

## The Press &amp; Dakotan

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](http://www.yankton.net)SUBSCRIPTIONS/  
CIRCULATION

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[ar@yankton.net](mailto:ar@yankton.net)

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## COMPOSING DEPT.

Extension 129

[kathy.larson@yankton.net](mailto:kathy.larson@yankton.net)

\* \* \*

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Published Daily  
Monday-SaturdayPeriodicals postage  
paid at Yankton, South  
Dakota, under the act of  
March 3, 1979.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.

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The Yankton Daily  
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is entitled exclusively  
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## OPINION OTHER VIEWS

Netanyahu's Strong  
Warning To D.C.

CHICAGO TRIBUNE (March 4): Israeli Prime Minister Benjamin Netanyahu delivered a blistering speech to Congress on Tuesday, raising images of the Holocaust and warning that an impending nuclear deal with Iran would be worse than no deal at all. Among his objections to the deal-in-progress as it has been reported: The agreement would lift restrictions against Iran in a decade or so and would let Tehran maintain much of its growing nuclear infrastructure.

How effective was Netanyahu? His speech was sufficiently compelling that a defensive White House scrambled to get President Barack Obama, who very much wants a deal with Iran, in front of TV cameras for an 11-minute rebuttal.

You already know that Netanyahu spoke at House Speaker John Boehner's invitation, not the White House's, a breach of protocol that ignited a political firestorm. None of that matters now. What matters is what the prime minister achieved. Standing where Obama stands when he addresses Congress, Netanyahu offered arguments against the developing deal as it has been partially reported.

In doing so, the prime minister who warned Congress about Israel's ability to survive also implicitly warned Obama that history will judge him as well as any deal he approves: Netanyahu made it impossible for this president or future presidents to claim that a nuclear-armed Iran was completely unforeseen.

Netanyahu's political theater is an affront to the White House and what he sees as its overeagerness to reach a deal. He says that a so-called sunset clause would allow Iran to waltz free after a decade or so of restrictions, which would merely delay for "the blink of an eye" a nuclear-armed Iran. He suggests that instead of a time limit on the deal, the U.S. and its allies lift restrictions when Iran meets several conditions. Among them: He suggests that a deal require Iran to back off its support for terror groups across the Middle East.

Another sticking point for Netanyahu: How much nuclear infrastructure should Iran be allowed to keep or operate? The more Iran has, Israel contends, the faster it would be able to break out and build a weapon, should it decide to do so.

Much of any deal likely would hinge on international nuclear inspectors. Yet, as Netanyahu notes, Iran has spent many years stonewalling those international inspectors and their questions. It still is, according to a newly released International Atomic Energy Agency report.

And inspections alone wouldn't stop Iran from building a bomb. Netanyahu's assertion: "Inspectors document violations — they don't stop them."

Netanyahu earned the cheers of Congress when he thanked lawmakers for decades of staunch, bipartisan support. But, he warned Israel will not remain "passive in the face of genocidal enemies" like Iran. It would meet Iran's threat to wipe the Jewish state off the planet, he indicated, even if it stands alone.

That's a threat no president can dismiss lightly. In his rebuttal, Obama did, though, dismiss Netanyahu's speech as old porridge. The president looked like a man who has tried hard to achieve something but wonders if it's slipping from his grasp.

Once done, a nuclear deal would be hard for Congress to undo. Obama won't invite a congressional vote and wouldn't likely win one. There's inevitable speculation about how the next president, especially if he or she is a Republican, could try to unravel such an agreement. That uncertainty — what will the next U.S. administration do? — may give pause to Iranian Supreme Leader Ayatollah Ali Khamenei if he is presented with an agreement that his functionaries have negotiated with Obama's.

U.S.-led and Iranian negotiators are — or aren't — closing in on what would be billed by its proponents as a landmark agreement.

We'll know within weeks, if not days, whether these talks produce a deal.

If they do, the details will be scrutinized with Netanyahu's strong warning in mind.

## IN HISTORY

By The Associated Press  
Today is Thursday, March 5, the 64th day of 2015. There are 301 days left in the year.

**Today's Highlight in History:** On March 5, 1770, the Boston Massacre took place as British soldiers who'd been taunted by a crowd of colonists opened fire, killing five people.

**On this date:** In 1766, Antonio de Ulloa arrived in New Orleans to assume his duties as the first Spanish governor of the Louisiana Territory, where he encountered resistance from the French residents.

In 1868, the Senate was organized into a Court of Impeachment to decide charges against President Andrew Johnson, who was later acquitted.

