island nation off south-east Africa “île de France.”

In 1818, Illinois was admitted as the 21st state.

In 1828, Andrew Jackson was elected president of the United States by the Electoral College.

In 1833, Oberlin College in Ohio — the first truly coeducational school of higher learning in the United States — began holding classes.

In 1925, George Gershwin's Concerto in F had its world premiere at New York's Carnegie Hall, with Gershwin at the piano.

In 1947, the Tennessee Williams play “A Streetcar Named Desire” opened on Broadway.

In 1953, the musical “Kismet,” featuring the song “Stranger in Paradise,” opened on Broadway.

In 1960, the Lerner and Loewe musical “Camelot” opened on Broadway.

In 1967, surgeons in Cape Town, South Africa led by Dr. Christiaan Barnard performed the first human heart transplant on Louis Washkansky, who lived 18 days with the new heart. The 20th Century Limited, the famed luxury train, completed its final run from New York to Chicago.

In 1979, 11 people were killed in a crush of fans at Cincinnati's Riverfront Coliseum, where the British rock group The Who was performing.

In 1984, thousands of people died after a cloud of methyl isocyanate gas escaped from a pesticide plant operated by a Union Carbide subsidiary in Bhopal, India.

In 1991, radicals in Lebanon released American hostage Alann Steen, who'd been held captive nearly five years.

Ten years ago: Economic officials from the world's richest countries resumed their pressure on China to adopt a more flexible exchange rate as they concluded a meeting in London. Insurgents

killed 19 Iraqi soldiers in a coordinated ambush northeast of Baghdad. Vice Adm. Frederick L. “Dick” Ashworth, USN (Ret.), the weaponer aboard the B-29 that dropped the atomic bomb on Nagasaki, Japan, died in Phoenix, Arizona, at age 93.

Five years ago: During a surprise holiday-season visit to Afghanistan, President Barack Obama told cheering U.S. troops at Bagram Air Field they were succeeding in their mission to fight terrorism; however, foul weather prevented Obama from meeting with President Hamid Karzai in Kabul to address frayed relations. The Labor Department reported the U.S. unemployment rate had risen in November 2010 to 9.8 percent after three straight months at 9.6 percent.

One year ago: A Staten Island, New York, grand jury declined to indict police officer Daniel Pantaleo in the July 2014 chokehold death of Eric Garner, an unarmed black man stopped on suspicion of selling loose, untaxed cigarettes. Herman Badillo, a Bronx politician who was the first person born in Puerto Rico to become a U.S. congressman, died at age 85.

Today's Birthdays: Movie director Jean-Luc Godard is 85. Singer Jaye P. Morgan is 84. Actor Nicolas Coster is 82. Actress Mary Alice is 74. Rock singer Ozzy Osbourne is 67. Actress Heather Menzies Urlich is 66. Rock singer Mickey Thomas is 66. Country musician Paul Gregg (Restless Heart) is 61. Actor Steven Culp is 60. Actress Daryl Hannah is 55. Actress Julianne Moore is 55. Olympic gold medal figure skater Katarina Witt is 50. Actor Brendan Fraser is 47. Singer Montell Jordan is 47. Actor Royale Watkins is 46. Actor Bruno Campos is 42. Actress Holly Marie Combs is 42. Actress Liza Lapira is 40. Actress Lauren Roman is 40. Pop-rock singer Daniel Bedingfield is 36. Actress Anna Chlumsky is 35. Actor Brian Bonsall is 34. Actress Dascha Polanco (TV: “Orange Is the New Black”) is 33. Pop/rock singer-songwriter Andy Grammer is 32. Actress Amanda Seyfried is 30. Actor Michael Angarano is 28. Actor Jake T. Austin is 21.

Thought for Today: “Facing it, always facing it, that's the way to get through. Face it.” — Joseph Conrad, Polish-born English novelist (born this date in 1857, died 1924).

FROM THE BIBLE

They were all filled with the Holy Spirit and began to speak in other tongues as the Spirit gave them utterance. Acts 2:4. Portals of Prayer, Concordia Publishing House, St. Louis.

LETTERS TO THE EDITOR

Liberation Memories

Fernande C. Bitsos, Yankton

Thank you to reporter Randy Dockendorf for his unexpected interview about Paris and Morocco (“A Light Defiant,” *Press & Dakotan*, Nov. 17). It brought up many memories of my childhood in the ex-French-Protectorate of Morocco where I was born, and the landing of American troops in Casablanca and adjoining beaches in November 1942.

I will never forget those GIs passing through the Avenue of France (while walking to my Lycéum, or high school), waving

at us French, Jews and Moroccan students, throwing us chewing gum and small tin cans of GI coffee, on their way to the Middle East, Algeria first and farther on. We didn't have small American flags to wave at the convoys, only blowing them kisses on their way to battle.

President F. D. Roosevelt and GIs were our heroes. We had heard about America but had no idea where it was located until we asked our teacher. WOW! That was pretty far from where we lived.

Que Dieu Bénisse l'Amérique!



Thomas E. Simmons

Warnings, Washouts: 3 Out Of 4 Won't Do

BY THOMAS E. SIMMONS

University of South Dakota

Harding County, in the far Northwestern corner of South Dakota, is the state's fourth largest county by area and its second least populous. To say it's rural in character would be an understatement.

On spring night, Ryan Stensland and his daughter were travelling east on Harding County Road 734 between the town of Ralph and the Highway 79 intersection. Encountering washboard conditions, he slowed down. Then, mistaking a delineator post in the middle of a washout for a marking of the edge of the road, his vehicle fell into the washout. Stensland's leg was broken in the crash.

