

#### 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@vankton.net

SUBSCRIPTIONS/ CIRCULATION: Extension 112 CLASSIFIED ADS: NEWS DEPARTMENT: Extension 114 SPORTS DEPARTMENT: Extension 106 ADVERTISING OFFICE: Extension 122 **BUSINESS OFFICE:** NEW MEDIA: 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

James D. Cimburek Beth Rye New Media Director

Kathy Larson Composing Manager Bernard Metivier District Manager

### **DAILY STAFF**

Melissa Bader Derek Bartos Cassandra Brockmoller Rob Buckingham Randy Dockendorf Jeannine Economy Jeremy Hoeck Nathan Johnson Robert Nielsen Muriel Pratt Jessie Priestley Matt Robinson Cathy Sudheck Sally Whiting Brenda Willcuts Jackie Williams

#### **Published Daily** Monday-Saturday

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

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

Postmaster: Send address changes to Yankton Daily Press & Dakotan, 319 Walnut, Yankton, SD 57078.

# **MEMBERSHIPS**

The Yankton Daily Press & Dakotan is a member of the Associated Press, the Inland Daily Press Association and the South Dakota Newspaper Association. The Associated Press is entitled exclusively to use of all the local news printed in this newspaper.

#### SUBSCRIPTION RATES\*

(Payable in advance)

CARRIER DELIVERY
1-month \$12.0
3 months\$36.2
6 months\$72.5
1-year\$133.0
MOTOR ROUTE
(where available)
1 1 01/5

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  $1\ month \ldots .\$19.35$ 3 months ....\$58.05 6 months ...\$116.09 1-year . . . . . . \$186.33 \* Plus applicable sales

#### **OPINION | WE SAY**

#### **Sad Loss**



**THUMBS DOWN** to the passing of the Rev. Oliver Omanson, a longtime clergy and former prisoner of war. Omanson, who endured 19 months as a POW during World War II, represents another lost member of the Greatest Generation. Omanson served as a pastor and evangelist in Yankton and elsewhere until shortly before his death last Friday at age 96.

He incorporated his POW experiences into his sermons, including decades of radio and television programs. A memorial concert, featuring granddaughters Sadie and Sophie Stevens as violinists, will be held at 2 p.m. Sunday at Calvary Baptist Church in Yankton.

#### **Good Standing**



THUMBS UP to this week's local visit by Corey Westra, commissioner for the Great Plains Athletic Conference (GPAC). Westra spoke to the Yankton Quarterback Club, providing good news about the GPAC's rock-solid stability, which is an oasis in the constantly shifting seas of the NAIA and other college athletics. The GPAC, which includes Mount

Marty College in Yankton, is even adding cheer and dance as a sport. The conference enjoyed immediate success following its creation in 2000 and has maintained national prominence.

#### **Leaving Town**



THUMBS DOWN to the loss of Yankton County 4-H/youth development director Lauren Fosheim, who has accepted a position with the Sioux Falls Area Chamber of Commerce. Fosheim took office in June 2011, shortly after graduating from South Dakota State University in Brookings. She has worked to expand the outreach of Achievement

Days and other 4-H and youth programs. We have enjoyed working with her at the *Press & Dakotan*, and we are glad to see the Yankton County Commissioners planning to continue funding and to hire a replacement for the county position.

#### **Disparity Rules**



 $\ensuremath{\text{THUMBS}}$   $\ensuremath{\text{DOWN}}$  to the trend of growing economic disparity on a global scale. This week, Oxfam released "Working for the Few: Political Capture and Economic Inequality." The report focuses on the dangers posed by inequality. Currently, almost half of the world's wealth is owned by 1 percent of the population. That means the bottom half of the

world's population owns the same as the richest 85 people in the world. The top 1 percent increased their share of income between 1980 and 2012 in 24 out of 26 countries for which Oxfam had data. Why is this a problem? Oxfam states, "This massive concentration of economic resources in the hands of fewer people presents a significant threat to inclusive political and economic systems. Instead of moving forward together, people are increasingly separated by economic and political power, inevitably heightening social tensions and increasing the risk of societal breakdown." We let these trends continue at our own risk.