In 1933, in German parliamentary elections, the Nazi Party won 44 percent of the vote; the Nazis joined with a conservative nationalist party to gain a slender majority in the Reichstag.

In 1946, Winston Churchill delivered his "Iron Curtain" speech at Westminster College in Fulton, Missouri.

In 1953, Soviet dictator Josef Stalin died after three decades in power. Composer Sergei Prokofiev died in Moscow at age 61.

In 1955, Elvis Presley made his television debut on "Louisiana Hayride" carried by KSLA-TV Shreveport (although audio recordings exist, there is no known video footage of this appearance).

In 1960, Cuban newspaper photographer Alberto Korda took the now-famous picture of guerrilla leader Ernesto "Che" Guevara during a memorial service in Havana for victims of a ship explosion. Elvis Presley was discharged from the U.S. Army.

In 1963, country music performers Patsy Cline, Cowboy Copas and Hawkshaw Hawkins died in the crash of their plane, a Piper Comanche, near Camden, Tennessee, along with pilot Randy Hughes (Cline's manager).

In 1970, the Treaty on the Non-Proliferation of Nuclear Weapons went into effect after 43 nations ratified it.

In 1979, NASA's Voyager 1 space probe flew past Jupiter, sending back photographs of the planet and its moons.

In 1982, comedian John Belushi was found dead of a drug overdose in a rented bungalow in Hollywood; he was 33.

In 1994, a jury in Pensacola, Florida, convicted anti-bombing activist Michael F.

Griffin of first-degree murder in the shooting death of Dr. David Gunn; Griffin was immediately sentenced to life in prison.

**Ten years ago:** Syrian President Bashar Assad announced a two-stage pull-back of his country's forces from Lebanon.

**Five years ago:** Secretary of State Hillary Rodham Clinton, visiting Guatemala, told reporters that demand for narcotics in the United States was fueling drug violence in Central America as she acknowledged a measure of U.S. responsibility for what she called "a terrible criminal scourge." New York Democratic Rep. Eric Massa, facing a harassment complaint by a male staffer, said he was stepping down from his seat with "a profound sense of failure." Andree Peel, 105, a member of the World War II Resistance, died in Bristol, England.

**One year ago:** President Barack Obama's choice to lead the Justice Department's Civil Rights Division, Debo Adegbile, was blocked by bipartisan Senate opposition over his legal work at the NAACP Legal Defense Fund on behalf of Mumia Abu-Jamal, who's serving life in prison in the 1981 shooting death of Philadelphia police officer Daniel Faulkner. The former Internal Revenue Service official at the heart of the controversy over the agency's targeting of conservative groups, Lois Lerner, once again refused to answer questions at a House hearing.

**Today's Birthdays:** Actor James Noble is 93. Actor Paul Sand is 83. Actor James B. Sikking is 81. Actor Dean Stockwell is 79. Actor Fred Williamson is 77. Actress Samantha Eggar is 76. Actor Michael Warren is 69. Actor Eddie Hodges is 68. Singer Eddy Grant is 67. Rock musician Alan Clark (Dire Straits) is 63. Actress-comedian Marsha Warfield is 61. Magician Penn Jillette is 60. Actress Adriana Barraza is 59. Rock singers Craig and Charlie Reid (The Proclaimers) are 53. Rock musician John Frusciante is 45. Singer Rome is 45. Actor Kevin Connolly is 41. Actress Jill Ritchie is 41. Actress Jolene Blalock is 40. Actress Eva Mendes is 40. Model Niki Taylor is 40. Actress Kimberly McCullough is 37. Actress Dominique McElligott (TV: "Ashtonaut Wives Club" ex-"Hell on Wheels") is 29. Actor Sterling Knight is 26. Actor Jake Lloyd is 26.

**Thought for Today:** "More tears have been shed over men's lack of manners than their lack of morals." — Helen Hathaway, American writer (1893-1932).

## FROM THE BIBLE

*And all the people answered with one voice and said, "All the words that the LORD has spoken we will do."* Exodus 24:3. Portals of Prayer, Concordia Publishing House, St. Louis.

## LETTERS TO THE EDITOR

## Payday Loans

**Randy Gleich, Yankton**

Payday loans may have been a novel concept. However, marketed as a way to help consumers pay the bills until their paychecks arrive, payday loans trap consumers in terrible cycles of debt, dragging their families more deeply into financial crisis.