Harding County had been warned of the washout by another resident the month before. The county responded by marking it with orange cones and “type I barricades” (2 x 3 foot folding markers with reflective tape). An unknown someone had placed the delineator post in the middle of the washout. Typically, delineator posts on rural roads mark the edge of the road where a culvert ends.

Stensland would testify that he had not seen any warning signs of dangerous road conditions. The trial judge concluded that the markers that the county had erected were legally inadequate. Safety statutes enacted in the 1920s required the County to use larger barricades in order to prevent accidents like Stensland's.

Stensland sued Harding County for negligence. To recover under a theory of negligence, a plaintiff must prove that the defendant breached a duty of care to him, causing an injury. Broken down, the elements of negligence are: (1) duty; (2) breach; (3) causation; and (4) damages.

In Stensland v. Harding County, it was undisputed that the county owed Stensland a duty to keep its roads safe and that Stensland had suffered damages (his broken leg). The trial judge instructed the jury that in violating the safety

statutes, the county had breached its duty.

“Negligence per se” is an exception to the general approach where a jury must decide whether the defendant breached a duty (that is, acted carelessly). When a statute requires certain conduct, the defendant deviates from that requirement, and an injury of a type that the rule was designed to prevent results, the doctrine of negligence per se applies. The jury is simply instructed that the defendant breached a duty.

Thus, in Stensland's lawsuit, he had met his burden on three of the four elements of negligence before the jury even began to deliberate: duty, breach, and damages (although perhaps not the precise degree of damages). Yet the jury returned a verdict for the county.

On appeal, Stensland argued not only that he shouldn't have lost, but that he couldn't have; he had established three of the four elements of negligence and causation (the fourth element) wasn't disputed. The South Dakota Supreme Court disagreed.

The county had argued at trial that the deficient signage was still sufficient to warn Stensland of the washout. Stensland had been travelling along County Road 734 earlier (as a passenger) and the driver had swerved around a fallen sign, but Stensland hadn't seen it when he came from the other direction. The jury was then shown pictures taken the next day showing the sign lying in the middle of the road. Perhaps, the jury could have reasoned, Stensland would have crashed into the washout even if the County's signage had been more conspicuous. This kind of reasoning would mean that Stensland had failed to establish causation.

It's sometimes said three out of four ain't bad. But with negligence, only four out of four (elements) counts as a win.

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.

Deranged And Dangerous

BY KATHLEEN PARKER

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WASHINGTON — Predictably, the killing rampage at a Colorado Springs Planned Parenthood facility has prompted a political scrimmage of the usual sort.

From the pro-choice front, we hear that pro-lifers and Republican rhetoric made the killer do it. Or, at least, they created an environment in which a deranged person might become unhinged.

From the pro-life trenches, we hear, *There they go again, blaming the messenger*, apparently referring to a series of undercover videos in which Planned Parenthood employees, including doctors, casually discussed collecting and delivering “fetal tissue,” aka intact organs from pre-term babies, for medical research.

“No more baby parts,” the alleged killer reportedly said upon his arrest after three people were fatally shot and nine others wounded.

Suspect Robert Lewis Dear, 57, has been consistently described in the media and by others as “deranged,” the basis of which is his appearance. Photos showed Dear appearing to be in a disheveled state, to put it kindly. Otherwise, derangement is the only plausible explanation to sane people. How else could a person do such a thing?

Meanwhile, the usual questions have kept us busy: Do we need more rational gun control? (Yes.) Are we doing enough about the mentally ill? (No.) Do we need to tame our rhetoric? (Tricky.)

Whose voices would we stifle? (I'm making a list.) But, how?

Mostly, we want to understand what happened so that we can prevent the next incident. But in a free country, can we ever fully protect ourselves from the murderous intent of the truly insane, the drug addled or a rage that toples reason?

What is murder's tipping point? While responsible writers and commentators have avoided making a cause-and-effect argument, a consensus has congealed around the idea that though the rhetoric didn't cause the action, it contributed to it, probably. Dear, in other words, either watched, read or heard about the videos in question, perhaps from Republican presidential candidates and, being deranged, simply went ballistic. Unforgettable was the description Carly Fiorina offered during a debate of a live, aborted fetus that, one might infer, was subsequently murdered for its innards.



Thomas E.

SIMMONS



Kathleen

PARKER

The image she described exists, apparently, but it wasn't from any of Planned Parenthood's facilities.

The videos in question are certainly controversial, and accomplished what they were intended to do — to make vividly real the sometimes-brutal reality of abortion, though the vast majority of abortions are first-term. This is no consolation to people who morally

object to terminating a pregnancy at any point in gestation, as we know from 40 years of divisive debate. To people who oppose abortion, exposing the casual harvesting of body parts was simply another layer of banality attached to the already horrific.

It isn't necessary to resort to hyperbole or inexactitude, as some have done, to bestir an ethical conundrum in many a moral mind. Even the liberally pro-choice Hillary Clinton described the videos as “disturbing” when she first became aware of them — and before she was schooled by her pro-choice supporters. Clinton did

make an honorable recommendation to study fetal-tissue procurement from abortion across the board. This would eliminate some of the political jockeying and place the issue in the bioethical realm where it belongs.

Meanwhile, as abhorrent as we find the shooter's actions, we should tread carefully in assigning broader blame. One man may have heard fiery rhetoric and decided to kill people, but 322 million other Americans went about their day as usual. The rationale we seek for mass killings may ultimately be elusive because a variety of variables are usually in play.

In time, perhaps the suspect will provide answers, which we can parse in