

## THE PRESS &amp; DAKOTAN

THE DAKOTAS' OLDEST NEWSPAPER | FOUNDED 1861

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## OPINION | OTHER THOUGHTS

Congressional Snub  
On Minimum Wage**PITTSBURGH POST-GAZETTE (Sept. 1):** Labor Day is set aside to honor the toil and skill of the American worker. More than a parade, more than a picnic, if there's one thing many American workers want today it's a raise.

CEOs and even average employees of profitable companies receive regular raises, as sure as January follows December. But higher pay is not in the cards for the 3.3 million U.S. workers who are paid the minimum wage.

The \$7.25-an-hour pay rate has not changed since 2009. To have the same buying power, the wage should have grown to \$8.05 by now. If the minimum had been adjusted for inflation over the past four decades, it would be more than \$10 an hour today.

That's one reason Senate Democrats and President Barack Obama were pushing legislation several months ago to raise the minimum wage over two years to \$10.10 an hour, then index it to inflation. But Republicans blocked consideration of the plan and now the proposal appears to be dead.

That's a shame for workers who make minimum wage, half of whom are between the ages of 25 and 65, and an embarrassment for the United States, which stacks up poorly in a minimum wage comparison with other developed nations.

Using 2012 data, the Paris-based Organization for Economic Co-operation and Development showed that the U.S. minimum wage ranked 26th out of 27 countries when measured as a percentage of the average wage in each country. Australia, Canada and Great Britain were among those that ranked ahead of the United States, as did Japan, South Korea, Poland and Slovakia. Only Mexico's wage was worse.

This indignity could be corrected merely by passing a bill to increase the minimum wage. Improving the lot of other Americans — those who have lost family-sustaining manufacturing jobs to foreign competition, for instance — will require greater efforts, such as a revamped trade policy.

For now, though, Congress can best honor the minimum-wage worker with a simple raise.

## SPEAK UP!

Share your thoughts with us. Write to the PRESS &amp; DAKOTAN on a topic of the day or in response to an editorial or story. Write us at: Letters, 319 Walnut, Yankton, SD 57078, drop off at 319 Walnut in Yankton, fax to 665-1721 or email to views@yankton.net.

## ON THIS DATE

## By The Associated Press

Today is Thursday, September 4, the 247th day of 2014. There are 118 days left in the year.

**Today's Highlight in History:** On September 4, 1944, during World War II, British troops liberated Antwerp, Belgium.**On this date:** In 1781, Los Angeles was founded by Spanish settlers under the leadership of Governor Felipe de Neve.

In 1886, a group of Apache Indians led by Geronimo (also known as Goyathlay, "One Who Yawns") surrendered to Gen. Nelson Miles at Skeleton Canyon in Arizona.

In 1917, the American Expeditionary Forces in France suffered their first fatalities during World War I when a German plane attacked a British-run base hospital.

In 1948, Queen Wilhelmina of the Netherlands abdicated after nearly six decades of rule for health reasons.

In 1951, President Harry S. Truman addressed the nation from the Japanese peace treaty conference in San Francisco in the first live, coast-to-coast television broadcast.

In 1957, Arkansas Gov. Orval Faubus used Arkansas National Guardsmen to prevent nine black students from entering all-white Central High School in Little Rock. Ford Motor Co. began selling its ill-fated Edsel.

In 1963, a Swissair Caravelle III carrying 80 people crashed shortly after takeoff from Zurich, killing all on board.

In 1971, an Alaska Airlines jet crashed near Juneau, killing all 111 people on board.

In 1972, U.S. swimmer Mark Spitz won a seventh gold medal at the Munich Olympics, in the 400-meter medley relay.

In 1974, the United States established diplomatic relations with East Germany.

In 1984, Canada's Progressive Conservatives, led by Brian Mulroney, won a landslide victory in general elections over the Liberal Party of Prime Minister John N. Turner and the New Democrats headed by Ed Broadbent.

In 1999, Israeli Prime Minister Ehud Barak and Palestinian leader Yasser Arafat signed a breakthrough land-for-security agreement during a ceremony in Sharm El-Sheikh, Egypt. Martin Frankel, a Connecticut money manager accused of cheating insurance companies in five states out of more than \$200 million, was arrested in Germany. (Frankel was later sen-

tenced to nearly 17 years in a federal prison.)

