

THE PRESS & 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
EMAIL ADDRESS:
news@yankton.net

SUBSCRIPTIONS/ CIRCULATION:
Extension 104
CLASSIFIED ADS:
Extension 108
NEWS DEPARTMENT:
Extension 114
SPORTS DEPARTMENT:
Extension 106
ADVERTISING OFFICE:
Extension 122
BUSINESS OFFICE:
Extension 119
NEW MEDIA:
Extension 136
COMPOSING DESK:
Extension 129

MANAGERS

Gary L. Wood
Publisher
Michele Schievelbein
Advertising Director
Tonya Schild
Business Manager
Michael Hrycko
Circulation Director
Tera Schmidt
Classified Manager
Kelly Hertz
Editor
James D. Cimburek
Sports Editor
Beth Rye
New Media Director
Kathy Larson
Composing Manager

DAILY STAFF

Melissa Bader
Cassandra Brockmoller
Brandi Bue
Rob Buckingham
Randy Dockendorf
Jeannine Economy
Jordynne Hart
Jeremy Hoec
Shauna Marlette
Robert Nielsen
Muriel Pratt
Jessie Priestley
Cathy Sudbeck
Sally Whiting
JoAnn Wiebelhaus
Brenda Willcuts
Jackie Williams

Published Daily

Monday-Saturday
Periodicals 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 & Dakotian, 319 Walnut, Yankton, SD 57078.

MEMBERSHIPS

The Yankton Daily Press & Dakotian is a member of the Associated Press, the Inland Daily Press Association and the South Dakota Newspaper Association. The Associated Press is entitled exclusively to use of all the local news printed in this newspaper.

SUBSCRIPTION RATES*

(Payable in advance)
CARRIER DELIVERY
1-month . . . \$12.09
3 months . . . \$36.27
6 months . . . \$72.53
1-year . . . \$133.09
MOTOR ROUTE
(where available)
1 month . . . \$14.51
3 months . . . \$43.53
6 months . . . \$87.05
1 year . . . \$139.14
MAIL IN RETAIL TRADE ZONE
1-month . . . \$16.93
3 months . . . \$50.79
6 months . . . \$101.57
1-year . . . \$148.82
MAIL OUTSIDE RETAIL TRADE ZONE
1 month . . . \$19.35
3 months . . . \$58.05
6 months . . . \$116.09
1-year . . . \$186.33
* Plus applicable sales tax for all rates

OPINION | OTHER THOUGHTS

Holder's Exit Sets Up Battle Royale

DALLAS MORNING NEWS (Sept. 30): Attorney General Eric Holder has been a divisive figure in office. His departure promises to be no less divisive.

Holder, an original member of the president's Cabinet, was a lightning rod for liberals who questioned his record on national security and his indifference toward prosecuting Wall Street executives after the financial meltdown. Conservatives saw him as an obstructionist, most notably for his actions in Fast and Furious, the Justice Department's failed gun-running sting that led GOP lawmakers to hold him in contempt of Congress. And while Holder prominently backed more progressive drug laws, same-sex marriage and voting rights protections and spoke eloquently on issues of race and sentencing, he also crossed the line in using the power of his office to impede journalists and to discourage leaks critical of the administration.

It is in this charged environment that Holder steps aside, leaving an unclear path for his successor. Democrats have two options on how to time the confirmation proceedings. They could push for the lame-duck session after the midterms, while Democrats are sure to be in control of the Senate. Or they could wait until next year; the GOP might control the Senate, and Democrats would just dare them to create a showdown over an attorney general nominee.

Texas Republican Sens. Ted Cruz and John Cornyn have both said they don't want outgoing Democratic senators to accelerate a vote on Holder's replacement before year-end. "There is so much ill will already that this will poison the well even further," Cornyn told The Dallas Morning News' editorial board Monday.

Both scenarios are highly political and reflect the bitter partisanship of Washington.

But before any confirmation process, there must be a nominee. And many of the top prospects have put out "do not consider me" signs: Massachusetts Gov. Deval Patrick and Sen. Sheldon Whitehouse, D-R.I., have said they aren't interested; California Attorney General Kamala Harris is rumored to have done the same. (Then again, there is plenty of time for the political winds to shift.)

Once the White House settles on a nominee, it normally could count on receiving background checks from the FBI and Senate Judiciary Committee and a Senate confirmation vote within two months. But these are not normal times. The upcoming elections and the snail's pace of other confirmation hearings signal that this process is going to get ugly. That is what happens when the politicians on both sides use the office of the nation's top law enforcement officer as a political chit.

