THEIRS

Leave school exit age up to local districts

History suggests local school decisions are best left to local school boards.

Go back to when our area was settled. One of the first, if not the first, things settlers did was build a school - and then a church - often before they even had built their own homes and businesses. There was no state or federal government telling them what to do, either. The settlers simply knew they needed a place to educate their children and build their community around.

Watertown school district supporters are aghast that the Legislature is considering legislation — House Bill 1168 — that would not require students to stay in school until they are 18.

Supporters at Saturday's meeting, mainly Reps. Bob Faehn and Roger Solum, indicated there is a real cry to eliminate that age requirement, especially in the rural and smaller districts.

Who's right?

We can't help but wonder if that's a decision, like nearly all when it comes to schools, that shouldn't be left to the local school boards to decide.

If Watertown's school board believes it's the right thing to do to keep our young people in school until they are 18-year-olds, then they should require it and the laws of the land ought to support it. On the other hand, if school district XYZ in rural South Dakota thinks 16 is old enough, then so, too, should that be allowed.

Which district makes the right/better decision will only be known by the results produced by the affected students.

But we have to sit back and wonder why is this issue being debated at all (either pro or con) at the state level? Why couldn't it simply be a matter decided on by the local district, by the people who know what's best for the children of our communities?

Watertown Public Opinion

Sexting a stupid idea, but not a felony

Sexting is a serious topic that's gaining national attention. A member of the Dakota Wesleyan University faculty is doing his part to raise awareness even more.

Jesse Weins, a Dakota Wesleyan University assistant professor, says state laws are not keeping up with the realities of sexting, which is the act of sending sexually explicit texts, particularly photos or videos, via cell phones.

Evidence shows that teens are especially involved. According to a national survey by the National Campaign to Prevent Teen and Unplanned Pregnancy, approximately 20 percent of teens have participated in some form of sexting.

Where sexting gets especially tangled is in how it is prosecuted. When sexting involves photos of children — even teens — sexting can run akin to possessing or distributing child pornography.

Weins, chairman of the Department of Criminal Justice at DWU, says state laws aren't keeping up with the realities of electronic messaging. He said teens run the risk of being victimized by poorly drawn statutes.

He contends that kids aren't aware of the consequences of sexting and that they sometimes are prosecuted rigorously by overzealous prosecutors.

Weins proposes creating a base misdemeanor charge for sexting, but also leaving room for aggravating circumstances, giving states a bit of guidance to follow when dealing with sexting.

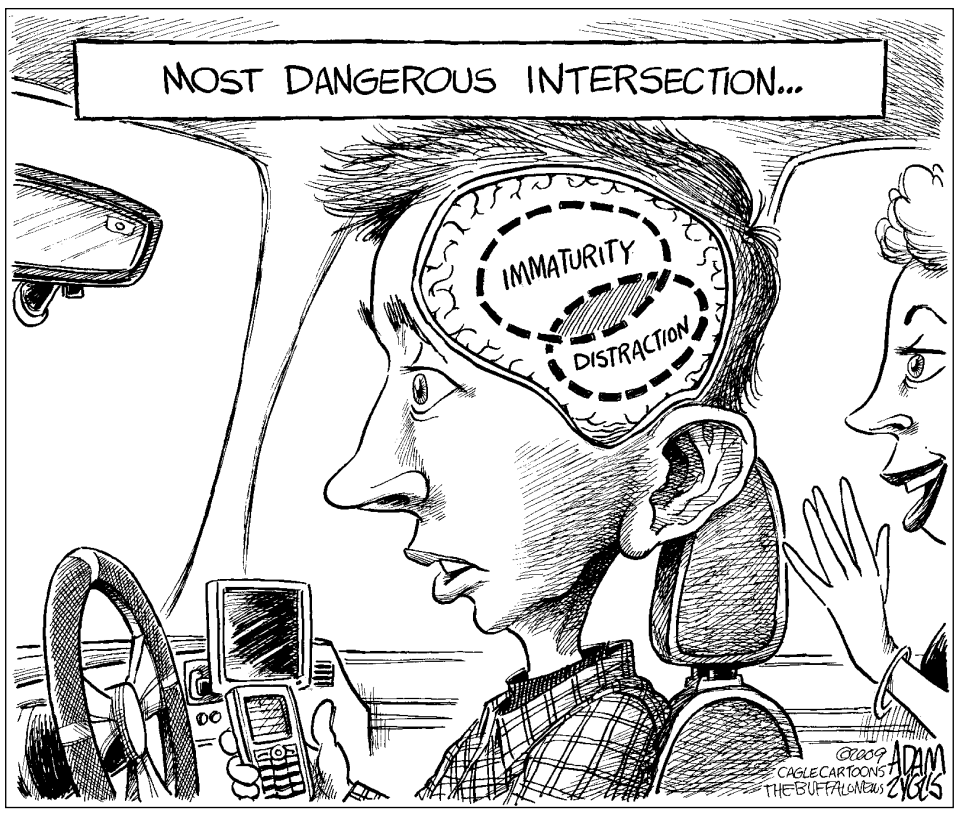
It's a good idea.

