

# The Press & Dakotan

THE DAKOTAS' OLDEST NEWSPAPER | FOUNDED 1861

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## OPINION

# Death Penalty: Arguments Align

A coalition of motives have come together in Nebraska to do what might have seemed unthinkable a few months ago: repeal the state's death penalty.

This happened last week when the Nebraska Legislature — a unicameral body governing a very conservative state — voted 32-15 to repeal the penalty. Gov. Pete Ricketts has promised to veto the legislation, but the 32-15 margin is veto-proof. Thus, in order for the measure to be stopped, some lawmakers are going to have to change their minds.

But the fact that it has even reached this point may be surprising to a lot of people.

It also may stir hopes in South Dakota that the same thing can happen here.

Most of us are very familiar with the arguments for having a death penalty on the books, since this debate springs up regularly in both Nebraska and South Dakota and the efforts at repeal are usually defeated with those same talking points.

But the Nebraska case seems to turn the argument on its ideological head.

Conservatives who voted for the repeal cited their own personal principles, such bureaucratic overreach and fiscal recklessness involved in the process. According to *Newsweek*, they also question whether the government should have the authority to take a life, even in a case involving a capital crime.

The process has also been criticized by conservatives such as columnist George Will as a protracted and flawed process. The former prolongs the emotional suffering and doubt of families for years; the latter cannot be corrected once the deed is done.

So, in some ways, this has become a philosophical alignment, in which both conservative and liberal philosophies have melded together. The aforementioned points sound a lot like the progressive arguments that have heretofore failed to repeal the penalty.

And so, the future of the death penalty in Nebraska, which has not conducted an execution in 18 years and has 10 inmates awaiting execution, seems to be very much in doubt.

Could the same be true in South Dakota?

That's a big question and a big leap, but the Nebraska case sheds a new, nonpartisan light on the issue. Lawmakers tried to repeal the penalty this past session with Senate Bill 121, but the idea was mowed down in committee.

The arguments that failed in Pierre sounded somewhat like the arguments that succeeded in Lincoln "I guess the question that we ask ourselves on Senate Bill 121 is, 'Do we want a government so big, so powerful, they can decide life and death?'" stated District 18 Sen. Bernie Hunhoff (D) of Yankton in an Associated Press report.

That argument was echoed by Will in a column about the "withering" of the death penalty this past week: "The power to inflict death cloaks government with a majesty and pretense of infallibility discordant with conservatism."

None of this suggests that the death penalty will be repealed next winter in South Dakota, where three people currently sit on death row. A lot has to change before that can take place.

But change can come quickly and in the unlikely places. Nebraska will be a rallying point for future repeal efforts to come.

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## OUR LETTER POLICY

The **PRESS & DAKOTAN** invites its readers to write letters to the editor. We ask that a few simple guidelines be followed:

● Please limit letters to 300 words or less. Letters should deal with a single subject, be of general interest and state a specific point of view. Letters are edited with brevity, clarity and newspaper style in mind.

● In the sense of fairness and professionalism, the **PRESS & DAKOTAN** will accept no letters attacking private individuals or businesses.

● Specific individuals or entities addressed in letters may be given the opportunity to read the letter prior to publication and be allowed to answer the letter in the same issue.

● Only signed letters with writer's full name, address and daytime phone number for verification will be accepted. Please mail to: Letters, 319 Walnut, Yankton, SD 57078, drop off at 319 Walnut in Yankton, fax to 665-1721 or email us at kelly.hertz@yankton.net/.

## IN HISTORY

### By The Associated Press

Today is Wednesday, May 27, the 147th day of 2015. There are 218 days left in the year.

**Today's Highlight in History:** On May 27, 1935, the U.S. Supreme Court, in *Schechter Poultry Corp. v. United States*, unanimously struck down the National Industrial Recovery Act, a key component of President Franklin D. Roosevelt's "New Deal" legislative program.

**On this date:** In 1896, 255 people were killed when a tornado struck St. Louis, Missouri, and East St. Louis, Illinois.

In 1929, Charles A. Lindbergh Jr. married Anne Morrow in Englewood, New Jersey.

In 1933, the Chicago World's Fair, celebrating "A Century of Progress," officially opened. Walt Disney's Academy Award-winning animated short "The Three Little Pigs" was first released.

In 1936, the Cunard liner RMS Queen Mary left England on its maiden voyage to New York.

In 1937, the newly completed Golden Gate Bridge connecting San Francisco and Marin County, California, was opened to pedestrian traffic (vehicles began crossing the next day).

In 1941, the British Royal Navy sank the German battleship Bismarck off France, with a loss of some 2,000 lives, three days after the Bismarck sank the HMS Hood.

In 1942, Navy Cook 3rd Class Doris "Dorie" Miller became the first African-American to receive the Navy Cross for his "extraordinary courage and disregard for his own personal safety" during Japan's attack on Pearl Harbor.