#### 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 the Yankton County?	e proposed rail grain facility near Napa junction in
•	71%
No	
TOTAL VOTES CAST	
The Press & Dakota	n Internet poll is not a scientific survey and reflects the

#### strued as an accurate representation or scientific measurement of public opinion. **CURRENT OUESTION:**

opinions only of those who choose to participate. The results should not be con

Do you believe that marijuana is more dangerous than alcohol? To vote in the Press & Dakotan's Internet poll, log on to our website at www.yank-

# ON THIS DATE

By The Associated Press day is Friday, Jan. 24, the 24th day of 2014. There are 341 days left in the

Today's Highlight in History: On Jan. 24, 1942, the Roberts Commission placed much of the blame for America's ack of preparedness for Imperial lanan's attack on Pearl Harbor on Rear Adm. Husband E. Kimmel and Lt. Gen. Walter C. Short, the Navy and Army

On this date: In 1742, Charles VII was elected Holy Roman Emperor during the War of the Austrian Succession In 1848, James W. Marshall discovered a gold nugget at Sutter's Mill in northern California, a discovery that led

to the gold rush of '49. In 1908, the Boy Scouts movement began in England under the aegis of Robert Baden-Powell.

In 1924, the Russian city of Petroin 1924, the Russian city of Petrograd (formerly St. Petersburg) was renamed Leningrad in honor of the late revolutionary leader. (However, it has since been renamed St. Petersburg.) In 1939, at least 28,000 people were killed by an aorthouse that devented

killed by an earthquake that devastated the city of Chillan in Chile. In 1943, President Franklin D. Roosevelt and British Prime Minister Winston

Churchill concluded a wartime conference in Casablanca, Morocco.
In 1961, a U.S. Air Force B-52 crashed near Goldsboro, N.C., dropping

its payload of two nuclear bombs, neither of which went off; three crew members In 1963, a U.S. Air Force B-52 on a training mission crashed into Elephant Mountain in Maine after encountering

turbulence and losing its vertical stabilizer; seven of the nine crew members In 1965, Winston Churchill died in

London at age 90. In 1978, a nuclear-powered Soviet satellite, Cosmos 954, plunged through Earth's atmosphere and disintegrated, scattering radioactive debris over parts of northern Canada.

In 1984, Apple Computer began selling its first Macintosh model, which boasted a built-in 9-inch monochrome display, a clock rate of 8 megahertz and 128k of RAM.

In 1989, confessed serial killer Theodore Bundy was executed in Florida's electric chair.

Ten years ago: Howard Dean sharply questioned John Kerry's judgment on Iraq as Democratic presidential rivals raced through a final weekend of campaigning before the New Hampshire primary. NASA's Opportunity rover landed on Mars, arriving at the Red Planet exactly three weeks after its identical twin, Spirit.

Five years ago: Pilot Chesley "Sully" Sullenberger, who'd safely landed a crippled US Airways jetliner in the Hudson River, received a hero's homecoming in Danville, Calif. President Barack Obama met with his economic advisers after asking Americans to support his economic package as a way to better schools, lower electricity bills and health coverage for millions who lose insurance. Brazilian model Mariana Bridi, 20 died after contracting an infection that had forced doctors to amputate her hands and feet. Alissa Czisny won the women's title at the U.S. Figure Skating Championships in Cleveland. Katie Stam of Indiana was crowned Miss America the first winner from the Hoosier State.

One year ago: Defense Secretary Leon Panetta announced the lifting of a ban on women serving in combat. The Senate Foreign Relations Committee opened a hearing into President Barack Obama's nomination of Sen. John Kerry to be secretary of state. President Obama appointed Mary Jo White, a former prosecutor, to head the Securities and Exchange Commission. In Chicago, David Coleman Headley, an American drug dealer who had faced life in prison, was sentenced instead to 35 years for helping plan the deadly 2008 attacks on Mumbai, India — a punishment prosecutors said reflected his broad cooperation with U.S. investigators. New Orleans Hornets owner Tom Benson announced he was changing his team's nickname to the Pelicans for the start of next season.