Payday lenders encourage their customers to get on a debt treadmill by refinancing one payday loan with another. The fees for payday loans are exorbitant

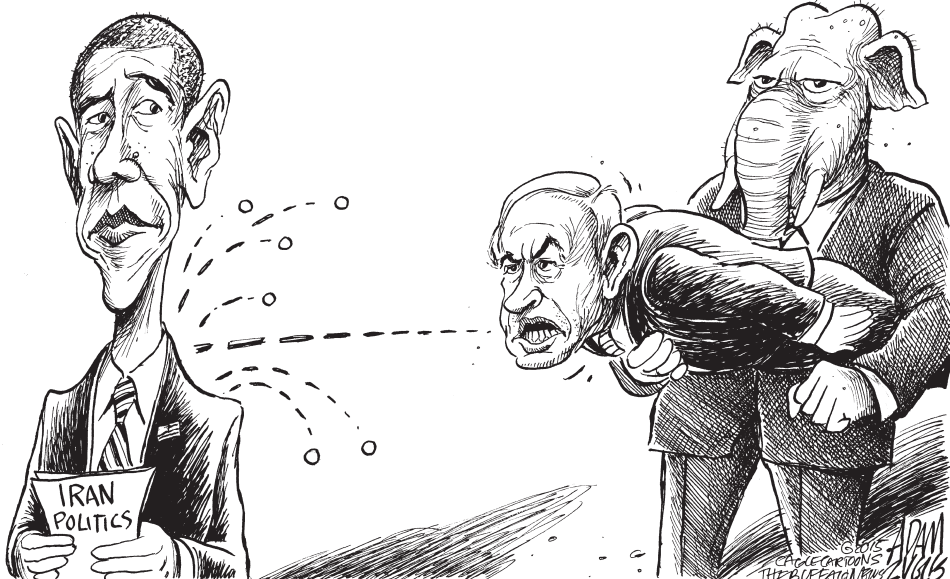
with effective interest rates that can top 1,000 percent.

Are payday loans used by consumers for emergencies or just to fuel their need for gambling, booze, drugs and other vices?

Why should we allow this type of destructive, predatory business to operate within the City and County of Yankton?

I would encourage our Yankton County and City officials to seriously review and place on the books a law that would "ban" these type of business in our community.

The BIBI GUN...



Thomas E. Simmons

Drive Time: Who Was  
Driving That Vehicle?

BY THOMAS E. SIMMONS

University of South Dakota

In *City of Sioux City v. Jacobsma*, the Iowa Supreme Court affirmed an automated speeding citation issued to Michael Jacobsma in 2012. An automated camera detected a vehicle registered to Jacobsma going 67 miles per hour in a 55 mile per hour zone heading north-bound on I-29.

Jacobsma's citation included photographs of the front and back of his vehicle with a note stating he was liable for a civil fine unless he requested a hearing. He could also view a video of his vehicle on a webpage. The citation gave him the option of submitting an affidavit identifying another driver or indicating that his vehicle had been lost or stolen. If he asserted that another person was driving, however, liability could only be avoided if the "nominated driver accepts the responsibility."

Jacobsma chose to dispute the violation and sought a hearing, advancing objections based on the Due Process clause of the Fifth Amendment. At the hearing, he admitted that he was the registered owner of the vehicle that had been photographed exceeding the speed limit. He did not admit that he had been driving the car, but neither did he introduce any evidence that anyone else had been driving, nor did he assert that his car had been lost or stolen.

In Jacobsma's view, the Sioux City ordinance created an arbitrary presumption that a vehicle's owner had been speeding where the only way to rebut the presumption was to file a stolen vehicle report or secure the actual driver's admission.

In *Hensler v. City of Davenport* (Iowa 2010), the Iowa Supreme Court had considered a Due Process challenge to a city ordinance that imposed a presumption that a parent had failed to exercise proper control over a minor child when the child had engaged in a delinquent act.

The Court in *Hensler* had considered the multiple causes of juvenile delinquency, from

biological and social factors to family dysfunction, school issues and even the juvenile justice system itself. Given the multiple and often complex causes of juvenile delinquency, the Court ruled Davenport's ordinance arbitrary and irrational and therefore unconstitutional.

A parent's supervision (or lack thereof) was too attenuated to the commission of a juvenile act to pass Due Process muster. The ordinance in that case "involved a double-barreled blast of complex factual issues" — "that a parent was negligent and that such negligence caused the juvenile behavior."

Jacobsma argued that the Hensler case established the unconstitutionality of the Sioux City ordinance's presumption of a registered driver's fault.

