

# Groton Daily Independent

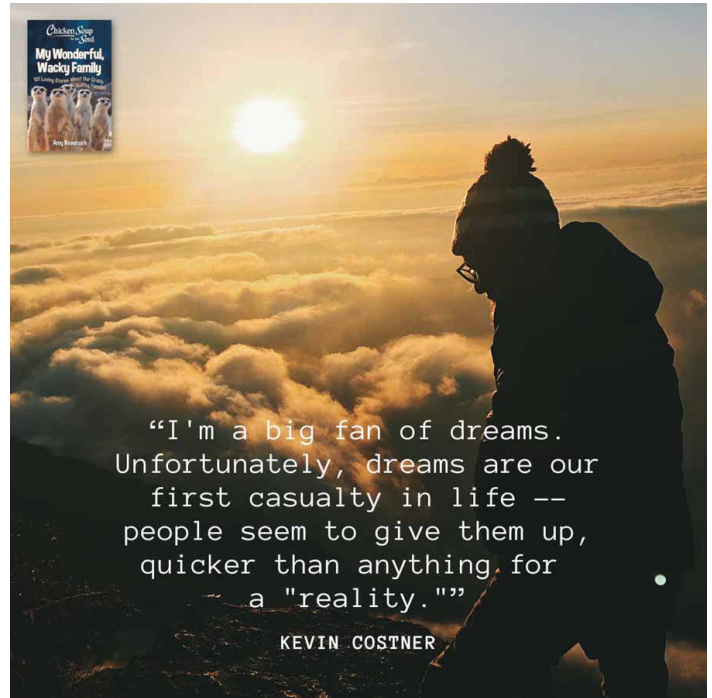
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## Groton Community Calendar Thursday, Feb. 16

Senior Menu: Tater tot hot dish, green beans, grape juice, apple crisp, whole wheat bread.  
School Breakfast: Stuffed bagels.  
School Lunch: Hot dogs, chips.  
Parent-Teacher Conferences, 1:30 p.m. to 8 p.m.

**Groton Daily Independent**  
**PO Box 34, Groton SD 57445**  
**Paul's Cell/Text: 605-397-7460**



## Friday, Feb. 17

Senior Menu: Ham and bean soup, egg salad sandwich, 7 layer salad, cookies.

NO SCHOOL - Faculty In-Service

Basketball Double Header at Britton. (Girls JV and Boys JV both played at 5 p.m. Then Girls Varsity and Boys Varsity)

## Saturday, Feb. 18

Common Cents Community Thrift Store, 10 a.m. to 1 p.m.

Catholic: SEAS Confession, 3:45-4:15 p.m.; SEAS Mass, 4:30 p.m.

Boys Basketball hosts Florence-Henry. (7th grade game at 11 a.m. followed by 8th grade game. C game at 1 p.m. followed by JV and Varsity)

Emmanuel Lutheran: Rosewood Court worship, 10 a.m.; Council Retreat at church, 9 a.m. to 2 p.m.

## **OPEN:** Recycling Trailer in Groton

The recycling trailer is located west of the city shop. It takes cardboard, papers and aluminum cans.

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## The Bulletin

by Newsweek

JANUARY 24, 2023

### World in Brief

Delaware as part of the investigation into President Joe Biden.

- The Ohio toxic spill risks contaminating water supplies for five million people. However, officials said they had implemented measures to prevent contamination of drinking water.
- Actress and Golden Globe winner Raquel Welch, who rose to fame in the 1960s after appearing in a deerskin bikini in *One Million Years BC*, has died after a brief illness at 82.
- California Senator Dianne Feinstein's decision not to run for reelection in 2024 paves the way for new Democratic candidates to take the seat. However, many of the floated names could mean more progressive voices added to the ballot.
- Lancashire police officers are facing backlash after revealing that Nicola Bulley, a mother who went missing on January 27 in the U.K., had "significant issues" with alcohol.
- Payton Gendron, the 19-year-old gunman who left 10 Black people dead during a mass shooting at a supermarket in Buffalo last May, has been sentenced to life in prison.
- In the ongoing war in Ukraine, Russia launched at least 32 missile attacks earlier today, causing damage to critical infrastructure in Lviv. At least three were killed after attacks on an apartment building and school in the Donetsk region.

### Spring Break is Shortened

School was called off yesterday due to blizzard conditions in parts of the school district territory. As a result, Spring Break will be reduced to one day instead of two as March 16 will now be a day in-session. In addition, the original school calendar was amended changing Monday, February 20th and Monday, April 10th, to in-session days.

- A mass shooting at the food court of Cielo Vista Mall in El Paso, Texas, has left one person dead and three others injured. The shooting occurred near a Walmart where 23 people were killed in a horrific 2019 massacre.

- Rep. Matt Gaetz is set to grow his influence over the Republican Party even further after the Justice Department decided not to charge the Florida congressman following a lengthy sex-trafficking probe.

- FBI agents recovered some documents without classified markings after two searches at the University of



## UNEXPECTED EXPENSES: State project costs jump by millions

Bart Pfankuch

South Dakota News Watch

South Dakota taxpayers could pay millions of dollars in unexpected expenses caused by inflation and workforce challenges that are hitting the construction industry.

Nine bills have been filed in the current legislative session in Pierre to increase funding for construction projects that were passed in prior years but have gotten much more expensive due to inflation and higher employee costs. All told, those bills would increase spending by \$62.1 million for university labs and dorms, a new athletic arena, the state health lab and other projects across the state.

While lawmakers often consider a bill or two each session to make up for higher-than-expected construction costs, this year has seen inflationary impacts that are far beyond the norm, officials said.

The rising costs are due to inflation that has struck especially hard in construction materials and labor costs, which have risen far faster over the past two years than the overall national inflation rate of 8% in 2022 and 4.7% in 2021, according to the U.S. Bureau of Labor Statistics. The national inflation rate remained at 6.4% in January 2023, according to the government. For several years prior, the national inflation rate hovered around 2% or less.



**Like several other state construction projects, the new minerals lab under construction on the campus of South Dakota Mines in Rapid City has seen its total cost rise by several million dollars -- from \$34 million to \$41.8 million -- as inflation and labor costs have risen.** Photo: Bart Pfankuch, South

Dakota News Watch

### Unprecedented increases

Andy Scull, president of J. Scull Construction Services, a Rapid City-based firm that is among the largest builders in the state, said construction companies have been hit with a multi-pronged increase in costs over the past two years. He's been in the industry for two decades and hasn't seen anything like it.

Core building materials now cost more than ever: steel, copper, plastics, glass and especially labor, caused by a lack of workers, Scull said.

"Everything has gone up in price, and construction is where the rubber hits the road," Scull said.

All those fluctuations and increases make it impossible to accurately predict the cost of a large, multi-



**Predicting construction costs has become nearly impossible amid high inflation and labor costs. "It's almost unbelievable at this point; it's like everything I learned through the first 20 years of my career is out the window."**

-  
- Andy Scull, president of J. Scull Construction Services in Rapid City

year project, he said.

"It's almost unbelievable at this point; it's like everything I learned through the first 20 years of my career is out the window," Scull said.

The nine bills to increase construction spending are making their way through the legislative process.

The Joint Committee on Appropriations unanimously passed Senate Bill 93, which would raise the allocated spending for an athletics center at Dakota State University in Madison from \$28 million to \$40 million.