Sexting certainly is a serious crime. But should a teen who makes a stupid choice — and sexting is a very stupid choice — be put in the same class as an adult convicted of a child pornography charge?

We don't think so.

Mitchell Daily Republic

ARTISTS'



YOURS

City council goes beyond the law with censure

AUTHOR
This Forum piece is written by former Seventh Circuit Court Judge Roland Grosshans, who served on the bench from 1979 to 1996. Now in private practice, he has also served as Edgemont City Attorney and States Attorney in Fall River and Shannon counties.

I helped Alderman Sam Kooiker in his successful effort to expose and halt the city's egregious plan to sell the Rapid City Wastewater Treatment Plant. I've followed his career since. The "the powers that be" tried to silence him then. On Feb. 16, the Rapid City Council will hold a public hearing on another such effort.

The council is about to commit an ultra vires act — an act beyond the express and implied powers of a South Dakota municipal corporation. It is also an act contrary to public policy and in contravention of the free speech rights guaranteed in Article I of the U.S. Constitution.

I have read, dissected and analyzed several hundred pages of the official record to be discussed at this hearing, including the Feb. 17, 2005, response of Belle Fourche attorney Robert Morris, as outside counsel, to Jason Green, Rapid City's city attorney.

Morris' interpretation and application of SDCL 985 is wrong. That statute gives the council authority to punish its members for disorderly conduct. That is all. Disorderly conduct is defined by SDCL 22131 and again by SDCL.221035. (The council has no authority to redefine disorderly conduct.) And, the facts clearly show there has been no disorderly conduct by Alderman Kooiker.

The statute continues "With a two-thirds vote of the aldermen, the council may expel a member." This is impeachment and the final sentence of that statute refers to a conviction of bribery. Impeachment is governed by SDCL 2212A1. Neither the complaint nor the proposed resolution suggests bribery.

Yet Morris, in his reports, takes on the role of the legislature. He suggests the statute permits the council to discipline an alderman with: 1) a private warning; 2) remedial or educational training; 3) public warning or 4) public censure. That is a figment of his imagination. No such language exists in the statute. No statute gives the council authority to censure an alderman. I've found no South Dakota Supreme Court case permitting it or even construing the statute in a manner similar to Morris' conclusion.

On Dec. 3, 2009, Morris gave the city attorney a nine-page opinion, in which he states he thinks there is "probable cause" to believe Kooiker violated the Code of Conduct. He admits that a violation of the code is not actionable through legal or civil process. That ends the matter. This code has no legal force and effect. It is simply nice sounding blather. And again, Morris is dead wrong in his conclusion.

