

# The Press Dakotan

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**OPINION OTHER VIEWS**

## Despite Snub, Show Up For Netanyahu

**SUN-SENTINEL, Fort Lauderdale, Florida (Feb. 11):** Make no mistake. Republicans started this whole brouhaha over Israeli Prime Minister Benjamin Netanyahu's upcoming speech to Congress. It's just too bad some Democrats are following the GOP into the sandbox.

If you wonder why Congress has an approval rating hovering around single digits — and if you have been paying attention, you shouldn't wonder — the controversy over Netanyahu's speech should give you some insight.

Granted, Netanyahu should never have accepted the invitation, knowing it came from Republican House Speaker John Boehner, who violated protocol by failing to consult with President Barack Obama before asking a head of state to address Congress. With his actions, Boehner insulted the president. By accepting, so did Netanyahu.

But Netanyahu is a tough politician facing re-election. He sees the March 3 speech to a joint session of Congress as his chance to call for new and tougher sanctions against Iran for its nuclear agenda. Obama has resisted tightening the screws, given the sensitive negotiations underway right now to restrict Iran's nuclear capabilities.

Netanyahu and Obama have had a frosty relationship, at best. And with his election coming up, Netanyahu knows it is to his advantage to sound tough on Iran and the current negotiations.

"A bad deal with Iran is forming in Munich that will endanger Israel's existence," Netanyahu said this week. "This is not a political issue, nor a party issue."

Yes, Israel has the most to lose from a nuclear Iran. But no matter what Netanyahu says, his scheduled address has become a political issue — and a party issue — in this country.

Republicans are jumping on the opportunity to embarrass Obama. And some Democrats, many of whom have no great love for Netanyahu, are standing by the president and planning to boycott the speech.

At last count, 12 House members, along with Vermont Sens. Bernie Sanders and Patrick Leahy, have said they won't attend, according to The Hill.com. Leahy called it a "tawdry and high-handed stunt." Rep. John Lewis of Georgia said the way it was scheduled was "an affront to the president and the State Department."

But Vice President Joe Biden will not be there. He reportedly will be traveling internationally on plans not yet announced. And President Obama has said he has no plans to meet with Netanyahu on this trip.

Again, this is a classic example of political gamesmanship, trying to one-up the opposing party. The people we send to Congress should be bigger than this, and should show respect for both the president of the United States and the prime minister of our biggest ally in the Middle East.

Unfortunately, proper respect and protocol are in short supply in Washington right now.

We encourage Democrats to rise above the fray and attend the speech, no matter that Netanyahu has blatantly snubbed the president and the many Democrats who have supported Israel in the past.

There have been reports this week that Israeli officials, wary of the controversy, were considering whether Netanyahu should speak to a closed-door session of Congress rather than give a prime-time TV address. There also is the option of Netanyahu changing the venue and speaking instead to the annual meeting of the American Israel Public Affairs Committee in Washington, which is meeting the same week.

But Netanyahu insists his audience be a joint session of Congress.

If he stands firm, Democrats should take the high road, show respect and attend. If Republicans want to stay in the sandbox, that's their choice.

### IN HISTORY

**By The Associated Press**  
Today is Thursday, Feb. 12, the 43rd day of 2015. There are 322 days left in the year.

**Today's Highlight in History:** On Feb. 12, 1809, Abraham Lincoln, the 16th president of the United States, was born in present-day Larue County, Kentucky.

**On this date:** In 1554, Lady Jane Grey, who'd claimed the throne of England for nine days, and her husband, Guildford Dudley, were beheaded after being condemned for high treason.

In 1818, Chile officially proclaimed its independence, more than seven years after initially renouncing Spanish rule.

In 1909, the National Association for the Advancement of Colored People was founded.

In 1914, groundbreaking took place for the Lincoln Memorial in Washington, D.C.

In 1915, the cornerstone was laid for the Lincoln Memorial.

In 1924, George Gershwin's "Rhapsody in Blue" premiered in New York.

In 1940, the radio play "The Adventures of Superman" debuted with Bud Collyer as the Man of Steel.

In 1959, the redesigned Lincoln penny — with an image of the Lincoln Memorial replacing two ears of wheat on the reverse side — went into circulation.

In 1963, a Northwest Orient Airlines Boeing 720 broke up during severe turbulence and crashed into the Florida Everglades, killing all 43 people aboard.

In 1973, Operation Homecoming began as the first release of American prisoners of war from the Vietnam conflict took place.

In 1995, Iron Butterfly bass player Philip "Taylor" Kramer disappeared; four years later, his skeletal remains were found inside his wrecked minivan in a ravine near Malibu, California.

In 1999, the Senate voted to acquit President Bill Clinton of perjury and obstruction of justice.

Ten years ago: Former presidential candidate Howard Dean was elected national Democratic chairman during the party's winter meeting. "The Gates," a 16-day art exhibit created by Christo and Jeanne-Claude, debuted in New York's

Central Park with the unfurling of saffron-colored fabric banners suspended from 16-foot-high frames.