The full Senate followed with a 34-1 approval.

Some bills would use state general fund money to offset the higher construction costs while others would authorize increased spending from donated funds or those from other sources.

### **Crystal balls were cloudy on inflation**

Brian Maher, executive director of the South Dakota Board of Regents, said he was caught off guard by the rapid rise in the inflation rate over the past two years and by how dramatically that has increased the cost of construction projects. Six of the nine bills to increase spending on construction projects are related to building projects approved by the Board of Regents.

Maher said that in his time leading the regents and the Sioux Falls School District prior to that, inflationary adjustments within project budgets were typically targeted at 2% to 3% a year, and most of those project budgets held up.

"The real easy thing to look at is that inflation is so much different than it has been in the past 10 or 20 years, and then all of a sudden this last year, we saw inflation at triple what it had been before," Maher said.

Large, multi-million dollar construction projects often take up to three years from the point of inception and cost estimation, through the design process and finally to construction completion, Maher said. During the highly volatile inflationary period of the past year or two, those initial cost estimates proved to be inaccurate and significantly lower than the real cost in 2023.

"This high rate of inflation, we didn't see this when we were going through the process of estimating costs," Maher said. "This is just something that I don't think we as a society saw coming."

Maher said that other than finding private funding for projects, the university system has few options beyond seeking funding from the Legislature in order to complete projects that rose significantly in cost.

"We did our homework up front, and based on all the data we had at that point, we estimated it was going to cost 'X' amount of dollars to see that project through to completion," Maher said in an interview with News Watch. "So, for us, there's a little tail-between-the-legs kind of thing because some folks would say, 'Why didn't you do your homework a year ago?' And I don't want to say nobody saw this, but not many saw the impact inflation would have on us and how quickly."

### **Delaying projects not viable**

State Rep. Tony Venhuizen, R-Sioux Falls, a member of the Joint Committee on Appropriations, said that while the state is seeing record increases in tax revenues, in part driven by inflation that is driving up sales tax revenues, the state continues to see a high demand for capital and spending projects.

In an email to News Watch, Venhuizen said the state has also received large increases of federal money during the COVID-19 pandemic. But in many cases the state must use that money quickly in order to

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qualify for the funding programs. That has prevented the state from waiting to embark on new projects until inflation eases, Venhuizen said.

"Certainly the huge infusion of federal COVID relief funds and infrastructure funds over the past three years has led to more projects and more demand, and that has driven up costs," Venhuizen wrote. "In many cases, though, federal funds must be used within a limited time and so there is no ability to wait to see if costs eventually come back down."

## Pay more or cut back

Venhuizen said that inflation and other cost increases have put state appropriators in a tough position. They can either increase project spending or reduce the scope of a project, which might reduce its functionality and not fulfill the purpose it was designed for.

"It is often the case that, once the project begins, costs come in a little high and those managing the project have to adapt to stay within the budget," Venhuizen wrote. "In the case of projects approved within the last year or two, though, construction inflation has been so high that staying within the approved budget would lead to a project that is very different than what the legislature approved."

Meanwhile, officials said that delaying a needed project almost ensures that costs will be higher as inflation, even at a lower rate than seen in recent years, will drive up the final cost of big projects.

Venhuizen added that if inflation continues to rise or even level off at its current rate, the state could ultimately find itself in a situation where construction progress is slowed, and building new facilities or upgrading existing structures could be more difficult.

"In the short term, strong state revenue growth and federal funding have allowed the state to continue to move forward with important projects," Venhuizen said. "There is no doubt, though, that if these inflated construction prices persist, it will limit the ability of governments to fund construction projects."

Venhuizen said the Legislature is unable to take steps to lower the cost of construction materials. But it can address the rising costs by working to keep costs down on each project and by implementing training programs to provide more skilled employees for an industry that has long faced a shortage of workers, he said.

"By far the biggest factor driving these costs is inflation in the cost of materials, and state government cannot really do anything about that. The state has funded increases of construction-related programs in higher education, which can help with workforce," he wrote. "And we need to keep managing these construction projects in the most responsible way possible."

## S.D. builder shares nuts and bolts of inflation

While construction firms have long experienced fluctuations in the costs of some commodities, including steel, copper and wood, builders over the past two years have



**To save money, the minerals lab now under construction on the campus of South Dakota Mines in Rapid City was moved to a flatter, more centralized location. The relocation saved about \$4 million in project costs.** Photo: Bart Pfankuch,

South Dakota News Watch



**Tony Venhuizen**

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seen major price increases in products that are typically less volatile, such as glass, plastics, Sheetrock, electric conduit and concrete aggregates, Scull said.

Meanwhile, supply chain interruptions during the COVID-19 pandemic drove up demand and prices for necessary construction materials. Additionally, the influx of federal money allocated to state and local governments and the need to act quickly to meet timelines within those funding programs put pressure on the construction industry to keep up, Scull said.

"That increased the demand, which ultimately added to the inflationary cycle," he said.

Finally, construction firms have seen a dramatic rise in the cost of labor, which rose by as much as 15% annually over the past two years when a 3% to 4% annual increase was more typical in previous years, Scull said. Labor costs can rise even further if weather delays or strict deadlines increase the need to pay employees overtime, he said.

## 'Swimming up the inflation river'

A good example of how construction costs have climbed and how government and builders are trying to reduce costs of public projects is the Nucor Mineral Industries Building now under construction on the campus of South Dakota Mines in Rapid City.

The laboratory building was first approved in 2021 when the Legislature provided \$34 million in spending authority to the Board of Regents to build it, according to state records. This year, via Senate Bill 33, the appropriation to complete the building would rise to \$41.8 million.

Scull said inflationary expense increases drove up the cost of the project that requires significant infrastructure in order to function properly as a minerals lab.

"That job specifically is a laboratory, and it's heavy in costs in mechanical and electric and steel, copper, polyvinyl chloride (PVC) piping and all the equipment," Scull said.

In order to keep the costs from climbing even higher, Scull worked with officials from the Board of Regents and South Dakota Mines to relocate the building to a flatter, more centralized location on campus that reduced the need for electric and utility infrastructure, Scull said.

"We were swimming up the inflation river, so as we're trying to manage the project and find more effective ways to build things and to save money, we had to come up with some big ideas to hedge this thing to lower costs," he said.

Despite the cost increases due to inflation, which were unavoidable, relocating the building saved about \$4 million in final project costs, Scull said.

## Higher prices but lower profits

The workforce shortage in construction is further driving up labor costs as skilled employees in high demand can obtain higher wages, Scull said.

"I can hardly get plumbers to bid projects right now because there's so much demand and so few of them," Scull said. He praised state efforts to expand technical training opportunities but said he expects the workforce shortage to affect South Dakota for years.



**High inflation and labor costs have driven up the cost of several projects approved by the South Dakota Board of Regents, including the minerals lab now under construction at South Dakota Mines.** Photo: Bart Pfankuch, South Dakota News Watch

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**Kathryn Birkeland**

"There's no silver bullet on workforce, and I think it's going to take a decade to get that cleared up," he said.

Scully said the public should know that even as project costs rise, often by millions of dollars from start to finish, that builders are actually seeing less profit overall on each project because it is nearly impossible to accurately estimate costs as projects that may take up to three years move forward.