Today's Birthdays: Actor Jerry Maren ("The Wizard of Oz") is 95. Actor Marvin Kaplan ("Top Cat") is 87. Cajun musician Doug Kershaw is 78. Singersongwriter Ray Stevens is 75. Singer-songwriter Neil Diamond is 73. Singer Aaron Neville is 73. Actor Michael On-tkean is 68. Actor Daniel Auteuil is 64 Country singer-songwriter Becky Hobbs is 64. Comedian Yakov Smirnoff is 63. Bandleader-musician Jools Holland is Actress Nastassja Kinski is 55 Rhythm-and-blues singer Theo Peoples is 53. Country musician Keech Rainwater (Lonestar) is 51. Housing and Urban Development Secretary Shaun Donovan is 48. Comedian Phil LaMarr is 47. Olympic gold medal gymnast Mary Lou Retton is 46. Rhythm-and-blues singer Sleepy Brown (Society of Soul) is 44. Actor Matthew Lillard is 44. Actress Merrilee McCommas is 43. Blues/rock singer Beth Hart is 42. Actor Ed Helms is 40. Actress Tatyana Ali is 35. Rock musician Mitchell Marlow (Filter) is 35. Actress

Mischa Barton is 28 Thought for Today: "God gives us relatives; thank God, we can choose our friends." — Addison Mizner, American architect (1872-1933).

# FROM THE BIBLE

Trust in the Lord. Proverbs 3:5. Portals of Prayer, Concordia Publishing House, St. Louis



# **Teacher Pay: All Quiet In Last Place**

BY KELLY HERTZ

kelly.hertz@yankton.net

Ironically, it was the perfect talking point. That's the conclusion that could stem from the "debate" that occurred this week when the South Dakota Senate considered a resolution (HCR 1002) that acknowledged that the state is suffering from a teacher shortage. This shortage is due in part, according to the legislative committee that proposed the resolution, to the fact that the state's teacher pay is the lowest in the nation — a damning distinction we've owned for more than two decades — and is contributing to the decline in the number of educators here.

Kelly When this bill, which passed the House last week 49-18, came to the **HERTZ** Senate floor Tuesday, speeches were made in support of it. I could relay to you some of what was said, but you've heard it before — we've had many years of practice, after all.

Those opposed to the measure said nothing. Not a word. Perhaps not even an embarrassed

And with that, HCR 1002 was defeated, of course. The vote was 15-19.

That talking point of not talking seems perfect because, really, what's left to say about this

It was confirmed again last month by the National Center for Education Statistics that South Dakota's pay for teachers in 2013 brought up the rear once more. The state's average salary of \$39,580 is about \$2,000 behind the next state on the list, Mississippi. (The national average is \$56,383.)

An analysis of teacher salaries posted on the Washington Post website included historical data showing that South Dakota has been trailing the field in this category since at least 1990. Back in 1980, which was the next previous year listed, South Dakota resided at a lofty 49th out of the 50 states plus the District of Columbia. In retrospect, those seem like the gold-rush years of teacher pay,

relatively speaking. Alas, the news for 2013 gets even bleaker when you compare South Dakota's teacher pay to its neighbors. Nebraska's average teacher wage is \$48,931 — nearly \$10,000 more than South Dakota. In Iowa, it's \$51,528; it's \$56,268 in Minnesota; \$47,344 in North Dakota; a dollar short of \$50,000

in Montana; and \$57,920 in Wyoming. Teacher pay here isn't even keeping pace with other state employees, according to Joy Smolnisky, executive director of the South Dakota Budget and Policy Institute. She told a legislative panel this week that if teacher salaries had grown at the same rate as other state employees, the educators would be making closer to \$50,000 a year, which would certainly put this

state in a more competitive position. These hard facts should raise red flags in Pierre; it should have long ago.

Meanwhile, such red flags are flying elsewhere. A Google search this week informed me that teacher pay is a legislative issue being discussed

in places like North Carolina, South Carolina, Texas, Mississippi, Virginia and

New Mexico, among others.

To be fair, South Dakota certainly has its own champions for addressing this embarrassing problem. But they are drowned out by the silence attached to what was, in this week's case, a minor but symbolic skirmish within the bigger war. (Nevertheless, kudos to most of the area's lawmakers, who supported the resolution.)

However, maybe it's all just as well. I think I'd rather listen to that empty nothingness than hear the invariable counter-argument that heralds South Dakota's low cost of living and lack of

state income tax, as if these items alone balance everything out. It's something I've heard from sources ranging from people I meet on the street to people at the highest level of state government. Granted, that's always an appreciated statistic, but when you look at how badly teacher pay here trails the states around us, it simply doesn't sell. It's a defense of the indefensible. It's a justification to consign our education system – and the kids who are being shaped by it — to a competitive disadvantage.