Then again, Holder has done his successor no favors. He or she has been left to dangle like a political piñata, making it almost impossible to have the independence from politics that the office demands.

ON THIS DATE

By The Associated Press
Today is Thursday, Oct. 2, the 275th day of 2014. There are 90 days left in the year.

Today's Highlight in History: On Oct. 2, 1944, German troops crushed the two-month-old Warsaw Uprising, during which a quarter of a million people were killed.

On this date: In 1780, British spy John Andre was hanged in Tappan, New York, during the Revolutionary War.

In 1835, the first battle of the Texas Revolution took place as American settlers fought Mexican soldiers near the Guadalupe River; the Mexicans ended up withdrawing.

In 1889, the first International Conference of American States convened in Washington, D.C.

In 1919, President Woodrow Wilson suffered a serious stroke at the White House that left him paralyzed on his left side.

In 1939, the Benny Goodman Sextet (which included Lionel Hampton) made their first recording, "Flying Home," for Columbia.

In 1950, the comic strip "Peanuts," created by Charles M. Schulz, was syndicated to seven newspapers.

In 1958, the former French colony of Guinea in West Africa proclaimed its independence.

In 1967, Thurgood Marshall was sworn as an associate justice of the U.S. Supreme Court as the court opened its new term.

In 1970, one of two chartered twin-engine planes flying the Wichita State University football team to Utah crashed into a mountain near Silver Plume, Colorado, killing 31 of the 40 people on board.

In 1984, Richard W. Miller became the first FBI agent to be arrested and charged with espionage. (Miller was tried three times; he was sentenced to 20 years in prison, but was released after nine years.)

In 1996, an AeroPeru Boeing 757 crashed into the Pacific Ocean, killing all 61 passengers and nine crew members on board.

In 2002, the Washington, D.C.-area sniper attacks began, setting off a frantic manhunt lasting three weeks. (John Allen Muhammad and Lee Boyd Malvo were finally arrested for 10 killings and three wounding; Muhammad was executed in 2009; Malvo was sentenced to life in prison.)

Ten years ago: Suspected separatist rebels began four days of attacks in India's Nagaland and Assam states that killed more than 70 people.

Five years ago: The International Olympic Committee, meeting in Copenhagen, chose Rio de Janeiro to be the site of the 2016 Summer Olympics; Chicago was eliminated in the first round, despite a last-minute in-person appeal by President Barack Obama. A man accused of stalking ESPN reporter Erin Andrews and se-

cretly videotaping her inside her hotel room was arrested at Chicago's O'Hare International Airport. (Michael David Barrett later pleaded guilty to interstate stalking and was sentenced to 2 1/2 years in federal prison.) Marek Edelman, 90, the last surviving leader of the ill-fated 1943 Warsaw ghetto revolt against the Nazis (not to be confused with the above-mentioned 1944 uprising), died in Warsaw.

One year ago: President Barack Obama met privately with congressional leaders at the White House for the first time since a partial government shutdown began, but there was no sign of progress toward ending the impasse. Overloaded websites and jammed phone lines frustrated consumers for a second day as they tried to sign up for coverage using new health insurance exchanges. A jury in Los Angeles cleared a concert promoter of negligence, rejecting a lawsuit brought by Michael Jackson's mother claiming AEG Live had been negligent in hiring Conrad Murray, the doctor who killed the pop star with an overdose of a hospital anesthetic.

Today's Birthdays: Country singer-musician Leon Rausch (Bob Wills and the Texas Playboys) is 87. Retired MLB All-Star Maury Wills is 82. Movie critic Rex Reed is 76. Singer-songwriter Don McLean is 69. Cajun/country singer Jo-el Sonnier is 68. Actor Avery Brooks is 66. Fashion designer Donna Karan is 66. Photographer Annie Leibovitz is 65. Rock musician Mike Rutherford (Genesis, Mike & the Mechanics) is 64. Singer-actor Sting is 63. Actress Lorraine Bracco is 60. Country musician Greg Jennings (Restless Heart) is 60. Rock singer Phil Oakey (The Human League) is 59. Rhythm-and-blues singer Freddie Johnson is 56. Singer-producer Robbie Nevil is 56. Retro-soul singer James Hunter is 52. Former NFL quarterback Mark Rypien is 52. Rock musician Bud Gaugh (Sublime, Eyes Adrift) is 47. Folk-country singer Gillian Welch is 47. Country singer Kelly Willis is 46. Actor Joey Slotnick is 46. Rhythm-and-blues singer Dion Allen (Az Yet) is 44. Actress-talk show host Kelly Ripa (TV: "Live with Kelly and Michael") is 44. Singer Tiffany is 43. Rock singer Lene Nystrom is 41. Actor Efrén Ramirez is 41. Rhythm-and-blues singer LaTocha Scott (Xscape) is 41. Gospel singer Mandisa (TV: "American Idol") is 38. Actress Brianna Brown is 35. Rock musician Mike Rodden (Hinder) is 32. Tennis player Marion Bartoli is 30. Actor Christopher Larkin (TV: "The 100") is 27. Rock singer Britny Howard (Alabama Shakes) is 26. Actress Samantha Barks is 24.