"We've actually seen a decline (in profits) because of the volatility and the risk of cost escalation that we take on," Scully said. "The project cost is a constantly moving target and trajectory, and it used to be pretty stable. But now, it's constantly moving, and has put a tremendous strain on the overall profitability of all companies because our costs and services are going up and continue to go up well after we have (bid) the project."

Hope on the inflation horizon?

But at least one South Dakota economist predicts that the future is not overly gloomy when it comes to inflation and its ability to inhibit future growth or completion of big capital projects.

"As a macroeconomist, the current level of inflation is not concerning," said Kathryn Birkeland, associate dean at the Beacom School of Business at the University of South Dakota.

"We have had so long with so little inflation that many planning processes may have forgotten to account for it," she said in an email to News Watch.

Birkeland said that while economic transitions "can be uncomfortable as some prices rise faster than others," the construction industry will adjust and realign resources if necessary to maintain production levels. She also noted that most economists do not see a major role for government in trying to influence markets to control inflation.

"Inflation does not necessarily slow economic growth," Birkeland wrote. "The current cost increases are coming after record supply chain issues and an increase in inflation that many did not expect (although predicted). Economies can operate with inflation and rising costs. The transitions can be uncomfortable as some prices rise faster than others, but ultimately the markets can adjust."

— This article was produced by South Dakota News Watch, a non-profit journalism organization located online at [SDNewsWatch.org](http://SDNewsWatch.org).

*Bart Pfankuch, Rapid City, S.D., is the content director for South Dakota News Watch. A Wisconsin native, he is a former editor of the Rapid City Journal and also worked at newspapers in Florida. Bart has spent more than 30 years as a reporter, editor and writing coach. Contact Bart at [bart.pfankuch@sdnewsWatch.org](mailto:bart.pfankuch@sdnewsWatch.org).*

## STATE PROJECTS COSTING MILLIONS MORE

Here is a list of the nine legislative bills that could lead to increased spending on government construction projects that received prior approval. Projects are listed with House Bill or Senate Bill number; project type and location; and proposed cost increase.

HB 1006: Kinsman Building, Pierre, from \$1.5 million to \$3.0 million, \$1.5 million increase

HB 1022: State health lab, Pierre, from \$69.6 million to \$82.4 million, \$12.8 million increase

HB 1030: Bio-products lab, Brookings, \$20 million to \$23 million, \$3 million increase

HB 1031: South Dakota State University dairy lab, Brookings, \$7.5 million to \$8.5 million, \$1 million increase

SB 18: State Fair livestock complex, Huron, \$20 million to \$29 million, \$9 million increase

SB 33: Minerals building at Mines, Rapid City, \$34 million to \$41.8 million, \$7.8 million increase

SB 93: Dakota State University athletics center, Madison, \$28 million to \$40 million, \$12 million increase

SB 172: Health center, Black Hills State University-Rapid City, \$15 million to \$20 million, \$5 million increase

SB 173: Lincoln Hall at Northern State University, Aberdeen, \$29.5 million to \$39.5 million, \$10 million

increase

Total increases: \$62.1 million

Source: South Dakota Legislature

# GDILIVE.COM

**Basketball Double Header at Britton-Hecla**  
**Friday, Feb. 17, 2023**

**Livestreaming begins at 5 p.m. for both JV Games**

**Boys Game sponsored by Grandpa**

**Girls Game sponsored by Rich & Tami Zimney**

**Varsity to follow sponsored by**

Bary Keith at Harr Motors

Bierman Farm Service

Blocker Construction

Dacotah Bank

Groton Chamber of Commerce

Groton Ford

John Sieh Agency

Locke Electric

Milbrandt Enterprises, Inc.

Spanier Harvesting & Trucking

Bahr Spray Foam

Thunder Seed with John Wheeting



**Shane Clark will be doing the play-by-play of the girls games!**

**\$5 ticket to watch can be purchased at GDILIVE.COM.**

**GDI Subscribers can watch for free**



# GDILIVE.COM

**Boys Basketball Action hosting Florence-Henry  
Saturday, Feb. 18, 2023**

**Livestreaming begins at 11 a.m.**

**JH and C games sponsored by**

**GDI Living Heart Fitness Center**

**JV Game sponsored by Steve & Betty Dunker**

**Varsity to follow sponsored by**

Bary Keith at Harr Motors

Bierman Farm Service

Blocker Construction

Dacotah Bank

Groton Chamber of Commerce

Groton Ford

John Sieh Agency

Locke Electric

Milbrandt Enterprises, Inc.

Spanier Harvesting & Trucking

Bahr Spray Foam

Thunder Seed with John Wheeting



**\$5 ticket to watch can be purchased at [GDILIVE.COM](http://GDILIVE.COM).**

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## SOUTH DAKOTA SEARCHLIGHT

<https://southdakotasearchlight.com>

### House committee kills three tax cut bills

BY: MAKENZIE HUBER - FEBRUARY 15, 2023 2:58 PM

PIERRE – The House Committee on Appropriations killed three of the tax cut bills introduced to the Legislature this session.

The bills included one that would exempt feminine hygiene products, such as tampons, from the state sales tax; one that would exempt burial and cremation services from the state sales tax; and one that would cut the food sales tax to 2.5%.

During a Wednesday morning hearing at the Capitol, each of the bills was deferred to the 41st day of the 38-day legislative session. The move basically defeats the bills but allows for a potential to revive them if there is enough interest among legislators.

Three other tax cut bills remain on the House Appropriations docket and are planned to be discussed on Feb. 21: a food sales tax repeal backed by Gov. Kristi Noem, a property tax reduction, and an overall sales and use tax reduction.

#### Feminine hygiene tax called 'discriminatory'

South Dakota is one of 22 states with a sales tax on feminine hygiene products.

HB 1159, introduced by Rep. Erin Healy, D-Sioux Falls, would cost the state between \$1 million and \$3.6 million, based on estimates from the Bureau of Finance and Management and the Legislative Research Council, respectively.

Proponents argued it's a public health issue, since people who can't afford to buy tampons, pads or menstrual cups can get infections if they use unsanitary rags, napkins or toilet paper, or if they use a feminine hygiene product for longer than is safe.

Suzanne Herman with the advocacy group Period Law told legislators that the product is a medical need, adding that prescription drugs are excluded from state sales tax in South Dakota. She also noted that Viagra, an over-the-counter drug to treat erectile dysfunction, is exempt from tax. The Presentation Sisters of Aberdeen also testified in support.

Healy argued that the sales tax on feminine hygiene products is "discriminatory" because only people who menstruate have to buy the product.

"We all want taxes to be fair," Healy told legislators. "Only by your gender are you getting taxed for these products. It's inescapable."

One opponent, Nathan Sanderson with the South Dakota Retailers Association, argued that if feminine hygiene products were exempt, then other personal hygiene products like toothpaste or toilet paper would have to be considered as well. The Bureau of Finance and Management also opposed the bill.

Rep. Linda Duba, D-Sioux Falls, made a motion to pass the bill onto the House floor for further debate, but when she waited for a second, there wasn't one.

"Of course there isn't," Duba said. "There are eight other men in this room."

Ultimately, the committee voted 8-1 to defer the bill to the 41st day.

#### Food tax compromise bill fails

HB 1095, introduced by Rep. Oren Lesmeister, D-Parade, would cut the 4.5% state food sales tax to 2.5%. Lesmeister said he introduced the bill as a potential compromise to the Gov. Kristi Noem-backed food tax repeal.