In 1944, Jean-Paul Sartre's existentialist play "Huis clos" (known in English as "No Exit") was first performed in Paris.

In 1962, a dump fire in Centralia, Pennsylvania, ignited a blaze in underground coal deposits that continues to burn this day.

In 1964, independent India's first prime minister, Jawaharlal Nehru, died.

In 1985, in Beijing, representatives of Britain and China exchanged instruments of ratification for an accord returning Hong Kong to Chinese control in 1997.

In 1995, actor Christopher Reeve was left paralyzed when he was thrown from his horse during a jumping event in Charlottesville, Virginia.

**Ten years ago:** Speaking out for the first time in favor of controversial base closings, President George W. Bush told the Naval Academy commencement the nation was wasting billions of dollars on unnecessary military facilities and needed the money for the war on terrorism. Testimony ended in the Michael Jackson child molestation trial after prosecutors showed jurors a video of the accuser being interviewed by police and the defense rested. (Jackson was later acquitted.)

**Five years ago:** On the defensive more than five weeks into the nation's worst-ever oil spill, President Barack Obama insisted his administration, not oil giant BP, was calling the shots in the still-unsuccessful response. The Senate Armed Services Committee and the full House approved measures to repeal the 1993 "don't ask, don't tell" law that allowed gay people to serve in the armed services provided they hid their sexual orientation. Activist Lori Berenson walked out of a prison in Peru after serving three-quarters of a 20-year term for aiding leftist rebels. (Under her parole, Berenson cannot leave Peru until her sentence ends in 2015, or her sentence is commuted.)

**One year ago:** Charting an end to America's longest war, President Barack Obama announced plans for keeping nearly 10,000 U.S. troops in Afghanistan after 2014 but then withdrawing virtually all by the close of 2016 and the conclusion of his presidency. Michelle Obama struck back at House Republicans trying to weaken healthier school meal standards as she met with school nutrition officials who said the guidelines were working at their schools; the first lady called any effort to roll back the guidelines "unacceptable."

**Today's Birthdays:** Pulitzer Prize-winning novelist Herman Wouk is 100. Actor Christopher Lee is 93. Former Secretary of State Henry Kissinger is 92. Former FBI Director William Sessions is 85. Author John Barth is 85. Actress Lee Meriwether is 80. Musician Ramsey Lewis is 80. Actor Louis Gossett Jr. is 79. Rhythm-and-blues singer Raymond Sanders (The Persuasions) is 76. Country singer Don Williams is 76. Actor Bruce Weitz is 72. Singer Cilla Black is 72. Motion Picture Association of America Chairman Christopher Dodd is 71. Singer Bruce Cockburn is 70. Singer-actress Dee Dee Bridgewater is 65. Actor Richard Schiff is 60. Singer Siouxsie Sioux (The Creatures, Siouxsie and the Banshees) is 58. Rock singer-musician Neil Finn (The Finns Brothers) is 57. Actress Peri Gilpin is 54. Actress Cathy Silvers is 54. Comedian Adam Carolla is 51. Actor Todd Bridges is 50. Rock musician Sean Kinney (Alice In Chains) is 49. Actor Dondre Whitfield is 46. Actor Paul Bettany is 44. Rock singer-musician Brian Desveaux (Nine Days) is 44. Country singer Jace Everett is 43. Actor Jack McBrayer is 42. Rapper Andre 3000 (Outkast) is 40. Rapper Jadakiss is 40. TV chef Jamie Oliver is 40. Alt-country singer-songwriter Shane Nicholson is 39. Actor Ben Feldman is 35. Actor Michael Steger is 35. Actor Darin Brooks is 31. Actor-singer Chris Colfer is 25. Actor Ethan Dampf is 21.

**Thought for Today:** "A man who limits his interests limits his life." — Vincent Price, American actor (born this date in 1911, died 1993).

## FROM THE BIBLE

*And who is my neighbor? Luke 10:29.* Portals of Prayer, Concordia Publishing House, St. Louis.



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# Whatever Happened To Antitrust?

BY ROBERT B. REICH

Tribune Content Agency

Last week's settlement between the Justice Department and five giant banks reveals the appalling weakness of modern antitrust.

The banks had engaged in the biggest price-fixing conspiracy in modern history. Their self-described "cartel" used an exclusive electronic chat room and coded language to manipulate the \$5.3 trillion-a-day currency exchange market. It was a "brazen display of collusion" that went on for years, said Attorney General Loretta Lynch.

But there will be no trial, no executive will go to jail, the banks can continue to gamble in the same currency markets, and the fines — although large — are a fraction of the banks' potential gains and will be treated by the banks as costs of doing business.

America used to have antitrust laws that permanently stopped corporations from monopolizing markets, and often broke up the biggest culprits.

No longer. Now, giant corporations are taking over the economy — and they're busily weakening antitrust enforcement.