Thought for Today: "The weak can never forgive. Forgiveness is the attribute of the strong." — Mohandas K. Gandhi, Indian political and spiritual leader (born this date in 1869, died 1948).

FROM THE BIBLE

Set your minds on things that are above, not on things that are on earth. Colossians 3:2. Portals of Prayer, Concordia Publishing House, St. Louis

YOUR LETTERS

Keystone Obstacles

Dave L. Wegner, Sioux Falls
Keystone XL is an unlikely solution to the problem of RR delays in shipping farm products. Rep. Noem probably knows this but still doesn't do what is needed. Solving railroad shipping delays would require Congress to pass legislation containing carrots and sticks that would motivate RRs to reconfigure their priorities.

Millions of people oppose the construction of the XL tar sands pipeline. A newly released climate change video explains vividly why these folks are so charged up. The video can be viewed at the 350.org site via Google or Yahoo and clicking the "Disruption" button.

Sen. Thune's Senate committee hearing elicited promises from railroads to try harder. The Surface Transportation Board (STB) asserted that provisions of the Thune-Rockefeller bill would exacerbate the problems. Ap-

parently, having a regulatory agency micro-manage Warren Buffett's \$20 billion railroad isn't a good idea.

John Thune, Kristi Noem and Michael Rounds have each received tens of thousands of dollars from big oil, big coal, railroads, and various trade associations. Such campaign contributions are accompanied by expectations that the recipients serve and protect contributor interests. The electorate's interests aren't exactly a priority when elections are so easily bought by outside interests.



Thomas E. Simmons

The Parameters For Use Of Deadly Force

BY THOMAS E. SIMMONS
University of South Dakota

Is it ever proper for a police officer to shoot an unarmed person?

Years ago, there was a television program employing a "first-person shooter" point of view. It put the viewer in the shoes of an officer responding to a call of a sniper along an abandoned railroad track. The viewer was instructed to point his fingers at the screen and say "fire" at the moment he would pull the trigger on a suspect. Climbing an embankment towards the tracks, a young sandy-haired man appears.

"Halt, police!" you say, but the man turns towards you. "Halt!" you command again, yet the suspect continues to stride purposefully towards you. When the man is but a few steps away, his hand leaps up and starts to pull something from his jacket pocket and extend it towards you. "Fire!" you squeal, just in time to see the object that the man extended as it withdrew it from his wallet was a white paper card reading: "Hello. I am dead."

The legal standard for excessive force is set forth in two United States Supreme Court cases. Tennessee v. Garner determined that police could not shoot a fleeing suspect simply to prevent his escape, but that deadly force was authorized if the police had reason to believe that the escapee was violent and posed a significant risk of harm to the community.

In Graham v. Connor, a North Carolina police officer stopped a young man acting suspiciously. The man hadn't committed a crime, he was a diabetic and felt an insulin attack coming on. He fainted. A back-up officer arriving on the scene accidentally rammed the suspect's head into a patrol car while tossing him into the back. The U.S. Supreme Court found the officer's use of force was justified because he reasonably believed force was necessary to prevent or detect a crime in process.



Thomas E. SIMMONS

Police officers making split-second decisions receive a great deal of legal leeway. Deadly force is justified so long as the officer reasonably believes that she is in imminent danger — whether or not any danger actually existed.

In Smith v. Buck, a recent decision from the Eighth Circuit Court of Appeals (which hears federal cases appealed from South Dakota and six other states), Demone Smith sued a Minnesota police officer named Buck for excessive force.

The police pulled Smith over. Smith was uncooperative. Officer Buck, with his police dog "Diesel" arrived on the scene. First Smith was warned, then Diesel was turned loose, grabbing Smith's coat and pulling him back toward the officers. Diesel released Smith. The police ordered him to the ground. Complying, Smith got down on his knees and put his hands in the air.

