

# The Press & Dakotan

THE DAKOTAS' OLDEST NEWSPAPER | FOUNDED 1861

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## OPINION OTHER VIEWS

# Immigration Policy Deserves Answer

**BLOOMBERG VIEW:** It is the genius of the law to reduce a morally fraught battle over power and liberty to a petty dispute over drivers' licenses. But the debate over President Barack Obama's immigration policy is about first principles, and the Supreme Court shouldn't hesitate to address them.

On Monday, the 5th U.S. Circuit Court of Appeals issued a 2-1 decision upholding a lower court's ruling against Obama's executive actions on immigration; on Tuesday, the administration said it would appeal the ruling to the Supreme Court. Texas, joined by 25 other states, had sued to stop the administration's implementation of its Deferred Action for Parents of Americans and Lawful Permanent Residents program, announced a year ago.

That program would shield qualified undocumented immigrants from deportation. Under a similar program announced in 2012, more than 650,000 "Dreamers" — undocumented immigrants who had been brought to the U.S. as children — have been approved for deferred action. The disputed program would make more than 4 million additional undocumented immigrants eligible to stay.

The Obama administration claims authority for the programs under the executive's broad powers of prosecutorial discretion. It justifies the programs in part by pointing out that Congress has provided funds to remove only about 400,000 undocumented immigrants per year, necessitating discretion in removals.

But case-by-case discretion is difficult to apply to a potential class of more than 5 million people. The administration's policy was born of simple frustration with Congress, which has repeatedly failed to address the presence of some 11 million undocumented immigrants in the U.S.

Texas and the other plaintiffs, for their part, say that the administration had failed to follow proper rule-making procedure. The state also said that if the presence of undocumented immigrants in Texas became lawful, the state would incur costs of supplying them with driver's licenses.

This claim, too, is cramped and legalistic, not to mention dubious: There is every reason to believe that deferred action would lead to more lawful employment and more tax revenue for Texas and other states. But Texas leaders oppose undocumented immigrants — and, emphatically, they oppose the president.

The Supreme Court can be expected to discount the disingenuous arguments of both sides, and it will not issue a ruling on the wisdom of Obama's policy. But it shouldn't evade the crux of the matter: How much authority does the executive have to address a public policy crisis when the legislature fails to act? The current decision says the Obama administration exceeded its authority, but others have concluded that, when it comes to immigration policy, the executive branch has wide latitude. How wide?

Those are the questions the Supreme Court should attempt to answer. Current candidates for the presidency have proposed answers ranging from Hillary Clinton's vow to exceed Obama's executive actions to Donald Trump's call for mass deportation. But it's the Obama administration that has a concrete federal policy on the table.

The program's legality should be resolved before the high court's current term ends next June. The president deserves a speedy answer, as do the millions of undocumented immigrants in legal limbo.

## 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](mailto:kelly.hertz@yankton.net).

## IN HISTORY

### By The Associated Press

Today is Thursday, Nov. 12, the 316th day of 2015. There are 49 days left in the year.

**Today's Highlight in History:** On Nov. 12, 1815, pioneering American suffragist Elizabeth Cady Stanton was born in Johnstown, New York.

**On this date:** In 1787, severe flooding struck Dublin, Ireland, as the River Liffey rose.

In 1927, Josef Stalin became the undisputed ruler of the Soviet Union as Leon Trotsky was expelled from the Communist Party.

In 1936, the San Francisco-Oakland Bay Bridge opened as President Franklin D. Roosevelt pressed a telegraph key in Washington, D.C., giving the green light to traffic.

In 1942, the World War II naval Battle of Guadalcanal began. (The Allies ended up winning a major victory over Japanese forces.)

In 1948, former Japanese premier Hideki Tojo and several other World War II Japanese leaders were sentenced to death by a war crimes tribunal.

In 1969, news of the My Lai Massacre in South Vietnam in March 1968 was broken by investigative reporter Seymour Hersh.

In 1975, Supreme Court Justice William O. Douglas retired because of failing health, ending a record 36-year term.

In 1977, the city of New Orleans elected its first black mayor, Ernest "Dutch" Morial, the winner of a runoff.

In 1984, space shuttle astronauts Dale Gardner and Joe Allen snared a wandering satellite in history's first space salvage; the Palapa B2 satellite was secured in Discovery's cargo bay for return to Earth.

In 1985, Xavier Suarez was elected Miami's first Cuban-American mayor.

In 1990, Japanese Emperor Akihito formally assumed the Chrysanthemum Throne. Actress Eve Arden died in Beverly Hills, California, at age 82.

In 2001, American Airlines Flight 587, an Airbus A300 headed to the Dominican Republic, crashed after takeoff from New York's John F. Kennedy International Airport, killing all 260 people on board and five people on the ground.