Morris packed the current record with a 58-page report on separate complaints for events between 2002 and 2004. Approximately the last 52 pages of this report repeatedly contain the phrase "as the Charging Party (Sagen) provided this information as background, we did not specifically address it with Respondent" (Kooiker) meaning, Kooiker was not allowed to defend himself. How fair is that?

Morris admits his Feb. 17, 2005, report does not state a cause of action for harassment. Consequently, it is irrelevant, meaning Morris included it at this time in an attempt to "poison the well" of the present council and the public. The council will be judge and jury. Kooiker's rights have been discarded.

Page 3 of the proposed resolution states: "Whereas, the council is of the opinion that its prior private conversation with Alderman Kooiker did not effectively alter his conduct." That is offensive. The council has no authority to require Kooiker to alter his conduct. He did not surrender his U.S. citizenship when taking his oath of office.

My research leads me to conclude this must be about Mr. Sagen's psychasthenia. Perhaps Sagen should find employment in an environment more conducive to his apparently fragile ego. Or, more likely, it is about politics. But I am baffled and disappointed that our council would engage in such foolishness and waste $17,000 in taxpayer funds investigating Kooiker when the city attorney's office is staffed with several lawyers and has a large budget.

I must assume the council proceeded in defiance of their city attorney's advice because I can't imagine an attorney practicing in South Dakota would advise his client to spend $17,000 in taxpayer funds to proceed with this witch hunt when there is such a mindboggling lack of evidence to support doing so. I wonder if Mr. Green proceeded under threat of losing his own employment.

State should have banned cell phone use by young drivers

AUTHOR
This Forum piece is written by Matt McCormick, an insurance agent in Rapid City.

A young driver cell phone ban was killed by the Health and Human Services Committee on a 9-4 vote Thursday. There are plenty of arguments for and against the bill, but one fact, above all others, sticks out in my mind; this ban can and will save lives if it were passed.

The Number One threat to the life of a teenager in South Dakota is a motor vehicle crash. In 2008, 21 people were killed in crashes involving teen drivers and over the past five years, South Dakota crashes involving teen drivers claimed 157 lives.

Talking and texting on a cell phone while driving is dangerous behavior for drivers of all ages, but especially for our youngest, least experienced drivers. Text-messaging drivers are six times more likely to be involved in a car accident than drivers who do not. A driver talking on a cell phone is more impaired than one with a blood alcohol level exceeding the legal limit.

Auto safety laws play an important part in keeping roads safe for everyone. Laws governing underage drinking and driving are excellent examples. Parents play a critical role in enforcing these laws and serving as good role models for their children. The youth cell phone ban will be most effective when law enforcement and parents work together.

Most importantly, this law will save lives. Other states that have passed similar laws have seen improvement. Studies from Florida, Michigan, North Carolina, Georgia and Oregon all have shown unequivocal success in decreasing teen crash rates by passing legislation protecting young drivers.

Even so, wouldn't saving one life be enough reason to pass the youth cell phone bill? Please call, write or email your legislator and tell them you want them to save lives.

Ask them to reconsider the youth cell phone ban.

The Forum

Submissions for the Rapid City Journal's Saturday Forum page are welcome.

The articles should be 550 words or less and must include the author's name, address, phone number and a one-sentence biography emphasizing the author's expertise in the subject matter.

Submissions can be on any topic, although priority is given to articles by local authors with knowledge of the subject. Submissions are judged by their literary merit and interest to readers in the West River region and South Dakota.

Mail articles to Forum, Rapid City Journal, Box 450, Rapid City, SD 57709.
Fax: 394-8463
E-mail: letters@rapidcityjournal.com
Phone: 394-8427

LETTERS TO THE EDITOR POLICY

Mail: Rapid City Journal, Box 450, Rapid City, SD 57709.
Phone: 394-8427
E-mail: letters@rapidcityjournal.com
Fax: 394-8463
Letters limited to 200 words and must include full name, address, phone number and signature. Two per month. Letters may be edited.