The Iowa Supreme Court disagreed. It noted that Jacobsma offered no evidence that he was not the driver of the vehicle at the time of the automated photograph. He did not deny he was the driver. He only asserted

that the City's case failed because of an invalid presumption.

Accordingly, the Court concluded that the sole issue it was confronting was whether an ordinance may impose liability when the defendant concedes he is the registered owner and offers no evidence that he was not driving the vehicle. The presumption imposed by the Sioux City ordinance was neither complicated nor unreasonable, it being "eminently rational," in the Court's words, that "the registered owner was the driver of the vehicle at the time of the infraction."

Yet the Court's holding is a narrow one. If a driver offering evidence that another individual had been driving a speeding car was precluded from defeating a citation by the wording of Sioux City's ordinance, a different constitutional conclusion might be reached.

*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.*

## GOP: A Tragedy In 52 Acts

BY KATHLEEN PARKER

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WASHINGTON — I'm getting that deja vu feeling as House Republicans these past several days have failed to alter the public's perception that they're incapable of governing.

This week marked Episode 2, Season 2 in the series "Homeland Security Face-Off." Subtitle: "How Republicans Forfeit the White House in 2016."

Notwithstanding Tuesday afternoon's vote, which funded the Department of Homeland Security through the end of the fiscal year, last week's high-stakes game of chicken — and this week's near repeat — provides a lesson for future skirmishes.

We've seen this all before. House Speaker John Boehner tries to get his conference to act rationally, but the 52 or so whose mission is to act disruptively at any opportunity force the House majority into a "bad deal," to borrow from Israeli Prime Minister Benjamin Netanyahu's description of our current negotiations with Iran.

If I may pause for just a moment. What a strange juxtaposition to have Netanyahu outline worst-case scenarios should our current proposed deal with Iran go through, effectively freeing Iran, a leading instigator of terrorism in the Middle East, to construct nuclear weapons in 10 years — and our own Congress' inability to fund Homeland Security amid a dispute over immigration.

Back to our more immediate reality and the prosaic if tawdry machinations of government.

President Obama, much of the media and the tea party gang share common cause in placing blame for the House's fumbblings on Boehner's leadership. But comparisons to previous speakers are too facile. Times change.

Let the tea party faction or the Freedom Caucus construct an effigy in my image, allow me to note that, yes, they are doing their people's bidding. These folks who prefer shut-downs to compromise were elected to stand on principle, no matter the consequences. Given that most are in no danger of being challenged in their home districts, they seem perfectly content to oblige.

They may be viewed as villains in Washington but they're hailed as heroes back home, where hating Beltway insiders is a Campaign Pledge.

But principles defended at the expense of pragmatic application is the business of priests. Here on terra firma, if you lose, you lose.

Kathleen  
PARKER

You may be re-elected as approval for your zeal as a live-free-or-die, stand-with-Bibi, "Duck Dynasty" patriot, but to what effect if one's ability to bring about change is neutered in the process?

It is fair to note that Boehner hasn't been able to corral enough votes to move forward with any momentum. In 2013, he essentially caved to his members and allowed them to shut down the government.

But it is also true that a leader can't lead those whose proudest accomplishment is to not follow.

Not even Majority Whip Steve Scalise, who is a member of the tea party, has been able to whip his brethren into line. Herding cats? Loading frogs into a wheelbarrow? There is yet no simile or metaphor adequate to describe the moment. How about this: They are like the football player who intercepts a pass, then turns around and runs the ball over the opposing team's goal line.

Insisting that Homeland Security funding be attached to the president's executive actions to curtail deportations of immigrants here illegally — a predictably losing gamble for Republicans — was a touchdown for the other team.

Once again, Democrats were handed the opportunity to point out that Republicans aren't in town to govern. They're in town to lose.

Last week's "patch," as House Minority Leader Nancy Pelosi described the seven-day continuing resolution to fund Homeland Security, merely set up this week's repeat. Tuesday morning, Boehner laid it out to his conference: Either pass a clean bill or pass another CR and still lose.

Apparently, he was successful in selling the only real deal available. The House passed the clean Senate bill 257-167.

Whether this solution changes public perception sufficiently — and whether it can hold through the Republican primary process — is yet to be seen. In the meantime, what we do know is that a Republican can't win the presidency if the party more widely is considered not ready for prime time.

Without the 40 percent of the Hispanic vote widely considered necessary to win — and enough independents and moderates who are turned off by the more-righteous-than-thou Freedom Caucus — a Republican doesn't stand a chance.

*Kathleen Parker's email address is [kathleen-parker@washpost.com](mailto:kathleen-parker@washpost.com).*