(Interestingly, even amid the fruits of that low cost of living here, South Dakota is also among the nation's leaders in people holding two jobs, which in 2012 was nearly twice the national average. Apparently, that low-wage issue extends to more than just teachers. For instance, journalists in this state can vouch for that.)

Among other things, teacher pay and education funding in general are part of what's called "quality of life" issues. These are cultural yardsticks that not only help keep people here but also help entice people to move here. Both are essential to our prosperity and to our survival. Given that, how attractive do you think South Dakota looks these days to someone wanting to be a teacher? Or to a parent looking for a state

that actually invests in education? What does any of that say about our state? However, as we saw this week, it seems that saying nothing appears to be a winning hand. The prospect that such inaction gets us less than nothing — losing ground to all around us — doesn't seem to matter when the votes are counted. Ultimately, that screams volumes about us all.

You can follow Kelly Hertz on Twitter at twitter.com/kelly\_hertz/. Discuss this story at www.yankton.net/.

# **Thomas E. Simmons**

# The Sins Of The Children?

Thomas E.

BY THOMAS E. SIMMONS

University of South Dakota

The sins of the father are to be laid upon the children," wrote Shakespeare in "The Merchant of Venice." Contemporary society has advanced beyond visiting the sins of a father on his child, but in a case decided by the Court of Appeals of neighboring Iowa in December, it was the mother who suffered the consequences of her son's criminal act.

The court's opinion in LNS v. SWS (full names having been redacted on account of the 10-year-old child involved) describes William's murder of his girlfriend, for which he was sentenced to life in prison in 2008. RS, his son, was 4 years old.

**SIMMONS** Two years before, William's wife Sarah and RS had moved from Georgia to Iowa. About the same time, a Georgia court granted William's mother Linda visitation rights to RS as the child's grandmother. For several years, Sarah complied with the order and allowed Linda to visit her grandson.

But in 2009, Sarah stopped allowing Linda to visit RS. Linda tried registering the Georgia grandparent visitation order with an Iowa court. By this time, Sarah had filed divorce proceedings against William. Soon, the couple was divorced.

Iowa law permits termination of parental rights when a parent will remain imprisoned for more than five years. Sarah next sought to terminate William's parental rights to her son alto-

Before long, the Iowa trial court terminated William's parental rights, meaning that he ceased, for all intents and purposes, to be a parent of RS. William would have no further visitation rights to his son, even if he was paroled. Neither would he have any ongoing child support obligations

William's mother Linda attempted to intervene in the proceeding, but was denied the opportunity as she lacked "standing" the court reasoned, being only a grandparent and not a parent — it was her son's parental rights which were at issue, not hers.

William unsuccessfully appealed the termination of his parental rights, but his mother did not. She should have. Linda's rights were in play, at least indirectly, although she may not

have realized it at the time. But the judgment dismissing her from the termination proceedings became a final one all the same.

Sarah then asked the court to deny any further visitation rights to Linda. Sarah argued that because William's parental rights had been terminated, his mother no longer had any enforceable rights regarding RS either.

Linda countered that Iowa courts should be required to enforce the Georgia court order that granted her grandparent visitation rights. Iowa courts had no jurisdiction to modify the Georgia order, she claimed.

A hearing was held and the trial court ruled that when William's parental rights were terminated, Linda's rights to grandparent visitation were cut off as well. Iowa recognizes grandparent visitation when the parent/child of the grandparent is deceased, but William was not deceased, he was imprisoned.

This time, Linda appealed. Detailed federal and uniform state laws address the enforceability and modification of child custody and visitation orders in our mobile society. Key to those rules is the concept of the "home state" of the child, which for RS was

The appellate court reasoned that the initial Georgia order was valid, but the Iowa courts had jurisdiction to modify it. Linda still lived in Georgia, but her grandchild did not.

Therefore, the Iowa court concluded, Linda's rights had been terminated along with her son's.

The court's application of the law may be correct, yet it seems almost medieval that the sins of William should be visited upon his mother so as to deny her any right to see her grandchild.

Thomas E. Simmons is an assistant professor at the University of South Dakota School of Law in Vermillion.