**Five years ago:** On the day the Winter Olympics opened in Vancouver, British Columbia, Nodar Kumaritashvili, a 21-year-old luger from the republic of Georgia, was killed in a high-speed crash during a practice run. Three University of Alabama-Huntsville professors were gunned down during a faculty meeting; police charged neurobiologist Amy Bishop with capital murder. (Bishop later pleaded guilty and was sentenced to life in prison without the possibility of parole.)

**One year ago:** Legislation to raise the U.S. federal debt limit and prevent a crippling government default cleared Congress. Tina Maze of Slovenia and Dominique Gisin of Switzerland tied for gold in the Olympic women's downhill at Sochi; it was the first gold-medal tie in Olympic alpine skiing history. Actor-comedian Sid Caesar, 91, died in Beverly Hills, California.

**Today's Birthdays:** Movie director Franco Zeffirelli is 92. Actor Louis Zorich is 91. Baseball Hall-of-Fame sportscaster Joe Garagiola is 89. Movie director Costa-Gavras is 82. Basketball Hall-of-Famer Bill Russell is 81. Actor Joe Don Baker is 79. Author Judy Blume is 77. Former Israeli Prime Minister Ehud Barak is 73. Country singer Moe Bandy is 71. Actress Maud Adams is 70. Actor Cliff DeYoung is 69. Actor Michael Ironside is 65. Rock musician Steve Hackett is 65. Rock singer Michael McDonald is 63. Actress Joanna Kerns is 62. Actor-talk show host Arsenio Hall is 59. Actor John Michael Higgins is 52. Actor Raphael Sbarge is 51. Actress Christine Elise is 50. Actor Josh Brolin is 47. Singer Chynna Phillips is 47. Rock musician Jim Creeggan (Barenaked Ladies) is 45. Rhythm-and-blues musician Keri Lewis is 44. Actor Jesse Spencer is 36. Actress Sarah Lancaster is 35. Actress Christina Ricci is 35. NFL quarterback Robert Griffin III is 25. Actress Jennifer Stone is 22. Actresses Rylie and Baylie Cregut (TV: "Raising Hope") are five.

**Thought for Today:** "Determine that the thing can and shall be done, and then we shall find the way." — Abraham Lincoln (1809-1865).

### FROM THE BIBLE

*Immediately He called them, and they left their father Zebedee in the boat with the hired servants and followed Him. Mark 1:20. Portals of Prayer, Concordia Publishing House, St. Louis.*

### LETTERS TO THE EDITOR

#### Seeking Opportunity

**Pat Costello, Pierre**  
*Commissioner, Governor's Office of Economic Development*

Last month, the Governor's Office of Economic Development (GOED) and local economic development officers from across the state exhibited at the Shooting, Hunting and Outdoor Trade (SHOT) Show in Las Vegas, Nev. This is a growing industry with tremendous potential in South Dakota, and the SHOT Show is one of the many ways the GOED works to expand business and opportunity in the industry.

John Kramer from the Yankton Area Progressive Growth participated in our cooperative effort

that included eight South Dakota communities and one company.

For nearly a decade, the GOED has been teaming up with local entities to present South Dakota as a top-notch place to do business. We couldn't continue to represent the state to the magnitude we do without the help and hard work from communities like Yankton. By pooling our efforts, resources and funds, we are able to make our dollars stretch further, expand our reach and have a greater presence at the show.

This year, we had a great group and were able to secure a number of promising new leads which may, in turn, result in more companies calling South Dakota home.



### Thomas E. Simmons

## A Lease And A 'Review'

BY THOMAS E. SIMMONS

University of South Dakota

In the spring of 2011, a rancher in Custer County, Nebraska, signed a five-year cash lease with a tenant of some 800 acres of irrigated and dry land for \$125,790 per year. The lease provided: "An annual review of rental rates and terms will be completed in January of each year."

As the astute reader will anticipate that if the lease made it all the way to the Nebraska Supreme Court (and it did), the landlord and tenant must not have reached an agreement in one of those Januarys (and they didn't).

In January 2012, the parties agreed to a modification of rental rates for that crop year. Come January of 2013, no agreement on rental rates could be reached. The tenant submitted a check based on the 2012 rental rates and proceeded to farm the land. The landlord, Gibbons Ranches, sued.

In *Gibbons Ranches v. Bailey*, the landlord asserted that its tenant had failed to re-negotiate the rental rates in good faith and that the tenant farmed its ground for the 2013 crop year at unfair rental rates. The landlord claimed the agreement to conduct annual reviews of rental rates was ambiguous and that the court should allow oral testimony from the parties on the meaning of the sentence.

Courts apply the "parol evidence rule" to exclude oral testimony regarding the meaning of a lease or contract unless the terms are ambiguous and susceptible to more than one interpretation. The Nebraska trial court concluded that the lease was unambiguous and refused to hear any oral testimony.