Opponents included Sanderson and the Bureau of Finance and Management. The Presentation Sisters of Aberdeen and Sen. Reynold Nesiba, D-Sioux Falls, spoke in support of the bill.

Gov. Noem's bill will be heard in the committee on Feb. 21. Some legislators have said they can amend Noem's bill if they don't want to completely eliminate the food sales tax, rather than adopting bills like Lesmeister's.

## 'Death tax' costs up to \$300 for burials, cremations

HB 1197, introduced by Rep. Rebecca Reimer, R-Chamberlain, would exempt funeral, cremation and burial services from the state sales tax.

Under state law, the deceased must be cremated or embalmed and buried. With that law, families pay up to \$300 in taxes for burials or cremations, Reimer said.

The bill would cost the state up to \$3 million a year, according to an estimate from the Legislative Research Council. The tax exemption would not apply to tangible purchases, such as urns.

Opponents including Sanderson and the state Department of Revenue argued the tax would erode the state's tax base.

"When you start to pick and choose exemptions, where do you start and stop?" Sanderson said.

*Makenzie Huber is a lifelong South Dakotan whose work has won national and regional awards. She's spent five years as a journalist with experience reporting on workforce, development and business issues within the state.*

## Attempt to block COVID vaccines from required school immunizations fails in committee

BY: JOSHUA HAIAR - FEBRUARY 15, 2023 12:40 PM

A bill aimed at preventing COVID-19 vaccines from becoming mandatory for children attending public schools in South Dakota failed to pass the state's Senate Health and Human Services Committee on Wednesday.

Sen. Julie Frye-Mueller, R-Rapid City – who was recently censured by the state Senate after she allegedly made harassing comments about vaccinating children to a legislative staffer – introduced the bill. It says no official "may impose on a child any additional vaccination or immunization requirements" beyond the existing list of required vaccines: "poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, tetanus, meningitis, and varicella."

Opponents said the bill would also strip the Department of Health of any authority to administer and modify the state's public school immunization requirements in the future.

"We don't know what the future holds," said Deb Fischer-Clemens, a lobbyist for Avera Health, in opposition to the bill.

Proponent testimony included members of the public who said they have done their own research about vaccines – like Heather DeVries of Madison, who thinks no new vaccines should be mandated. She said the internet has enough information to ensure parents make the right choice about immunizations.

"We have the ability to research them because we have the internet," DeVries said. "We have a voice to say 'yes' or 'no,' it's our choice."

The bill also gained support from some out-of-state doctors who argued parents should have the right to choose whether or not their children receive the COVID-19 vaccine. Dr. John Littell, of Florida, alleged that medical boards around the U.S. have become corrupted by federal agencies, and childhood vaccines are not useful in rural states.

"Most if not all childhood vaccines were developed with the intent of putting out the fire in children that are high-risk," Littell said. "Children in inner-city populations who were not being breastfed, who were in daycares."

## Opponents: COVID vaccine is safe

Opponents, including the South Dakota State Medical Association, said the research on COVID-19 vaccines is clear.

"The COVID-19 vaccine has been repeatedly found by almost every peer-reviewed journal and the CDC

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as being safe and effective for kids," said Justin Bell, a lobbyist for the association.

The state Department of Health has the authority to administer the state's immunization requirements and add or remove vaccines from the list.

"If you pass this bill, all of this goes away," Bell said. "You are, essentially, taking away all of the rules as it relates to the current immunization schedules that we have."

Additionally, Bell said proponents cited no evidence that the Department of Health is planning to add COVID-19 vaccines to the list of required immunizations.

The Department of Health did not testify, nor was a representative available to take questions during the bill's hearing.

Sen. Sydney Davis, R-Burbank, made the motion to kill the bill. She said the Department of Health has come to the Legislature in the past to modify the list of immunizations.

"In 2016, meningitis, we were here, adding it to the statute," Davis said. "I think it's obvious that our Department of Health is working in good faith with the Legislature to make any additions to this."

## Another Frye-Mueller bill

That wasn't Sen. Julie Frye-Mueller's only bill that failed in the committee on Wednesday.

Frye-Mueller also introduced a bill that would require doctors, including dentists, to assess and inform patients prior to prescribing an opioid for pain management. The assessment would include a physical examination, an assessment for substance abuse issues, and a brief on the dangers of the drug.

The bill would have also limited opioid prescriptions to three, four and seven-day allotments, depending on the age and circumstance of the patient. If the patient were to require more than 30 days on the drug, the bill would require doctors to inform the patient of the dangers, investigate alternative methods of care, and have the patient sign an agreement stating they would only seek refills from that doctor.

Doctors would also be subject to a lawsuit for not following the language in the bill.

"Why can't a little extra time be taken in the doctor's office when a life is at stake?" Frye-Mueller said.

Opponents included Sanford Health and Avera Health, and the South Dakota Pharmacists and State Medical associations.

Opponents took issue with, among other text in the bill, a part that says, "a person receiving treatment for substance abuse, including opiate or opioid abuse" is excused from the rules in the legislation.

"This would seem to allow someone who is suffering from addiction issues, from these substances, to be able to bypass any of the protections set forward in this bill," said Mitch Rave, a lobbyist with Sanford Health.

Four of Frye-Mueller's eight bills introduced during this year's 38-day legislative session at the Capitol in Pierre have failed so far. Three have yet to be heard by a committee. The eighth bill was withdrawn at her request.

*Joshua Haiar is a reporter based in Sioux Falls. Born and raised in Mitchell, he joined the Navy as a public affairs specialist after high school and then earned a degree from the University of South Dakota. Prior to joining South Dakota Searchlight, Joshua worked for five years as a multimedia specialist and journalist with South Dakota Public Broadcasting.*

## Effort to define 'state business' for aircraft use fails in committee

Legislation arose from Noem airplane controversy

BY: SETH TUPPER - FEBRUARY 15, 2023 11:20 AM

A committee of legislators rejected an attempt Wednesday at the Capitol in Pierre to define "state business" as it pertains to the use of state aircraft.

Sen. Reynold Nesiba, D-Sioux Falls, brought the bill in response to a controversy over Republican Gov. Kristi Noem's use of a state-owned airplane.

Testifying to the Senate Transportation Committee, Nesiba referred to Noem's flights as "less than fully limited to state business usage."

"Nobody wants any elected official, including us, misusing state resources for either political or personal

gain," Nesiba said.

Noem faced scrutiny for a number of state airplane flights during the past few years, including trips to out-of-state political functions and a flight from Custer and back for her daughter's 2019 wedding at Custer State Park.

Nesiba filed a complaint about Noem's use of state aircraft in 2021. The complaint was ultimately referred to a local prosecutor, Hughes County State's Attorney Jessica LaMie, who announced in October that there were no facts to support a criminal prosecution "under current law." In December, the state Government Accountability Board dismissed the complaint, citing the lack of a definition of "state business" in the law.

Nesiba's bill sought to define "state business" as "any activity directed and authorized by an office, department, institution, board, or agency of the state to advance a policy or purpose of the state entity."

But the bill also would have introduced several more restrictions on state airplane use. It would have banned usage by "a person who is not employed by the state or is not enrolled in an aviation program." It would have banned using or riding in a state aircraft to "attend a social, recreational, religious, political, or personal event." And it would have required, in many cases, the taking of "the shortest and most direct route."