**Ten years ago:** A U.S.-backed summit in Bahrain meant to promote political freedom and economic change in the Middle East ended without agreement, a blow to President George W. Bush's goals for the troubled region. Jordan acknowledged for the first time that al-Qaida in

Iraq had used three foreign suicide bombers to attack Amman hotels three days earlier, killing 60 victims.

**Five years ago:** President Barack Obama arrived in Japan from South Korea to attend a regional economic summit; it was the fourth and final stop on the president's 10-day tour of Asia. The Supreme Court allowed the Pentagon to continue preventing openly gay people from serving in the military while a federal appeals court reviewed the "don't ask, don't tell" policy. (The policy was rescinded in 2011.)

**One year ago:** President Barack Obama and Chinese President Xi Jinping announced a ground-breaking agreement between their countries to curb carbon emissions blamed for climate change. Landing with a bounce after traveling 4 billion miles, a European Space Agency probe, Philae, made history by successfully reaching the icy, dusty surface of a speeding comet. Los Angeles Dodgers ace Clayton Kershaw was a unanimous choice for his third NL Cy Young Award, and Cleveland's Corey Kluber edged Seattle's Felix Hernandez to win the AL honor for the first time. At 17, Lydia Ko became the youngest player to win the LPGA Tour's rookie of the year award.

**Today's Birthdays:** Rhythm-and-blues singer Jimmy Hayes (Persuasions) is 72. Singer Brian Hyland is 72. Actor playwright Wallace Shawn is 72. Rock musician Booker T. Jones (Booker T. & the MGs) is 71. Sportscaster Al Michaels is 71. Singer-songwriter Neil Young is 70. Rock musician Donald "Buck Dharma" Roesser (Blue Oyster Cult) is 68. Sen. Jack Reed, D-R.I., is 66. Country/gospel singer Barbara Fairchild is 65. Actress Megan Mullally is 57. Actor Vincent Irizarry is 56. Olympic gold medal gymnast Nadia Comaneci is 54. Actor Sam Lloyd is 52. Rock musician David Ellefson is 51. Retired MLB All-Star Sammy Sosa is 47. Figure skater Tonya Harding is 45. Actress Rebecca Wisocky is 44. Actress Radha Mitchell is 42. Actress Lourdes Benedicto is 41. Actress Tamala Jones is 41. Actress Angela Watson is 41. Singer Tevin Campbell is 39. Actress Ashley Williams is 37. Actress Cote de Pablo is 36. Actor Ryan Gosling is 35. Contemporary Christian musician Chris Huffman is 35. Actress Anne Hathaway is 33. Pop singer Omarion is 31. Folk-rock musician Griffin Goldsmith (Dawes) is 25. Actress Macey Cruthird is 23.

**Thought for Today:** "I would have girls regard themselves not as adjectives but as nouns." — Elizabeth Cady Stanton (1815-1902).

## FROM THE BIBLE

*The Pharisees and the scribes grumbled, saying, "This man receives sinners and eats with them." Luke 15:2. Portals of Prayer, Concordia Publishing House, St. Louis.*

HILLARY MEETS *with* THE PEOPLE ON HER CAMPAIGN STOP



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## Pierre Report

# Rule Lowers Boundary Water White Bass Limit

BY REP. JEAN HUNHOFF

R-District 18 (Yankton)

The Rules Committee met with a short agenda that generated the most discussion on the expansion of duties by specific dental staff.

Game, Fish & Parks (GFP) proposed to reduce the harvest limits for mountain lions in the Black Hills fire Protection District from 75 to 60 and in Custer State Park from 136 to 57. Hunting in Custer State Park shall begin with an interval that allows the use of dogs and rotate every 14 days with an interval that does not allow the use of dogs until the lion season closes in the Black Hill Fire Protection District.

- For commercial take of white bass: White bass are declared to be rough fish for the purpose of contract commercial fishing. A holder of a rough fish removal contract may take and sell the white bass from waters and in amounts dictated by the terms of the holder's rough fish removal contract.

- For anglers in South Dakota-Nebraska boundary waters, the white bass limit is dropped to 15 with a possession limit of 30. This now corresponds to the same limit that Nebraska has for these waters. A question was raised why South Dakota had to change, and the spokesperson for the department said this was the only change for South Dakota as Nebraska was changing its limits to match what South Dakota had for their limits and possession.

There is an addition for anglers from the Ft. Randall Dam downstream to the South Dakota-Nebraska state line on the Missouri River, the minimum length limit for walleye, sauger and walleye-sauger hybrids is 15 inches. In the same waters, the daily limit for white bass is 15, possession limit 30.

For anglers restricted to one day's limit while on the water or actively fishing, no person may possess a fish unless the fish conforms to the fishing regulation sin effect for that body water. Where and when size limits apply any person in possession of any species of gamefish while the person is on the water or fishing shall keep the fish whole with the head, skin and fins attached. Only gills, entrails, scales and eyes may be removed.