The Nebraska Supreme Court affirmed. The rental rates were subject to an annual review. "Review" means "a looking over or examination with a view to amendment or improvement," explained the Court, citing Webster's Dictionary. A review might lead to a new

agreement. It might not. Here it didn't, so the latest agreed-on rental rate applied.

The landlord claimed the review provision was ambiguous because it did not specify what would happen if the parties failed to reach a rental rates agreement. The Court disagreed. If the parties failed to reach an agreement, the lease would simply continue with the last agreed-on rental rate for the full five years, it reasoned.

The Court rejected the landlord's assertion that its lease was invalid and unenforceable in view of the parties' failure to reach an agreement in their annual review of the lease terms. The lease terms clearly specified it was valid through 2015 and no oral testimony from the landlord was necessary to construe the meaning of the term "review."

A rule traceable back to the 1677 Statute of Frauds in England requires certain agreements and leases to be in writing. Nebraska's version of the Statute of Frauds requires leases for longer than one year to be in writing.

The landlord's final argument was that its lease was unenforceable under the Statute of Frauds because it omitted an essential term of any lease — the amount of rent to be paid after the first year of the agreement. The court agreed that there can be "no agreement to agree" and that indeed, rent is an indispensable term to any lease agreement. "Because rent is an essential term, an agreement to agree on it in the future is not enforceable," said the court.

And yet the landlord lost. In hindsight, the contract should have provided that in the absence of the parties reaching an agreement following their January review of the rental rates, the lease would terminate.

*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.*

### The Rez Of The Story

## Wisdom And 'Damn Fools'

BY VINCE TWO EAGLES

Hau Mitakuepi (Greetings My Relatives), Elbert Hubbard, the American writer, publisher, artist and philosopher (1856-1915), once wrote: "Every man is a damn fool for at least five minutes every day; wisdom consists in not exceeding the limit."

Karen Casey and Martha Vanceburg, contemporary authors and thinkers, tell us: "Understanding circumstances, other people, even ourselves comes with the passage of time and our willingness to be open to the all the lessons contained within a moment. We must be willing to participate fully in the events that have requested our attendance. Then we can discover the longed-for clarity about life and our role in it. Immersion in the moment accompanied by reflective quiet times promises a perspective that offers us wisdom."

In this "moment" we are all (Indian and non-Indian alike) called to attend to the current outbreak of measles spreading across the country. Michael Scherer in a recent Time article puts it quite distinctly: "Measles ranks among the nastiest [human] viruses, able to hang in the air and lie low among entire unprotected populations ... measles still kills 145,700 people per year worldwide; most are under age 5."

"... Ever since Boston first required small-pox vaccination for school-kids in 1827, public backlash has lingered as an antibody. Where some see a public health benefit, others see a needle or lance pushing foreign bodies' into the bloodstreams of children. And so the fear gets filtered through our politics, with candidates sending code words — I'm on your side, Mon and Dad — to the skeptics on both ends of the political spectrum. In the 2008 presidential campaign, candidates John McCain and Barack Obama both entertained the notion that vaccines might have caused a spike in autism, a theory that had been discredited years before."

"Today, all 50 states require school children to get a broad spectrum of vaccines, and both the science and law are settled. Specific religious or philosophical objections, the U.S. Supreme Court ruled as far back as 1944, do

not give parents the right to avoid mandates imposed by the state."

So where, I wonder, is the wisdom in putting not only one's children at risk but risking the health of the general public's children as well by refusing to acknowledge the benefits of being inoculated? I'm afraid I have to weigh in and join the "vaccine" folks. Let's not be one of Hubbard's "damn fools" for any length of time. We must join forces with other members of our families and community to not allow one more single death to be added to each year's list of measles victims.

I've got to say that I think that by-in-large, the Indian Health Service (IHS) has done an excellent job in reminding folks about their immunizations. I know, for example, that being a diabetic brings me in routine contact with our local IHS staff. In addition to visiting my physician on a regular basis I also visit with field health staff, the eye clinic, dentist, and the foot doctor. This helps me stay ahead of the disease as much as possible. Prevention is truly worth a ton of treatment. This brings me back to my subject this week; which is wisdom — or rather what is wisdom?

There are probably as many definitions of wisdom as there are people to share them. Some people insist that wisdom comes from knowledge while others think wisdom comes from knowing that you do not know. What one culture calls wisdom will not necessarily translate as wisdom to others.

I like this little tidbit of wisdom from Don Coyhis who is a contemporary Native writer and author and I quote: "We all read books that have much information in them. Often we pick up on little sayings that we remember. Inside of us is the little owl, the owl of knowing. It talks to us — guiding us and nurturing us. Often when we get information, it's hard to live by, but it is easy to talk about. It's living the Red Road that counts — Walk the Talk. If we really want freedom in our lives, if we really want to be happy, if we really want to have peace of mind, it's the truth we must seek."

I think that a truth is being vaccinated for measles and other communicable diseases. We know what is right, so let's just do it!

And now you know the rez of the story. Doksha (later) ...



Thomas E. SIMMONS



Vince TWO EAGLES