Those provisions sparked opposition from Noem's secretary of transportation, Joel Jundt, and Lake Area Technical College President Tiffany Sanderson (formerly Noem's secretary of education). They said the bill would disallow many current uses of state aircraft by non-state employees. Those include flights for families of deceased National Guard members, wildland firefighters, local law enforcement officers, and flights by student pilots in Lake Area Tech's aviation program, among other examples.

Jundt said the bill would have "numerous unintended consequences for state agencies."

Nesiba drafted an amendment and asked the committee to send the bill to the full Senate so he could work on further amendments. But the committee voted 6-1 to defer the bill to the 41st legislative day, which is a way of rejecting a bill during a 38-day lawmaking session. The one vote in favor of the bill came from the committee's only Democrat, Liz Larson, of Sioux Falls.

Noem, who's often mentioned as a potential presidential or vice presidential candidate, is delivering three speeches this week in Washington, D.C. A spokesman for the Governor's Office, Ian Fury, said Noem did not take a state airplane. Fury has not responded to a follow-up message asking how Noem got to D.C. and who paid for the trip.

*Seth is editor-in-chief of South Dakota Searchlight. He was previously a supervising senior producer for South Dakota Public Broadcasting and a newspaper journalist in Rapid City and Mitchell.*

## Ethanol touted at U.S. Senate hearing for possible national clean fuels standard

**BY: JACOB FISCHLER - FEBRUARY 15, 2023 4:17 PM**

A national clean transportation fuel standard should include enough flexibility to allow for biofuels and other non-electric-vehicle solutions, bipartisan members of a U.S. Senate panel said Wednesday.

The United States doesn't have a national clean fuels standard, though senators on the Environment and Public Works Committee hinted that one may be in the works.

Members of both parties said such a standard — if properly structured — could offer myriad benefits by encouraging lower-carbon energy sources like ethanol and hydrogen to power cars and trucks. Republicans, however, were much more qualified in their expectations.

Chairman Tom Carper, a Delaware Democrat, said a transition away from gasoline power was key to reaching climate goals.

"When people ask me why do we focus on reducing transportation emissions, I say it's because that's where a good deal of the emissions come from," Carper said.

The transportation sector accounts for more than one-quarter of all U.S. greenhouse gas emissions.

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## Oregon, California praised

Carper praised renewable fuel standards in Oregon and California for advancing lower-carbon-fuel vehicles, creating jobs and providing certainty to industry.

He said those standards improved on the U.S. Environmental Protection Agency's renewable fuel standard by including hydrogen as a clean energy.

Some Republicans on the panel, including ranking member Shelley Moore Capito of West Virginia, raised concerns about how a federal clean fuel standards would be formulated and enforced.

"I'm very concerned by the concept of empowering bureaucrats to decide what fuel sources qualify, how and what associated phase-outs may look like," Capito said.

"We have watched administrations of both parties seesaw on the execution of regulatory programs that impact American energy prices, with experience revealing that heavy-handed regulatory approaches inevitably lead to reduced supplies and higher prices."

Capito added that she had "nothing against" electric vehicles, but felt some policies, including the EPA's clean fuel standard and California's mandate to reach 100% zero-emission vehicle sales by 2035, offered that industry too many breaks.

An emphasis on electric vehicles, which are much more expensive than gas-powered ones, didn't consider that many people cannot afford them, Capito said.

## Flexibility desired

The committee heard from a panel of three witnesses representing the hydrogen energy, ethanol and trucking industries. All agreed that fuel standards should be neutral on what technology is used to lower emissions, a view the senators largely endorsed.

"There's more that we can and must do to support cleaner fuels for vehicles on our roads and provide greater certainty and flexibility for those who produce these fuels," Carper said.

Under questioning from Oregon Democratic U.S. Sen. Jeff Merkley, Geoff Cooper, the president and CEO of the Missouri-based national ethanol trade group the Renewable Fuels Association, called the Oregon standard a model for the rest of the country because of the flexibility it offered.

Oregon's "life-cycle analysis," a method of examining of a fuel's carbon footprint that accounts for the carbon cost of producing the fuel as well as using it, was also helpfully transparent, he said.

"When we think about a low-carbon fuel standard done right, we point to Oregon," Cooper said.

But Chris Spear, the president and CEO of the American Trucking Associations, the federal coalition of state advocacy groups, told the panel that the trucking industry had an interest in a transition to cleaner fuels, but that both Oregon's and California's standards were too aggressive.

"We'll get there," Spear said. "It's just going to take a little bit more time than some states are providing."

## Ethanol supported

U.S. Sen. Pete Ricketts, a Nebraska Republican who joined the Senate this year after serving as the state's governor for eight years, said the corn-derived fuel ethanol should be considered as part of any national clean fuel standard.

"Ethanol saves consumers money at the pump, is going to help clean up the environment and is going to create jobs here in America," he said. "Ethanol must be central to any discussion that we're going to have about the future of transportation fuels."

Ricketts said he worried that the federal government would prioritize electric vehicles over ethanol.

Michigan Democrat Debbie Stabenow, who also chairs the Senate Agriculture Committee, also promoted ethanol, saying "biofuel production lowers prices at the pump." The price of E-15, a blend of 15% ethanol, was up to \$1 per gallon lower than traditional gasoline in some areas last summer, she said.

## Permitting reform

Carper and Wyoming Republican Cynthia Lummis agreed that changes to how federal agencies provide environmental permits were needed to reach clean energy goals.

A wind energy developer in her state took 10 years to gain some of the approvals needed to build transmission lines for a major new wind energy facility, she said.

"Without permitting reform, we don't stand a chance," Lummis said. "So I think that even for people who aspire to President Biden's goal, that that should become a priority."

Carper said he expected President Joe Biden would soon renew efforts to update permitting standards after a proposal from Sen. Joe Manchin III, a West Virginia Democrat, failed last year.

"It's all well and good that we have a lot of promising ways to create electricity without worsening our carbon situation here in this country," Carper said.

*Jacob covers federal policy as a senior reporter for States Newsroom. Based in Oregon, he focuses on Western issues. His coverage areas include climate, energy development, public lands and infrastructure.*

## Funding needed to curb fentanyl smuggling at ports of entry, administration officials say

**BY: ARIANA FIGUEROA - FEBRUARY 15, 2023 3:58 PM**

WASHINGTON — Biden administration officials at a U.S. Senate hearing Wednesday on the deadly illicit drug fentanyl said they need more money for better screening technology at ports of entry at the Southern border.

They also said the U.S. needs to keep pressure on China due to its role in the sale of chemicals used to make fentanyl, a highly addictive man-made opioid that is 50 times more potent than heroin.

The leader of the Drug Enforcement Administration noted that two cartels are responsible for not only most of the fentanyl drugs in the U.S., but globally.

And an official at the State Department detailed that China is the primary source for providing the chemicals needed to make fentanyl, and that China has had a "limited willingness to engage" on the issue.

Dr. Rahul Gupta, the director of the Office of National Drug Control Policy, said that fentanyl is not only found in opioids, it's found in the "entire drug supply," from cocaine to methamphetamine to fake fentanyl-laced Adderall prescription pills.