- Snagging season in special management areas: There is addition on the Big Sioux River from the I-29 Bridge to the confluence of the Big Sioux River and Missouri River from Oct. 1-31, inclusive. The section in rule that any paddlefish tag that is locked closed before attachment or that is altered or modified in any way is void and may not be replaced is now removed. This does allow for the Conservation Officer to have some flexibility in deciding if a tag should be replaced based on the timing of the locking in regards to the season start and circumstances involved.

Archery allowed for taking paddlefish from portions of the Missouri River will be from June 1-30, inclusive below Gavin's Point Dam. Bobcat trapping/ hunting was expanded to Clay, Hughes, Hutchinson, Hyde and Union counties.

The rules process was complete and the Committee approved the changes.

The Board of Education proposed a fee increase effective July 1, 2016, for South Dakota teacher certification applications. There was a fee increase effective on July 1, 2015, of this year that was voted upon a year ago. The department indicated that the fees were not supporting the expenses associated in certifications. One-year validity went from \$21 to \$25, two-year validity \$29 to \$33, five-year



J. Hunhoff

validity \$43 to \$51 and 10-year validity from \$72 to \$86. No one appeared at the hearing for opposition but there was a letter from a superintendent from White River requesting delay on the rule change based on the outcome of the Blue Ribbon Task Force. The rules committee approved the process.

The Commission on Gaming amended Gaming rules to add a definition for House Banked Table Games, add new versions of blackjack to the list of authorized blackjack games, and authorized a variation of Mississippi Stud poker, created a new variation of poker known as Flushes Gone Wild and created a variation of poker known as hot Poker Spot. There were no opponents present. The rules process was approved.

The major discussion was on dentistry rule changes.

Dentists are licensed to be able to provide different levels of anesthesia as is required for their level of practice. The South Dakota Board of Dentistry oversees Dental Practitioners just as the South Dakota Board of Medical and Osteopathic Examiners oversee Physician providers.

The Dental Board wanted to clarify in rule its anesthesia certifications and criteria for the credentialed dentist. The Dental Providers also were asking that dental staff trained could directly administer the medication under direct supervision, which means direct visual contact by the dentist of the administration of the medication and monitoring of the patient during the procedure. During a procedure requiring sedation, the dentist is moving from a sterile field to administer the med then re-preparing to resume a sterile field to carry out the procedure. The dentists perceive this is not the safest option for the patient and not serving their team model of dental service. The rule would address procedures that are carried out in dental offices.

The model the dentists are requesting is a model that other states have in place. Due to an interpretation from years back, this practice has been in place but never put in rule. Dentists are not the only providers of anesthesia. Nurse anesthetists and anesthesiologists are the providers under the medical model of anesthesia providers. Thus becomes the debate between the providers of anesthesia.

At the hearing, the South Dakota Medical Association spoke in opposition to sections of the proposed rules. Minutes from the public hearing had many proponents with patient safety data that suggested the proposed changes would not put the patient at any more risk than what was currently being practiced. The committee posed questions to the proponents regarding the process for administration of the medications and the observation and monitoring of patient status. Patient safety, training of staff and accountability for oversight by the practicing dentist and the Board of Dentistry were discussed with the proponents. One member was questioning about the legality of certain sections of the rule language in regards to the previous interpretation.

The conclusion was that the process for rulemaking was complete and approved.

The Rules Committee will meet for one more time before legislative session begins in January. The agenda will be full as departments will want to finalize on rules prior to session beginning.

## LETTERS TO THE EDITOR

### Thank You To Attendees, Sponsors

#### Dakota Territorial Museum, Yankton

The Dakota Territorial Museum would like to thank everyone that attended the 2015 Haunted History Tours. We had a great turnout again this year — 112 attendees over three nights of tours. We also appreciate the support of the Affordable Taxi Company, which provided the bus again this year.

We are already gearing up for 2016. Tickets will go on sale Oct. 1, 2016. Exact dates of the tours will be announced at a future time.

We would also like to thank everyone who attended the Waffle Breakfast during Harvest Halloween. Special thanks to support from

Harvest Halloween Festival, Riverfront Events Center, Cimpl's Inc., Hy-Vee and contributions from individuals for the materials needed to hold the Waffle Breakfast.

### Poor Choice

#### Norma Washburn, Yankton

What were you thinking? Or were you?

On the front page of the Nov. 2 *Press & Dakotan*, there was a photo of children covering another child with corn at the Harvest Halloween Festival! Didn't we just have a funeral for a young man killed in a scenario just like this? Now you make it a game?

DISSIDENCE: "Acceptance by government of a dissident press is a measure of the maturity of a nation." — William O. Douglas

**FREEDOM OF THE PRESS: It's Your Right To Know!**