One of the officers holstered his handgun and readied a pair of handcuffs. Other officers continued to surround Smith, their guns drawn. Officer Buck then redeployed Diesel on Smith. It bit his leg, leaving puncture wounds, nerve damage, and permanent scarring.

"Under these facts," the appellate court held, "a reasonable officer would not think that redeploying the police dog was a reasonable amount of force."

A favorite saying among some police officers is, "Rather be judged by 12 than carried by 6." Buck claimed that he believed Smith could be armed and dangerous and that there was a high likelihood he was going to get back into his vehicle and attempt to flee into heavy rush hour traffic, putting lives in jeopardy. "I re-engaged Diesel because Smith was not under control by any officers," he claimed.

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.

Whose War On Women?

BY KATHLEEN PARKER

© 2014, Washington Post Writers Group

WASHINGTON — It has long been accepted by the conventionally wise that the Republican Party is waging a "war on women."

Let's be clear. The war on women is based on just one thing — abortion rights. While it is true that access to abortion has been restricted in several states owing to Republican efforts, it is not true that women as a whole care only or mostly about abortion.

I promise, this isn't another abortion column, not that the horrific number of abortions performed each year shouldn't make one's stomach turn. Instead, extremists on the pro-choice left celebrate the "right" to terminate a 20-week-old fetus. Google an image of this stage of fetal development and try to comprehend the glee we witnessed when state Sen. Wendy Davis, now running for governor, became the belle du jour upon her successful filibuster to protect that "right" in Texas.

OK, sorry, so I digressed just a little. But it isn't possible to dissect the alleged war on women without mentioning abortion, since this is the entire content of the war as defined by savvy Democratic operatives. It was an effective strategy in 2012, aided quite a bit by some of the GOP's lesser lights and looser tongues, not to mention good ol' slut-talking Rush.

On the latter's offense, and the silliness of the so-called war in general, I defer to Bill Maher, who recently chastised liberals for their selective outrage regarding women's rights.

"We hear a lot about the Republican 'war on women.' It's not cool Rush Limbaugh called somebody a slut. OK," said Maher. "But Saudi women can't vote, or drive, or hold a job or leave the house without a man. Overwhelming majorities in every Muslim country say a wife is always obliged to obey her husband. That all seems like a bigger issue than evangelical Christian bakeries refusing to make gay wedding cakes."

Indeed. This selective tendency is also apparent when only certain women are deserving of defense in the public arena. Sarah Palin, whose vice presidency I politely opposed for legitimate reasons that are now widely embraced, has been outrageously abused in the vilest terms — by Maher among others — and left to twist in the wind. Yet Sandra Fluke, whose appeal for insurance coverage of birth control prompted Limbaugh to call her a "slut," was elevated to martyr

status and perhaps a political career.

A more recent example of a war-on-women event occurred in Virginia's closely watched congressional race between Democrat John Foust and Republican Barbara Comstock. This time it was a Democratic male attacking a Republican female in, shall we say, the most clueless terms. Lacking facts or finesse, Foust mused to an audience that Comstock hadn't ever held a "real job."

Meaning, what, that she's just a mom? Even if this were so, and it is not, why should Foust get a pass for such an ignorant, sexist remark? Is any Democratic male — even one who manages to insult while pandering — better than any Republican female? In my experience, a woman who can manage a household and juggle the needs of three children while obtaining a law degree from Georgetown University, as Comstock did, can run a corporation or a nation.

Like many working women, Comstock did stay home in the early years to raise her children. She is also whip smart, funny, irreverent and fierce. Her resume includes such non-cookie-baking activities as serving as a senior aide to Rep. Frank Wolf, whose congressional seat she is pursuing. She currently is serving her third term in the Virginia House of Delegates, where she has advanced legislation to thwart human trafficking and supported several conservative positions related to health care and tax reform.

Yes, she's conservative. And, yes, she also opposes abortion. Which is to say, she doesn't quite count in the national movement to elect more women to public office. When a Comstock ad recently called Foust's comments "sexist, bizarre, insensitive, ignorant," the 10th district's Democratic Party tweeted, "If @barbaracomstock were a man, she'd be down 20 pts w women. Her record & policies are horrible for women."

No, if Comstock were a man, she wouldn't have to counter such slander.

Virginia voters who oppose Comstock's legislative record have a clear alternative. But if they cast their ballots for Foust, they'll be electing a man whose disrespect toward women and the single job only women can do — mothering — is at least as offensive as Limbaugh's name-calling.

On the other hand, maybe Foust and Limbaugh cancel each other out — neutralizing the war that never was.

Kathleen Parker's email address is kathleen-parker@washpost.com.