Gupta said the president's drug control budget to be sent to Congress will request funds to screen vehicles at the Southern border, though he did not cite a figure.

The chair of the U.S. Senate Foreign Relations Committee, Sen. Bob Menendez of New Jersey, and the top Republican member, Sen. James Risch of Idaho, debated if sanctions or visa restrictions should be placed on China to pressure that country to stop selling chemicals to cartels in Mexico that make fentanyl-laced drugs and smuggle them into the U.S.

Menendez said that if China fails to cooperate in good faith with the U.S. in actions such as sharing information on fentanyl trafficking, then "the United States will have no choice but to take unilateral steps by expanding sanctions ... in order to protect the American people."

The relationship between China and the U.S. is complex, said Todd Robinson, the assistant secretary for the Bureau of International Narcotics and Law Enforcement Affairs at the State Department.

Adding to the strain, in a Feb. 4 incident, China claimed a high-altitude balloon taken down by the military 6 miles off the South Carolina coast, flying at 60,000 feet, was collecting weather data. The Pentagon has said it was a surveillance balloon.

Robinson said that Mexico's government has been more willing than China to work with the U.S. government on fentanyl trafficking and that cooperation with Mexico is essential, but Menendez said he was skeptical.

Robinson added that a small portion of the chemicals used to make fentanyl also comes from India, and added that India's government has agreed to work with the U.S. and created a Counter Narcotics Working Group, which works to combat international drug trafficking.

### Calling out China

Risch and Republican Sen. Bill Hagerty of Tennessee expressed their frustration that the Biden administration has not directly called out China, and its role in the fentanyl crisis.

Risch pointed out that in the readout of President Joe Biden and China's President Xi Jinping meeting in



November, there was no mention of fentanyl.

However, most publicly released readouts between the president and other world leaders do not contain much detail.

Risch asked Robinson if Biden had brought up the issue of chemicals sold from China and used to make fentanyl in Mexico.

"We have had very limited engagement with China on this issue," Robinson said, adding that he was not aware if Biden had brought up the issue with China's president.

"The relationship with China is complicated. We have a number of issues to discuss with them," Robinson said.

### Ports of entry

Anne Milgram, the administrator of the Drug Enforcement Administration at the Department of Justice, said that there are two main drug cartels that are responsible for all the fentanyl — the Sinaloa and Jalisco cartels.

She said all the fentanyl that the DEA has seized has come through two U.S. Customs and Border Protection ports of entry in California and two ports of entry in Arizona.

Last year, CBP seized more than 14,000 pounds of fentanyl.

Gupta said most of the drugs seized at ports of entry are found by using technology to scan personal vehicles and tractor trailers, but officials do not have enough scanners.

"We still do not scan enough of that traffic," he said. "I want to see every port of entry have that technology."

### Big tech

Sen. Jeanne Shaheen, a New Hampshire Democrat, also discussed tech companies' role in the selling of fentanyl through social media platforms such as Snapchat, Facebook, Instagram and TikTok, and asked what responsibility those private companies share for the crisis.

Milgram said the fentanyl is sold through social media, calling it "the superhighway of drugs," and that her agency has told those social media companies that people are obtaining fentanyl through those platforms.

"We have asked them to do more," she said. "We have not seen them doing more."

She said that social media has allowed drug dealers to have a larger customer base, and to those dealers, "if a user dies, it is the cost of doing business." Because of social media, they have access to millions of other users, she said.

"Today the cartels understand that if someone dies from taking their deadly fentanyl, that there are 100 million other users on Snapchat that they can sell their drugs to, there are more than 150 million American users on Facebook and on Instagram that they can sell their drugs to," she said.

*Ariana covers the nation's capital for States Newsroom. Her areas of coverage include politics and policy, lobbying, elections and campaign finance.*

## U.S. likely to default on debt between July and September unless Congress acts, CBO says

BY: JENNIFER SHUTT - FEBRUARY 15, 2023 3:31 PM

WASHINGTON — Congress has until at least July to broker a bipartisan debt agreement if lawmakers want to avoid a first-ever default, according to the Congressional Budget Office.

The nonpartisan scorekeeper, which typically details how much legislation would cost, released a report Wednesday saying that U.S. lawmakers and the Biden administration have until sometime between July and September to raise or suspend the debt limit.

CBO, however, cautioned in its report the window is uncertain, since the amount of money flowing into the federal government from taxes and other revenue sources fluctuates, as does the amount of money distributed for programs ranging from Social Security and Medicare to military paychecks to public lands programs.

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"In particular, income tax receipts in April could be more or less than CBO estimates," the report states. "If those receipts fell short of estimated amounts ... the extraordinary measures could be exhausted sooner, and the Treasury could run out of funds before July."

## Debt limit struggles

Congress voted three times during the Trump administration to suspend the debt limit, with all the votes garnering bipartisan support.

Congress has voted once during the Biden administration to raise the debt limit, though the House and Senate passed that legislation without the backing of the vast majority of Republican lawmakers.

That \$2.5 trillion raise to the nation's borrowing capacity that Democrats approved last year ran out last month, when the nation's debt limit reached the \$31.4 trillion limit.

Treasury Secretary Janet Yellen has since used accounting maneuvers called extraordinary measures to ensure the federal government can keep paying all of its bills in full and on time, but those measures are expected to expire between July and September, according to CBO's analysis.

If that happens without a new debt limit law, the Treasury Department would no longer be allowed to borrow money to pay for all of the programs that Congress has approved.

Since the nation has never reached that point, it's somewhat unclear what exactly would happen.

But the federal government would be limited to spending what money it has on hand, leading to sweeping cuts to government programs that officials may or may not be able to direct.

Yellen has repeatedly warned Congress against moving too close to the default date, sometimes called the x-date.

"Failure to meet the government's obligations would cause irreparable harm to the U.S. economy, the livelihoods of all Americans, and global financial stability," Yellen wrote in an early January letter warning of the debt limit.

"Indeed, in the past, even threats that the U.S. government might fail to meet its obligations have caused real harms, including the only credit rating downgrade in the history of our nation in 2011."

Biden budget request coming

President Joe Biden, speaking from Lanham, Maryland, on Wednesday afternoon, said the budget request he plans to release on March 9 will reduce the deficit by \$2 trillion over the next decade, though he rejected GOP calls to tie together negotiations on the debt limit and federal spending.

"Some of our Republican friends in the House are talking about taking the economy hostage over the full faith and credit of the United States," Biden said. "They say unless I accept their economic plans, which are totally irresponsible, they're not going to pay the national debt, which took 200 years to accumulate."

Biden called on House Republicans to release a budget for the upcoming fiscal year. He said that after that, they can sit down and talk about what issues Democrats and Republicans agree on and negotiate areas where they differ on how the federal government spends money or brings in revenue.

But Biden said he made it clear to Speaker Kevin McCarthy, a California Republican, and other GOP lawmakers in his State of the Union address that he "will not negotiate whether or not we pay our debt."

*Jennifer covers the nation's capital as a senior reporter for States Newsroom. Her coverage areas include congressional policy, politics and legal challenges with a focus on health care, unemployment, housing and aid to families.*

## State budget committee adopts 'conservative' fiscal year 2024 revenue estimates

BY: MAKENZIE HUBER - FEBRUARY 15, 2023 9:14 AM

PIERRE – The Legislature's Joint Committee on Appropriations officially adopted the revenue projections for the remainder of fiscal year 2023 and fiscal year 2024 on Wednesday morning at the Capitol.

