

# The Press & Dakotan

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OPINION OTHER VIEWS

## How South Korea Should View North

**THE KOREA HERALD (Jan. 4):** The U.S. measure to slap new sanctions on North Korea in response to the communist state's alleged cyberattack on Sony Pictures may be a reminder to Seoul officials of the need to moderate their response to a recent peace overture from the North.

A White House statement said Friday that President Barack Obama had signed an executive order authorizing additional sanctions against the North to respond to its "ongoing provocative, destabilizing and repressive actions and policies, particularly its destructive and coercive attack on Sony." It noted the measure was "the first aspect of our response" to the hack apparently motivated by Pyongyang's anger with a Sony movie involving a plot to assassinate its leader Kim Jong-un.

In his New Year address Thursday, Kim suggested he was ready to hold summit talks with South Korean President Park Geun-hye, if the right atmosphere and circumstances were created.

His remarks were accepted as "meaningful" by the Park administration, which earlier proposed to hold ministerial-level talks with the North this month to discuss pending issues, including the reunions of separated families. Speaking on condition of anonymity, a senior Seoul official told reporters Friday that Kim sent a clear signal that his regime wanted to improve ties with the South. The official said the two sides should seize the momentum no later than mid-February, before South Korea and the U.S. begin their annual joint military drills. Kim cited the suspension of the joint exercises by Seoul and Washington as one of preconditions for a meeting between him and Park.

The U.S. State Department has made no official comment on Kim's speech, though it said Washington supported the improvement of inter-Korean relations after the South made the dialogue proposal Monday.

Seoul appears to be seeking to use a possible resumption of family reunions before the Lunar New Year holiday in mid-February as momentum for beginning the process of building mutual trust that it hopes could eventually lead to a third inter-Korean summit. But it is likely to find it difficult to offer substantial incentives to Pyongyang in the course of carrying forward inter-Korean talks when the U.S. is tightening its sanctions on the communist regime.

More fundamentally, the Park administration may need to coordinate its stance with Washington on whether and to what point to decouple progress in talks with Pyongyang from the prolonged deadlock in denuclearizing the recalcitrant and unpredictable regime. It would also have to ease concerns that its reconciliatory approach could undermine growing international efforts to improve the dire human rights conditions in the North.

A wiser choice for Seoul now may be to cautiously gauge Pyongyang's true intent and sincerity toward change before making significant concessions to press ahead with inter-Korean dialogue.

### ABOUT THIS PAGE

The View page provides a forum for open discussion of issues and interests affecting our readers. Initialed editorials represent the opinion of the writer, but not necessarily that of the **PRESS & DAKOTAN**. Bylined columns represent the view of the author. We welcome letters on current topics. Questions regarding the Views page should be directed to Kelly Hertz at kelly.hertz@yankton.net/.

### IN HISTORY

**By The Associated Press**  
Today is Thursday, Jan. 8, the eighth day of 2015. There are 357 days left in the year.

**Today's Highlight in History:** On Jan. 8, 1815, the last major engagement of the War of 1812 came to an end as U.S. forces led by Maj. Gen. Andrew Jackson defeated the British in the Battle of New Orleans. (Given the slowness of communications at the time, the battle took place even though the United States and Britain had already signed a peace treaty.)

**On this date:** In 1642, astronomer Galileo Galilei died in Arcetri, Italy.  
In 1790, President George Washington delivered his first State of the Union address to Congress in New York.

In 1863, America's First Transcontinental Railroad had its beginnings as California Gov. Leland Stanford broke ground for the Central Pacific Railroad in Sacramento. (The transcontinental railroad was completed in Promontory, Utah, in May 1869.)

In 1912, the African National Congress was founded in Bloemfontein, South Africa.

In 1935, rock-and-roll legend Elvis Presley was born in Tupelo, Mississippi.

In 1959, Charles de Gaulle was inaugurated as president of France's Fifth Republic.

In 1964, President Lyndon B. Johnson, in his State of the Union address, declared an "unconditional war on poverty in America."

In 1965, the Star of India and other gems stolen from the American Museum of Natural History in New York the previous October were recovered from a bus depot locker in Miami.

In 1975, Judge John J. Sirica ordered the early release from prison of Watergate figures John W. Dean III, Herbert W. Kalmbach and Jeb Stuart Magruder. Democrat Ella Grasso was sworn in as Connecticut's first female governor. Opera singer Richard Tucker, 61, died in Kalamazoo, Michigan.

In 1982, American Telephone and Telegraph settled the Justice Department's antitrust lawsuit against it by agreeing to divest itself of the 22 Bell System companies.

In 1998, Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing, was sentenced in New York to life imprisonment.

In 2011, U.S. Rep. Gabrielle Giffords, D-Ariz., was shot and critically wounded when a gunman opened fire as the congresswoman met with constituents in Tucson; six other people were killed, 12 others also injured. (Gunman Jared Lee Loughner was sentenced in Nov. 2012 to seven consecutive life sentences, plus 140 years.)