The result has been higher prices for the many and higher profits for the few. It's a hidden upward redistribution from the majority of Americans to corporate executives and wealthy shareholders.

Wall Street's five largest banks now account for 44 percent of America's banking assets — up from about 25 percent before the crash of 2008 and 10 percent in 1990. That means higher fees and interest rates on loans, as well as a greater risk of another "too-big-to-fail" bailout.

But politicians don't dare bust them up because Wall Street pays part of the politicians' campaign expenses.

Similar upward distributions are occurring elsewhere in the economy.

Americans spend far more on medications per person than do citizens in any other developed country, even though the typical American takes fewer prescription drugs. A big reason is the power of pharmaceutical companies to keep their patents going way beyond the 20 years they're supposed to run.

Drug companies pay the makers of generic drugs to delay cheaper versions. Such "pay-for-delay" agreements are illegal in other advanced economies, but antitrust enforcement hasn't laid a finger on them in America. They cost you and me an estimated \$3.5 billion a year.

Or consider health insurance. Decades ago, health insurers wangled from Congress an exemption to the antitrust laws that allowed them to fix prices, allocate markets and collude over the terms of coverage, on the assumption they'd be regulated by state insurance commissioners.

But America's giant insurers outgrew state regulation. Consolidating into a few large national firms and operating across many different states, they've gained considerable economic and political power.

## LETTERS TO THE EDITOR

### 'Dead-End Projects'

Randy Gleich, Yankton

I will agree with the premise that with all the new road and vehicle taxes, that the DOT will be awash with a great deal of funds.

Maintaining and repairing existing roads will be a priority. However the "spin" is with all this new money: "Pet projects" will be probably looked at and funded.

The proposed Highway 50 reconstruction project may or may not be a good idea. However, when calculated with approximately a 20,000 population for Yankton, that equates to \$500 for every man, woman and child.

The next question would be, "What are we getting, what are the benefits of this \$8 million-\$10 million project?" Common sense? Are property values going to increase tremendously? Is the current infrastructure in such disrepair that it should be replaced? Is there more benefit than a turn lane that I cannot see?

But more important is the fact that \$500 (per person) is going to be spent from the taxpayers' pocketbooks for this project. How many of you will use this turn lane?

Look yourself in the mirror and count the members of your family, times by \$500 each and there is the bill. You will be paying it, one way or another, if it is completed.

On a long-term basis, a bypass project holds more merit for Yankton's future growth than the Highway 50 project.

Dead-end projects or make-work projects just to spend all this money are not prudent planning for the future road needs of Yankton and Yankton County.

I'm sure if I gave a road engineer or DOT

Why does the United States have the highest broadband prices among advanced nations and the slowest speeds?

Because more than 80 percent of Americans have no choice but to rely on their local cable company for high-capacity wired data connections to the Internet — usually Comcast, AT&T, Verizon, or Time Warner. And these corporations are among the most politically potent in America (although, thankfully, not powerful enough to grease the merger of Comcast with Time-Warner).

Have you wondered why airline ticket prices have remained so high even though the cost of jet fuel has plummeted 40 percent?

Because U.S. airlines have consolidated into a handful of giant carriers that divide up routes and collude on fares. In 2005, the U.S. had nine major airlines. Now we have just four. And all are politically well-connected.

Why does food cost so much?

Because the four largest food companies control 82 percent of beef packing, 85 percent of soybean processing, 63 percent of pork packing, and 53 percent of chicken processing.

Monsanto alone owns the key genetic traits to more than 90 percent of the soybeans planted by farmers in the United States and 80 percent of the corn.

Big Agribusiness wants to keep it this way. Google's search engine is so dominant that "google" has become a verb. Three years ago, the staff of the Federal Trade Commission recommended suing Google for "conduct [that] has resulted — and will result — in real harm to consumers and to innovation."

The commissioners decided against the lawsuit, perhaps because Google is also the biggest lobbyist in Washington.

The list goes on, industry after industry, across the economy.

Antitrust has been ambushed by the giant companies it was designed to contain.

Congress has squeezed the budgets of the antitrust division of the Justice Department and the bureau of competition of the Federal Trade Commission. Politically powerful interests have squelched major investigations and lawsuits. Right-wing judges have stopped or shrunk the few cases that get through.

We're now in a new gilded age of wealth and power similar to the first gilded age, when the nation's antitrust laws were enacted. But unlike then, today's biggest corporations have enough political clout to neuter antitrust.

Conservatives rhapsodize about the "free market" and condemn government intrusion. Yet the market is rigged. And unless government unrigs it through bold antitrust action to restore competition, the upward distributions hidden inside the "free market" will become even larger.

*Robert Reich is Chancellor's Professor of Public Policy at the University of California at Berkeley and Senior Fellow at the Blum Center for Developing Economies. His new film, "Inequality for All," is now out on Netflix, iTunes and Amazon.*

## Poll Results

The results of the most recent Internet poll on the Press & Dakotan's Web site are as follows: