

The Press & Dakotan

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OPINION OTHER VIEWS

Obamacare's Big
Day Approaches

THE BALTIMORE SUN (June 22): It received surprisingly little fanfare, but last week three states demonstrated how to "fix" the Affordable Care Act, should the Supreme Court rule adversely against a key provision within it. Arkansas, Pennsylvania and Delaware all received permission to set up state health insurance exchanges should subsidies be eliminated for those who participate through the federal government's ACA website.

We hope and expect that move will be unnecessary, but it was prudent nonetheless. The Supreme Court is set to issue a ruling this week in King v. Burwell, a case in which plaintiffs argue that an obscure provision of the ACA restricts Obamacare subsidies only to states that set up their own exchanges, not those that rely on healthcare.gov. Most legal experts are skeptical that the Supreme Court would make such a major decision based on an interpretation of one phrase in a massive bill that runs entirely counter to its legislative history. But it's hardly unimaginable given some past decisions by the court's conservative majority where hints of partisanship were clearly visible (Hobby Lobby, Citizens United and striking down the Medicaid expansion provision of the ACA, to name a few of the lowlights of the Roberts Court in which legal precedent appeared to take a back seat to ideology).

Congress could fix the whole issue in a day, of course, by passing legislation clarifying that insurance purchased through healthcare.gov should be treated the same as insurance bought in state-based exchanges. But most Republicans would view that simple patch as toxic even if it rescued 6.4 million Americans covered by Obamacare subsidies who might be denied them. Never mind that most of those people live in so-called "red" states with GOP majorities, putting Republicans in danger of facing an angry political backlash. Enabling Obamacare in any fashion — even if doing so would save many of their constituents from the hardship and financial ruin that might come from suddenly losing insurance coverage — would be seen as a non-starter by tea party conservatives.

That leaves the states where elected leaders have often proven themselves far more pragmatic than their counterparts inside the beltway. That Gov. Asa Hutchinson of Arkansas, a Republican and former member of Congress and Bush administration appointee, would put the welfare of nearly 70,000 state residents with subsidized insurance ahead of partisan politics is not terribly surprising given the practical nature of state government. But there are at least 30 other states that are less well prepared for an adverse court ruling.

That raises a question: If the Supreme Court does decide that only insurance secured through state exchanges can be eligible for subsidy, what might states that haven't created back-up contingencies — a Plan B — be able to do in short order? As it happens, that's an area where Maryland has some experience. As we have seen, creating an exchange from scratch is an expensive and difficult proposition, but piggybacking on the software developed by another state can be done relatively quickly and cheaply.

If most of the federal exchange states fail to follow the lead of Pennsylvania, Delaware and Arkansas, it could eventually affect Maryland and every other state. The lack of subsidies would force many out of the insurance market and make other provisions of the ACA — like the end on lifetime limits on coverage or exclusions for pre-existing conditions — unaffordable. The problem would be most acute in federal exchange states, but some experts believe it would eventually spill over to other states as well.

It doesn't have to happen that way. Congress in its current composition may have proven itself incapable of acting rationally in this area, but most governors and state legislatures are not nearly so self-destructive or boneheaded. If the Supreme Court fails the country, it's most likely going to be up to the states to ride to the rescue.

IN HISTORY

By The Associated Press

Today is Thursday, June 25, the 176th day of 2015. There are 189 days left in the year.

Today's Highlight in History: On June 25, 1950, war broke out in Korea as forces from the communist North invaded the South.

On this date: In 1788, Virginia ratified the U.S. Constitution.

In 1876, Lt. Col. Colonel George A. Custer and his 7th Cavalry were wiped out by Sioux and Cheyenne Indians in the Battle of the Little Bighorn in Montana.

In 1910, President William Howard Taft signed the White-Slave Traffic Act, more popularly known as the Mann Act, which made it illegal to transport women across state lines for "immoral" purposes.

In 1938, the Fair Labor Standards Act of 1938 was enacted.

In 1943, Congress passed, over President Franklin D. Roosevelt's veto, the Smith-Connally Anti-Strike Act, which allowed the federal government to seize and operate privately owned war plants facing labor strikes.

In 1959, spree killer Charles Starkweather, 20, was put to death in Nebraska's electric chair. Eamon de Valera was inaugurated as president of Ireland.

In 1962, the U.S. Supreme Court ruled that recitation of a state-sponsored prayer in New York State public schools was unconstitutional.

In 1975, the government of Indian Prime Minister Indira Gandhi declared a state of emergency aimed at cracking down on political opponents. (The state of emergency was lifted in March 1977.)

In 1981, the U.S. Supreme Court ruled that male-only draft registration was constitutional.

In 1990, the U.S. Supreme Court, in its first "right-to-die" decision, ruled that family members could be barred from ending the lives of persistently comatose relatives who had not made their wishes known conclusively. African National Congress leader Nelson Mandela met with President George H.W. Bush at the White House.

In 1995, Warren Burger, the 15th chief justice of the United States, died in Washington at age 87.

In 2009, death claimed Michael Jackson, the "King of Pop," in Los Angeles at age 50 and actress Farrah Fawcett in Santa Monica, California, at age 62.

Ten years ago: Hardline Tehran mayor Mahmoud Ahmadinejad was declared the winner of Iran's presidential runoff election.

The NAACP selected retired Verizon executive Bruce S. Gordon to be its new president (however, Gordon abruptly resigned in March 2007). Stage and screen actor John Fiedler, 80, died in Englewood, New Jersey.

Five years ago: Group of Eight leaders, including President Barack Obama, began meeting in Huntsville, Ontario, Canada. BP said its effort to drill a relief well through 2 1/2 miles of rock to stop the oil spill in the Gulf of Mexico was on target for completion by mid-August. Edwin Jackson threw the fourth no-hitter of the season, leading the Arizona Diamondbacks to a 1-0 victory over his former team, the Tampa Bay Rays.

One year ago: In an emphatic defense of privacy in the digital age, a unanimous Supreme Court ruled that police generally may not search the cellphones of people they arrest without first getting search warrants. Tim Lincecum pitched his second no-hitter against the San Diego Padres in less than a year, allowing only one runner and leading the San Francisco Giants to a 4-0 win. The NFL agreed to remove a \$675 million cap on damages from thousands of concussion-related claims after a federal judge questioned whether there would be enough money to cover as many as 20,000 retired players.

Today's Birthdays: Actress June Lockhart is 90. Civil rights activist James Meredith is 82. Rhythm-and-blues singer Eddie Floyd is 78. Actress Barbara Montgomery is 76. Actress Mary Beth Peil is 75. Basketball Hall-of-Famer Willis Reed is 73.

Singer Carly Simon is 70. Rock musician Ian McDonald (Foreigner; King Crimson) is 69. Actor-comedian Jimmie Walker is 68. Actor-director Michael Lembeck is 67. TV personality Phyllis George is 66. Rock singer Tim Finn is 63. Supreme Court Justice Sonia Sotomayor is 61. Rock musician David Paich (Toto) is 61. Actor Michael Sabatino is 60. Celebrity chef Anthony Bourdain is 59. Actor-writer-director Ricky Gervais is 54. Actor John Benjamin Hickey is 52. Rock singer George Michael is 52. Actress Erica Gimpel is 51. Retired NBA All-Star Dikembe Mutombo is 49. Rapper-producer Richlie Rich is 48. Rapper Candyman is 47. Contemporary Christian musician Sean Kelly (Sixpence None the Richer) is 44. Actress Angela Kinsey is 44. Rock musician Mike Kroeger (Nickelback) is 43. Rock musician Mario Calire is 41. Actress Linda Cardellini is 40. Actress Busy Philipps is 36.