The committee adopted an ongoing revenue estimate of \$2.3 billion for the remainder of the current fiscal year, which is an 8.2% increase over last fiscal year's revenue. And the committee adopted a revenue projection of \$2.39 billion for fiscal year 2024, which is a more conservative 3.8% growth.

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The adopted revenue projections are used to set the fiscal year 2024 budget. The fate of several tax cut bills is dependent on the numbers in that budget, including three major tax cut proposals: a food sales tax repeal, a property tax reduction, and an overall sales and use tax reduction.

While South Dakota has seen a “very strong economy” over the past couple of years with record revenues, said Sen. Bryan Breitling, R-Miller, legislators are cautious heading into a projected mild recession in 2024.

“I think we’re continuing to see South Dakota as a strong economy going forward, yet we’re conservative knowing there are a lot of changes coming in the economic climate,” Breitling said, who is chairman of the Revenue Projection Subcommittee, which recommended the adopted revenue projections.

The projections were a compromise between two revenue projections provided by the Legislative Research Council, which works for the Legislature, and the state Bureau of Finance and Management, which is under the governor in the executive branch.

For the fiscal year 2024 revenue, legislators primarily adopted the average of the LRC and BFM’s revenue projections, except for the projected sales and use tax expected for the year. The adopted sales and use tax ongoing receipts for fiscal year 2024 represent 5% growth over the remainder of the fiscal year 2023 revenue, and just over \$4 million more than the average of the two projections.

Rep. Chris Karr, R-Sioux Falls, pointed out that the adopted fiscal year 2024 revenue projection is slightly below the average growth for the last 20 years, excluding outlier years such as 2010, 2017 and the COVID-19 years.

“I think this is a good, conservative number at a time when our economy is at its strongest,” Karr said.

*Makenzie Huber is a lifelong South Dakotan whose work has won national and regional awards. She’s spent five years as a journalist with experience reporting on workforce, development and business issues within the state.*

## Across the country, a big backlash to new renewables is mounting

BY: ROBERT ZULLO - FEBRUARY 15, 2023 7:00 AM

BUCYRUS, Ohio — In four terms as a county elected official in northern Ohio, it was the most contentious issue Doug Weisenauer had ever seen.

The state legislature had newly empowered county governments to drastically restrict wind and solar power development, a process formerly overseen by the Ohio Power Siting Board, and the meetings of the three-member governing body for Crawford County (population 41,754) suddenly started becoming a lot more animated.

“As soon as Senate Bill 52 passed, the anti-wind people, they started converging on our weekly commissioners’ meetings and demanding that we do something,” said Weisenauer, a Republican, like the other two members of Crawford County Commission.

Apex Clean Energy, a Virginia company, had been signing leases with locals for a proposed 300-mega-watt wind farm, called Honey Creek, but Weisenauer was skeptical it would ever get built, saying in an interview he’d seen more than half a dozen would-be wind projects come and go.

Ultimately, the commissioners voted 2-1 last year, with Weisenauer the lone no vote, for a 10-year ban on wind development. The commission’s decision was overwhelmingly upheld by county voters in a referendum last fall.

“I said all along I am not telling people what they can and can’t do on their property,” Weisenauer said. “It got ugly. Our families have been split, friendships broken. It was bad for our community.”

Crawford County, of course, is far from an isolated case. Across the country — from suburban Virginia, rural Michigan, southern Tennessee and the sugar cane fields of Louisiana to the coasts of Maine and New Jersey and the deserts of Nevada — new renewable energy development has drawn heated opposition that has birthed, in many cases, bans, moratoriums and other restrictions.

With states, corporations, utilities and the federal government setting aggressive renewable energy goals, as well as big tax incentives such as in last year’s Inflation Reduction Act, wind and solar developers have been pushing projects that are igniting fierce battles over property rights, loss of farmland, climate change, aesthetics, the merits of renewable power and a host of other concerns.

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And those debates are often happening in a miasma of misinformation and skewed by political polarization. However, some who have seen the backlash to renewable development up close and personal also say developers need to do a better job of being upfront with communities and convincing them of the benefits of their projects.

"I've seen it getting worse and worse over the past four years. There's a huge level of distrust," said Tony Zartman, a former Paulding County, Ohio, elected official who now works for the Conservative Energy Network, which promotes market-based policies at all levels of government to promote a clean energy transition.

## 'We're seeing so much opposition'

In a report updated last year, the Sabin Center for Climate Change Law at Columbia Law School found that "in nearly every state, local governments have enacted policies to block or restrict renewable energy facilities and local opposition has resulted in the delay or cancellation of particular projects."

Not including what it called "reasonable regulations," the 2022 edition of the report found 121 local policies (up 17.5% from 2021) that block or restrict renewable energy and 204 contested renewable energy facilities (up 23.6%).

"This report demonstrates that 'not in my backyard' and other objections to renewable energy occur throughout the country and can delay or impede project development," the report says.

In August, the National Renewable Energy Laboratory released a pair of data sets on local wind and solar energy zoning laws and ordinances. There were nearly 2,000 wind energy ordinances and almost 1,000 for solar energy.

"The significant uncertainty created by difficulties in siting and permitting may make it more difficult for developers to sign contracts with buyers and/or obtain financing at a reasonable cost of capital," said José Zayas, executive director of policy and programs at the American Council on Renewable Energy, a nonprofit pushing to transition the economy to renewable power.

J.R. Tolbert, vice president of strategy and partnerships at Advanced Energy United, a trade association representing wind and solar developers, as well as energy efficiency, battery storage companies and other businesses, said local opposition is becoming a major obstacle.

"The siting issue in and of itself is an issue that is really important for us to address," he said. "If we're unable to site projects, then we're unable to interconnect projects and we're unable to deliver that energy."

Decarbonizing the U.S. electric grid, which accounted for about a quarter of U.S. carbon emissions in 2020, not to mention the rest of the U.S. economy, will require vast new solar, wind and other resources, many experts agree. Doing so by 2035, the Biden administration's goal, will require "rapid and sustained growth in installations of solar and wind generation capacity" that amounts to "more than four times the current annual deployment levels for each technology," per another report in August by the National Renewable Energy Laboratory.

"My guess is that we're going to need a lot of renewables built on public lands further west, just because we're seeing so much opposition growing up, especially sort of the middle of the country that's already very dense on wind," said Rich Powell, CEO of Clear Path, a nonprofit policy group working to curb carbon emissions, during a panel discussion on the state of the electric grid since the deadly 2021 winter storm Uri.

## 'Many more peoples' backyards'

Indiana's emblematic of some of those tensions. The state is simultaneously home to a solar project that's one of the nation's largest and lauded by Republican Gov. Eric Holcomb but also, increasingly, county regulations that restrict or outright prohibit wind and solar projects, per the Indianapolis Star.

"We've got more than 120 renewable energy projects underway in Indiana," said Dave Arland, a spokesman for Hoosiers for Renewables. "Some have faced opposition, and some have not. But obviously the trend — from our standpoint — is positive."

Part of the reason behind the growth in opposition is the nature of wind and solar power itself. Rather than a traditional coal, gas or nuclear power plant that might only be seen by a handful of neighbors, solar developments and wind turbines are more spread out and invite more NIMBY-style complaints.