**Ten years ago:** The United States acknowledged dropping a 500-pound bomb on the wrong house during a search for terror suspects outside the northern Iraqi city of Mosul. (The military said that five people were killed; the house's owner said 14 people died.) Marty Schottenheimer of the San Diego Chargers was named The Associated Press NFL Coach of the Year.

**Five years ago:** Umar Farouk Abdulmutallab, accused of trying to blow up a U.S. airliner on Christmas, appeared in federal court in Detroit; the judge entered a not-guilty plea on his behalf. Vice President Joe Biden's mother, Jean Biden, died in Wilmington, Delaware, at age 92.

**One year ago:** Emails and text messages obtained by The Associated Press and other news organizations suggested that one of New Jersey Gov. Chris Christie's top aides engineered traffic jams in Fort Lee in Sept. 2013 to punish its mayor for not endorsing Christie for re-election; Christie responded by saying he'd been misled by the aide, and he denied involvement in the apparent act of political payback. Greg Maddux, Tom Glavine and Frank Thomas were elected to baseball's Hall of Fame.

**Today's Birthdays:** Actor-comedian Larry Storch is 92. Actor Ron Moody is 91. Broadcast journalist Sander Vanocur is 87. CBS newsmen Charles Osgood is 82. Singer Shirley Bassey is 78. Game show host Bob Eubanks is 77. Country-gospel singer Cristy Lane is 75. Rhythm-and-blues singer Anthony Gourdine (Little Anthony and the Imperials) is 74. Actress Yvette Mimieux is 73. Physicist Stephen Hawking is 73. Singer Juanita Cowart Motley (The Marvellettes) is 71. Rock musician Bobby Krieger (The Doors) is 69. Rock singer David Bowie is 68. Movie director John McTiernan is 64. Actress Harriet Sansom Harris is 60. Singer-songwriter Ron Sexsmith is 51. Actress Maria Pitillo is 50. Actress Michelle Forbes is 50. Singer R. Kelly is 48. Rock musician Jeff Abercrombie (Fuel) is 46. Actress Ami Dolenz is 46. Reggae singer Sean Paul is 42. Country singer Tift Merritt is 40. Access-rock singer Jenny Lewis is 39. Actress Amber Benson is 38. Actor Scott Whyte is 37. Singer-songwriter Erin McCarley is 36. Actress Sarah Polley is 36. Actor Wendell D. Middlebrooks is 36. Actress Rachel Nichols is 35. Actress Gaby Hoffman is 33. Rock musician Disashi Lumumbo-Kasongo (Gym Class Heroes) is 32.

**Thought for Today:** "Contempt for happiness is usually contempt for other people's happiness, and is an elegant disguise for hatred of the human race." — Bertrand Russell, English philosopher and mathematician (1872-1970).

### FROM THE BIBLE

Your word is a lamp to my feet and a light to my path. Psalm 119:105. Portals of Prayer, Concordia Publishing House, St. Louis.

### LETTERS TO THE EDITOR

#### Raffle Support

**Cooti's Pup Tent #12 Honor Degree of the VFW Post 791 Yankton**  
The Cooti's want to thank all who donated prizes for our annual New Years Day wagon of

cheer raffle.  
The Cooti's also want to thank all who bought tickets. The proceeds go to the hospital-ity venues.  
Keep them smiling in beds of white.



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### Thomas E. Simmons

## Speed And Tragedy

**EDITOR'S NOTE:** This column was submitted prior to the State of South Dakota's decision Wednesday not to pursue a another trial in this case.

BY THOMAS E. SIMMONS  
University of South Dakota

A speeding Corvette rear-ended a minivan on Interstate 90 near Sturgis on July 30, 2000. Those inside the minivan were injured, but survived. One of the Corvette's occupants, Dorothy Finley, died inside the car. The other occupant, Bernie Engesser, had been ejected.

Engesser was found in the grassy median, unconscious and smelling of booze, a body length or two from the driver's side of the red upside-down Corvette, which had flipped several times, its passenger side crushed.

Dorothy Finley was the sports car's owner. She typically drove it. An initial paramedics report erroneously described her as having been found in the driver's seat. In fact, she was found against the roof of the overturned car above the passenger seat. One witness claimed her feet were underneath the passenger side dash. Another thought that her legs pointed to the back of the car, her head towards the front.

The Meade County State's Attorney charged Engesser with vehicular homicide for Dorothy Finley's death and with two counts of vehicular battery for the injuries sustained by the minivan occupants. The sole factual issue at trial was whether Engesser had been the driver or the passenger. A jury convicted him. His appeal to the South Dakota Supreme Court failed in 2003.

Habeas corpus is Latin for "you may have the body." It is an old English writ that commands a prison to release one of its inmates. Over the next twelve years, Engesser petitioned repeatedly for habeas corpus relief in both state and federal courts.