Thought for Today: "A straight line is the shortest in morals as in mathematics."
— Maria Edgeworth, Anglo-Irish novelist (1767-1849).

FROM THE BIBLE

Simon who was called the Zealot, and Judas the son of James.
Luke 6:15-16. Portals of Prayer, Concordia Publishing House, St. Louis.

LETTERS TO THE EDITOR

'Awesome' WAYC!

Dave Gentrup, Yankton
Youth Archery World Championships, June 8-14. Wow! What a week. It's hard to put into words how big a deal this really was. The Grand Opening was phenomenal: flags from 51 countries being carried into the field gave me goosebumps. Then came the Native American dancers with the contestants joining in, and the horse and buffalo act from Oklahoma. Awesome!

Saturday and Sunday were the most exciting with the medals at stake. Sitting in the stands

with people from all the different countries was so awesome. USA in front of me. France, Guatemala and Spain to my left. Austria, Belgium and Chile to my right. Behind me, Finland, Turkey and Italy. It was an experience of a lifetime and you just had to be there to understand.

They all seemed like family and we all laughed and cheered together. It was kind of sad to see them leave on Monday — those kids made an impression on me. A really good time was had by all; I wish everybody could have been there. When everybody does a little bit, amazing what can happen!



Point Of View

South Dakota Dams
And Public Safety

BY DAVID GANJE

Rapid City

The American Society of Civil Engineers (ASCE) reports the average age of our nation's dams is 52 years. By 2020, 70 percent of the total dams in the United States will be more than 50 years old.

Fifty years ago dams were built with the best engineering and construction standards of the times. But as the scientific and engineering data have improved, many dams are not expected to safely withstand current predictions regarding large floods and earthquakes.

South Dakota has been no stranger to some of the worst dam failures in U.S. history. The failure of the Canyon Lake Dam, which occurred in 1972 and resulted in the horrible Rapid City flood, was the basis in part for the enactment of the National Dam Inspection Act of 1972. This country must put its political will into rehabilitating the nation's infrastructure including dams.

While the U.S. Army Corps of Engineers oversees federal dams in South Dakota and elsewhere, many of the state's dams are caught in a regulatory limbo. County officials have long assumed smaller low-head dams are controlled by the state. State approval is not required on completion of all new dam construction under South Dakota law and rules. State law does not consider dams under 25 feet high or holding 50 acre-feet of water to be dams at all. About 2,300 dams in South Dakota are subject to state regulation with most categorized as low-hazard dams. In the US dam safety programs are responsible for permitting, inspection, and enforcement authority for 80 percent of the nation's dams.

South Dakota is one of 26 states that have no requirement of emergency action procedures by owners for all dams. According to a 2009 Report by the ASCE 34 percent of dams described as high-hazard dams in South Dakota have no emergency action plan (EAP). An EAP (also called an Emergency Preparedness Plan, or EPP) is a predetermined plan of action to be taken including roles, responsibilities and procedures for surveillance, notification

'Confusion' About Church
Shooter's Motivation

BY LEONARD PITTS JR.

Tribune Content Agency

This is for Elisabeth Hasselbeck of "Fox & Friends," who described last Thursday's act of white extremist terrorism at Emanuel AME church in Charleston as an "attack on faith."

It's for Rick Perry, who said maybe the shooting happened because of prescription drugs. It's for Jeb Bush, who said, "I don't know what was on the mind" of the killer. It's for South Carolina Gov. Nikki Haley, who said, "We'll never understand what motivates" a crime like this. It's for Glenn Beck, who said, "I don't know why this shooter shot people. He might shoot people because he's a racist. He might have shot people because he's an anarchist. He might have shot people because he hates Christians."

This is also for the reader who called the tragedy a "hoax" perpetrated by the White House to promote racial hatred and gun control, and for the one who said, "Charleston was not a hate crime." Finally, it's for any and everyone who responded to the massacre by chanting, tweeting or saying, "All lives matter."

For all of you, a simple question: What the hell is wrong with you people? Why is it so hard for you to call racism racism?

It is not news that some people go to extraordinary lengths to avoid conceding that America remains a nation stained by racial discrimination. Bring them a hundred testimonies illustrating it and they are unmoved. Bring them a thousand studies quantifying it and they say that numbers lie. They deny self-evident truth because otherwise, they must concede racism did not, in fact, end 50 years ago, and they are heavily invested in that fiction.

Still, it is breathtaking and heartbreaking to learn that this recalcitrance holds firm even in the face of so blatant a crime. Nine people dead following an attack upon a storied African-American church. The alleged killer: Dylan Roof, a 21-year old dropout with a Moe Howard haircut whose racist motivations were pretty clear to authorities from the beginning and have only become clearer since.

He said he wanted to shoot black people.

and evacuation to reduce the potential for loss of life and property damage in an area affected by a failure or mis-operation of a dam.

Pursuant to a report prepared for the National Dam Safety Review Board and the Association of State Dam Safety Officials, South Dakota was one of the 17 that does not report findings of violations or dam failures to the National Performance of Dams Program. High-hazard and state-owned dams in the state are inspected once every three years or on a case-by-case basis.

When dams are privately owned, owners may not have the ability to pay for inspections not covered by the state or necessary repairs. The Association of Dam Safety Officials has suggested either implementing a low-interest loan grant program to encourage rehabilitation of old dams, or the creation of a more robust federal assistance program to fund these projects. Such a program would take the burden off of private owners of dams to fix structural flaws while enhancing public safety.

A new federal assistance program is another option to mitigating this growing problem. The only current program is the Small Watershed Rehabilitation Program through the U.S. Department of Agriculture. The problem with this program is it is limited to small, federally-built dams for flood control purposes. There is a large spectrum of uses for dams and thousands of dams in the U.S. that are under 25 feet tall, the threshold to qualify as a dam in South Dakota. Many dams are privately owned. Such dams would not be eligible for these federal funds under the current system.

According to the Federal Emergency Management Agency, there are 47 state-regulated high-hazard dams and 144 significant-hazard dams in South Dakota.

Dam regulation and rehabilitation are under-appreciated public safety issues that are here to stay.

David Ganje of Ganje Law Offices practices in the area of natural resources, environmental and commercial law in South and North Dakota.

You don't get plainer than that.

Yet, even in the face of this utter lack of mystery, some of us professed confusion about the killer's motives.

An "attack on faith"? Only the "War on Christmas" delusions and anti-gay fixations of Fox could make this about that.

"All lives matter"? Of course they do. But what is it about the specificity of declaring "Black Lives Matter" that some people object to? What is it they find problematic about acknowledging that black lives in particular are under siege in this country? It certainly wasn't "all lives" Roof sought to snuff out when he entered that church.

And Glenn Beck's professed confusion about the shooter's motive? It is simply bizarre that a man who once famously dubbed President Obama "a racist" based on no evidence beyond the voices in his head has such difficulty being that definitive about a white man who drove 100 miles to shoot up a black church.

A few days ago, a Toronto Star reporter tweeted video of a mostly white crowd that marched through Charleston chanting "Black Lives Matter." God, but that was a welcome sight — ice cold lemonade on the hottest day in August. It was a stirring, needed reminder that compassion has no color.

All this obfuscation and pretend confusion, on the other hand, is a less welcome reminder that, for all the undeniable progress we have made in matters of race, there remain among us not simply moral cowards, but far too many moral cripples hobbling about on stumps of decency and crutches of denialism.

Last week, nine people were slaughtered in a house of God for no other reason than that they were there, and they were black. It is a sad and simple truth that some of us, for some reason, have not the guts to say.

For that, they should be profoundly ashamed.

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.)

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