**Ten years ago:** Hurricane Frances snapped trees, tore apart houses and flooded neighborhoods as it churned through the Bahamas. A shaken President Vladimir Putin made a rare and candid admission of Russian weakness after more than 330 people were killed in a hostage-taking at a southern school.**Five years ago:** A German army colonel called in a U.S. airstrike on a pair of hijacked tanker trucks in northern Afghanistan, resulting in civilian casualties. (German officials said up to 142 people were believed to have died or been injured; Afghan leaders estimated 30 to 40 civilians were killed.) Defense Secretary Robert Gates expressed disappointment at news outlets that had used a picture taken and distributed by The Associated Press depicting a U.S. Marine, Lance Cpl. Joshua "Bernie" Bernard, mortally wounded in combat in Afghanistan on August 14, 2009.**One year ago:** Responding to President Barack Obama's request, a sharply divided Senate Foreign Relations Committee voted 10-7 to authorize the "limited and specified use" of U.S. armed forces against Syria.**Today's Birthdays:** Actress Mitzi Gaynor is 83. Actor Kenneth Kimmins is 73. Singer Merald "Bubba" Knight (Gladys Knight & The Pips) is 72. World Golf Hall of Famer Raymond Floyd is 72. Actress Jennifer Salt is 70. World Golf Hall of Famer Tom Watson is 65. Rhythm-and-blues musician Ronald LaPreard is 64. Actress Judith Ivey is 63. Rock musician Martin Chambers (The Pretenders) is 63. Actress Khandi Alexander is 57. Actor-comedian Damon Wayans is 54. Rock musician Kim Thayil is 54. Actor Richard Speight Jr. is 45. Actor Noah Taylor is 45. Actress Lone Skye is 44. Actor-singer James Monroe Iglehart is 40. Rhythm-and-blues singer Richard Wingo (Jagged Edge) is 39. Actor Wes Bentley is 36. Actor Max Greenfield is 35. Singer Dan Miller (O Town) is 34. Singer Beyonce Knowles is 33. Country singer-musician Tom Gossin (Gloriana) is 33. Actress-comedian Whitney Cummings is 32. Actor-comedian Kyle Mooney (TV: "Saturday Night Live") is 30. Folk-rock musician Neyla Pekarek (The Lumineers) is 28. Actor Carter Jenkins is 23. Actor Trevor Gagnon is 19.**Thought for Today:** "This moment contains all moments." — C.S. Lewis, British author (1898-1963).

## FROM THE BIBLE

*For just as Jonah was three days and three nights in the belly of the great fish, so will the Son of Man be three days and three nights in the heart of the earth. Matthew 12:40.* Portals of Prayer, Concordia Publishing House, St. Louis

## YOUR LETTERS

## Calling It A Day

**Barbara Steinberg, Yankton Canine Grooming Center, LLC**  
It is with great regret and a heavy heart that I have to give up my grooming career. I have groomed many generations of some of your dogs. I have enjoyed every day doing so. I was always up for a challenge and wanting to try something new. After more than 30 years of grooming I was introduced to creative styling and coloring but new my time was nearing an end. I will always love to watch the artists in these groomers, it takes great talent and fortitude. Please have great respect for your groomers, you have no idea what we go

through, physically and mentally.

Please encourage other young people to go into this field as there are not enough groomers around. It was one kind gentleman (by the name of Larry) that first brought it to my attention at 18 years of age. Unsure of what I wanted to do, I pursued my lifelong love career.

So I want to thank each and every one of you for supporting me and trusting me with part of your family. I have enjoyed them all and feel like they are part of my family also. I want to also ask you to help me in my new endeavor when I call on you.

Live Healthy and be well, I am still here for you.



Thomas E. Simmons

Yankton's Brush With The  
Doctrine Of ExhaustionBY THOMAS E. SIMMONS  
University of South Dakota

The doctrine of exhaustion sounds like something professors require of law students before they graduate and become lawyers. It's more like a powerful mechanism designed to maintain efficiencies and keep a legal dispute in the correct forum.

In Kolda vs. City of Yankton, the exhaustion doctrine resulted in a win for the City of Yankton in a suit brought by a former police officer.

Eric Kolda was hired as a jailer in 1998. A year later, he was promoted to the position of police officer. In 2009, he was terminated for violating department policy.

A couple of years prior to being terminated, Kolda was visiting with a fellow officer when both of them were off duty. The officer said to Kolda, "I stole a chainsaw" or words of similar thrust. Department policy required Kolda to report the theft. He failed to do so.

Later, the officer with an affection for chainsaws applied to the Nebraska State Patrol for a job. A polygraph test was required. Afterward, the officer told Kolda that he did not get the job because he admitted stealing the chainsaw. Again, Kolda neglected to report the theft to his superior officer.

Eventually Kolda did report the theft. But the Yankton police chief had had it with Kolda. The chief sent Kolda a job termination letter. Kolda appealed unsuccessfully to the city manager, then sued in circuit court, claiming he had been wrongfully discharged.

Most employees in South Dakota are "at-will" meaning that they can be terminated for any reason or no reason (so long as they are not terminated on account of their gender, race, religion, etc.). One exception to the at-will rule is an employee with a contract of employment.