Although the petitions were all unsuccessful in gaining Engesser a new trial, federal appellate judge Bright dissented in one opinion, noting how bodies can be thrown about in high-speed rollovers, writing: "When an

automobile driven at a high rate of speed rolls over, who knows where the occupants' bodies will end up?"

Last year, Engesser filed his fourth habeas claim and introduced testimony from a new witness, Ramona Dasalla, who had read a newspaper article about one of Engesser's habeas petitions in April 2013. She contacted the author who put her in contact with Engesser's attorney.

Dasalla testified that she was travelling down I-90 on the night of the accident and saw a red Corvette pass in the left-hand lane. She liked Corvettes and watched it closely. She felt absolutely sure that a woman was driving and a man was the passenger.

A few minutes later, Dasalla and her boyfriend came upon the scene of the accident. They stopped. She could see a wrecked Corvette, the minivan and a body in the median. After ten minutes, someone directing traffic told them to move on. They did.

There were some inconsistencies in Dasalla's testimony. She denied meeting with Engesser's attorneys when she had. She denied viewing a photograph of Dorothy Finley with short hair. She was inconsistent on certain details. Still, Circuit Judge Warren Johnson found her to be credible, even compelling. He concluded that the testimony that Dasalla had seen a woman driving the red Corvette just prior to the accident was accurate and he granted Engesser a new trial.

The South Dakota Supreme Court agreed unanimously in Engesser v. Young.

"Punishment of the innocent may be the worst of all injustices," Justice Konenkamp intoned, quoting from an earlier decision. "We conclude that there is substantial evidence to support the circuit court's conclusion that Engesser established by clear and convincing evidence that no reasonable juror would have found him guilty." Engesser now will receive a new trial, nearly 15 years after the fatal crash.

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.

## For NYPD, No Defense For The Indefensible

BY LEONARD PITTS JR.  
Tribune Content Agency

This should not even need saying, but obviously, it does. So, for the record:

To oppose police brutality is not to oppose police. No one with a brain stands against police when they do the dangerous and often-dirty job of safeguarding life and property. But no one with a conscience should stand for them when they assault or kill some unarmed, unthreatening somebody under color of authority.

Support good cops, oppose bad ones: You'd think that a self-evident imperative. But it turns out some of us are unwilling to make the distinction. For them, the valor of the good cops renders the bad cops immune to criticism.

As you've no doubt heard, an unstable man named Ismaaiyl Brinsley went cop hunting in Brooklyn on Dec. 20. He randomly shot to death two police officers, Rafael Ramos and Wenjian Liu, in retaliation for the unpunished police killings of two unarmed African-American men in Ferguson, Missouri, and Staten Island.

What followed was tiresomely predictable. Erick Erickson of Fox "News" said President Obama and New York Mayor Bill de Blasio had "all but encouraged retaliation" against police. Rudy Giuliani accused the president and the mayor of putting forth propaganda that "everybody should hate the police." The National Review Online blamed Obama and de Blasio for creating a "racially-charged, rabidly anti-police" atmosphere.

It might be hard to tell from that superheated rhetoric, but the sin they refer to is as follows: Obama and de Blasio called for reform as people vigorously protested the Staten Island and Ferguson killings.

Tempting and easy as it might be to deconstruct all that right-wing drivel, what should truly trouble us is the behavior of the police in the wake of the shooting. Meaning those New York cops who pointedly turned their backs on the mayor as he spoke at Ramos' and Liu's funerals. The NYPD has also engaged in a work slowdown — arrests, tickets and summonses down sharply over the last two weeks.

With this temper tantrum, this turning its back on the representative of the people it serves, the NYPD shames itself, shames its profession, and dishonors the memory of its slain men. It also, paradoxically, makes stronger the case for reform.

What other profession behaves this way? Do good lawyers see an attack on bad lawyers as an attack on them all? Are good firefighters threatened by criticism of incompetent ones? Yet this behavior is routine among police — something to keep in mind when we talk reform.

It's all well and good to say we need body cams, but that's just a start. As the cases of Rodney King in Los Angeles and Eric Garner in Staten Island make apparent, a visual record is useless if people are unwilling to see what is right in front of them. And yes, there should also be some state-level mechanism for a special prosecutor

in cases like these, so we are never again asked to believe impartial justice can be meted out to a given cop by people in the local courthouse who work with him every day.

But the behavior of New York cops, their righteous pique at the idea of being questioned by the people they work for, suggests another needed reform. We must find ways to change police culture so that it becomes easier for police themselves to police themselves, to name and shame the brutal or trigger-happy incompetents among them.

Yes, that will be much easier said than done: In no other job might your life depend tomorrow on the colleague you stand up against today. But the alternative is this status quo wherein police are effectively above the law they swear to uphold.

Where bad cops cannot be questioned, good cops cannot be trusted — and all cops are undermined.

There's something else that should not need saying, but does.

Leonard Pitts is a columnist for The Miami Herald, 1 Herald Plaza, Miami, Fla., 33132. Readers may contact him via e-mail at lpitts@miamiherald.com.