Another exception turns on the wording in an employee handbook. If the handbook outlines specific mandatory procedures for a job termination or limits the reasons for discharg-

ing an employee, those policies must be followed.

Yankton's employee handbook explicitly provided that an employee like Kolda could only be terminated for just cause and with advance notice. A jury concluded Kolda had been terminated for cause. That is, he had been fired for failing to timely report the chainsaw theft.

But Circuit Judge Steven Jensen concluded that Kolda was still entitled to some damages because the City had failed to provide Kolda with a hearing before it terminated him. Kolda had received a hearing before the city manager two weeks after the summary termination letter, but not before. As damages, Judge Jensen awarded Kolda just over \$2,000 for those two weeks of lost wages between the date of being summarily terminated and the date when

Kolda's side of the story was heard by the city manager.

On appeal, the South Dakota Supreme Court vacated Kolda's award of damages, but not because it disagreed with the jury's or the judge's conclusions. Rather, the Supreme Court found that Kolda should have appealed the city manager's decision not to the circuit court, but to the South Dakota Department of Labor.

The exhaustion requirement is a legal technicality. One might say the Kolda case turned on a "mere technicality." But exhaustion is a key concept and a potent one.

Kolda, the Court concluded, chose the wrong courtroom. He should have been before an administrative law judge with the Department of Labor. We require exhaustion as a mechanism for achieving more efficient resolutions of claims. So exalted is exhaustion that it is said that the circuit court lacked jurisdiction; it simply had no power to hear Kolda's complaint.

*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.*

## A Red-Faced Fiscal Reality

BY LEONARD PITTS JR.  
Tribune Content Agency

I have a question for my Republican friends.

Yes, that sounds like the setup for a smack-down, but though the question is pointed, it is also in earnest. I'd seriously like to know:

If Republican fiscal policies really are the key to prosperity, if the GOP formula of low taxes and little regulation really does unleash economic growth, then why has the country fared better under Democratic presidents than Republican ones and why are red states the poorest states in the country?

You may recall that Bill Clinton touched on this at the 2012 Democratic Convention. He claimed that, of all the private sector jobs created since 1961, 24 million had come under Republican presidents and a whopping 42 million under Democrats. After Clinton said that, I waited for PolitiFact, the nonpartisan fact-checking organization, to knock down what I assumed was an obvious exaggeration.

But PolitiFact rated the statement true. Moreover, it rated as "mostly true" a recent claim by Occupy Democrats, a left-wing advocacy group, that nine of the 10 poorest states are red ones. The same group earned the same rating for a claim that 97 of the 100 poorest counties are in red states. And then there's a recent study by Princeton economists Alan Binder and Mark Watson that finds the economy has grown faster under Democratic presidents than Republican ones. Under the likes of Nixon, Reagan and Bush they say we averaged an annual growth rate of 2.54 percent. Under the likes of Kennedy, Clinton and Obama? 4.35 percent.

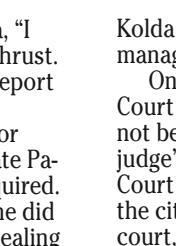
Yours truly is no expert in economics, so you won't read any grand theories here as to why all this is. You also won't read any endorsement of Democratic economic policy.

Instead, let me point out a few things in the interest of fairness.

The first is that people who actually are economic experts say the ability of any given president to affect the economy — for good or for ill — tends to be vastly overstated. Even Binder and Watson caution that the data in



Thomas E. SIMMONS



Leonard PITTS

their study do not support the idea that Democratic policies are responsible for the greater economic performance under Democratic presidents.

It is also worth noting that PolitiFact's endorsements of Occupy Democrats' claims come with multiple caveats. In evaluating the statement about 97 of the 100 poorest counties being red, for instance, PolitiFact reminds us that red states tend to have more rural counties and rural counties tend to have lower costs of living. It also points out that a modest income in rural Texas may actually give you greater spending power than the same income in Detroit. So comparisons can be misleading.

Duly noted. But the starkness and sheer preponderance of the numbers are hard to ignore. As of 2010, according to the Census Bureau, Connecticut, which has not awarded its

electoral votes to a Republican presidential candidate since 1988, had a per capita income of \$56,000, best in the country, while Mississippi, which hasn't gone Democrat since 1976, came in at under \$32,000 — worst in the country. At the very least, stats like these should call into question GOP claims of superior economic policy.

Yet, every election season the party nevertheless makes those claims. It will surely do so again this fall. So it seems fair to ask: Where are the numbers that support the assertion? Why is Texas only middling in terms of per capita income? Why is Mississippi not a roaring engine of economic growth? How are liberal Connecticut and Massachusetts doing so well?

It seems to suggest Republican claims are, at best, overblown. If that's not the case, I'd appreciate it if some Republican would explain why. Otherwise, I have another earnest, but pointed question for my Democratic friends:

How in the world do they get away with this?

*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.*