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"Plenty of people don't have a strong opinion about wind and solar in the abstract," said Ben Inskeep, program director at the Citizens Action Coalition, an Indiana consumer and environmental advocacy group. "It's literally in many more peoples' backyards."

There's also an ideological bent to some of the opposition, said Kerwin Olson, the coalition's executive director who's spent years working on energy policy in Indiana. "The direction of discourse really pivoted when we elected President Obama," he said. "You were a socialist if you supported wind and solar."

Though Zartman, the Republican former county commissioner from Ohio, acknowledged that some of the loudest pushback comes from conservatives, he said he sees a "mix" of motivation in opponents, including major resistance to changes to the skyline. (Some renewable projects even in famously liberal areas have sparked major opposition).

"I haven't seen anywhere on a deed that it tells you you have control over your horizon and your view," he said.

## 'It does have downsides'

Bob Sostakowski, who's lived in Crawford County, Ohio, for more than two decades and joined the local anti-wind effort after he became aware of proposed projects popping up in his and neighboring communities, said there's more than aesthetics at stake.

"I had no opinion one way or another on wind until this," Sostakowski, 48, said. "There's an obvious and very provable negative impact on property values and people's standard of living."

Both Sostakowski and Kimberly Groth, 42, who lives in neighboring Seneca County and was heavily involved in the effort to defeat wind projects there and in Crawford, said it's not reasonable to expect people in agricultural areas to put up with commercial wind farms.

"People want quality of life and people move to rural areas because of the peacefulness of it. When you introduce industrial scale wind over tens of thousands of acres, you're interrupting that quality of life," Groth said.

"I think we've heard for 20 to 30 years now about renewable energy and there's just this assumption that it's good and that it's going to save us. So I think for me personally the more I looked into it, the more I realized it does have downsides. ... Every form of energy has these pros and cons."

Sostakowski rejected the notion that farmers and landowners should have the right to lease their property to big wind developers whether or not their neighbors agree.

"There is a big distinction between commercial farming and agriculture and the heavy industrial production of electricity," he said. "At no point in our history has it been OK for people to do whatever they want."

Sostakowski added that when he was a kid, a bald eagle sighting was so rare, his parents would pull the family car over to catch a glimpse of one.

Decades later, the fact that a wind project can get a "take permit" for eagles or other protected birds that run into the blades is "unfathomable," he said, for an intermittent energy generation source that takes up lots of space.

"What a horrendous and irresponsible waste of resources, our manpower, our tax dollars and our wild-life," he said.

## 'It's no inconvenience'

Matthew Eisenson, a fellow at the Renewable Energy Legal Defense Initiative at Columbia's Sabin Center for Climate Change Law, said many of the debates over local renewable energy siting take on similar contours.

"In almost every one of these contested projects people talk about visual impacts," Eisenson said. "Second most common is impact to property values. A lot of people cite impacts to health which are spurious."

Autism. Livestock harm. Soil and water contamination. Sleep deprivation. Illness. Interference with emergency medical flights. Former President Donald Trump famously (and falsely) said wind turbines cause cancer.

Many of those dire consequences and more crop up in debates about wind and solar siting and populate the Facebook pages and websites that pop up to oppose renewable development.

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Whether "Wind Farm Syndrome" really exists or is a psychosomatic condition created by fear of turbines themselves has been debated for years. Numerous studies, including an inquiry funded by the Finnish government on inaudible "infrasound," have found no evidence turbines cause any health effects.

That's not to say that there are no impacts from wind and solar. Utility scale solar takes up a lot of land, requiring anywhere from 5 to 10 acres per megawatt. And there can be big drainage and sediment pollution problems if developers are careless. Wind turbines are huge and visible for miles. They do kill thousands of birds and bats a year, though scientists are trying to make them less deadly. While it's rare, they can catch fire or leak lubricating fluid. And like any piece of machinery, they can break.

Mike Brady, 69, a farmer from Paulding County, Ohio, has 11 turbines on his 3,000 acres, where he grows corn and soybeans. The first became operational 12 years ago.

"A turbine takes up maybe  $\frac{3}{4}$  of an acre," he said. "You just farm right around them. It's a little inconvenient but for the price you're getting paid it's no inconvenience."

He says there is occasional "shadow flicker" (the effect of the sun shining through the turning turbine blades) and some noise.

"There is flicker at my house. It'll maybe last five minutes. It just depends on the wind and the angle of the sun. We pull our drapes," he said. "You'll hear a noise at like 4 a.m. if you go outside because there's no other noise. ... You can hear a hum out of them. But it doesn't keep you awake."

Once, a turbine blade broke, which made "quite a noise," he said, and birds do get hit occasionally.

"They have done bird studies around a couple of my turbines," he said. "They find one or two birds a year. Of course they assume that they hit the turbine."

But both Brady and Zartman, the former Paulding County commissioner, said the turbines have been a windfall for rural Paulding's local school and government coffers.

"As a county, we were virtually bankrupt," Zartman said. Paulding, entirely reliant on agriculture and which had a population of about 19,000 as of 2021, had been hit hard by the recession that began in 2007. There was some resistance to hosting turbines, which he described as coming from out of state, but it never got much traction, he said.

"The anti group was telling everybody that our large commercial dairy farms would quit producing milk because of the noise and the flicker effect from the turbines. They told us all of our children would be autistic," he said. "They never really got a firm foothold in our community."

By 2019, wind development, then at 188 turbines, was pumping about \$2.5 million in payments in lieu of taxes into the county budget, a local news outlet reported.

"All the school districts struggled with money. Now they're doing quite well," Brady said.

## 'It's our land'

When part of their 300 acres of farmland in rural Seneca County, Ohio, was leased for a potential wind project, Anne Fry, a retired local teacher, and her husband were looking forward to the additional financial security a lease payment would provide, but also the influx of cash the project was expected to bring in for the local school system.

"At first we were excited," Fry said in an interview. "I was naive about so many things."

She got a rude awakening at an early meeting on the project.

"I thought, 'I can't wait to see if there's going to be a turbine on our land,'" she said. "It was packed. I saw people, they were so angry they were shaking. They were furious. ... They said it was all done in the dark of night, it was secretive. ... I didn't think anybody cared."

Ultimately, Seneca County Commissioners voted in November of 2021 to ban large wind and solar projects in all unincorporated areas of the county.

"It's our land. And if we want to grow corn, soybeans, or put green energy on our land, why is it someone else's choice, who might live on a postage stamp size lot, to tell us what we can and cannot do with our land?" Fry said.

Indeed, hosting renewable development has become an attractive option for struggling farmers.

Per the U.S. Department of Agriculture, the number of U.S farms has fallen from a peak of 6.8 million in 1935 to about 2 million in 2021, down from 2.2 million in 2007.

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Farmers have been under financial pressure from the pandemic, a trade war with China (the world's largest agricultural importer), severe weather events, depressed prices and rising costs of production like fuel, fertilizer, equipment and other inputs, said Andrew Walmsley, senior director of government affairs for the American Farm Bureau Federation, which has six million members nationwide.

Against that backdrop, leasing acreage for wind and solar can be a lifeline to financial stability.

"It's a great predicament to be in if you want to diversify income," Walmsley said. "It also creates challenges in a lot of rural communities."

Many farmers lease some or all of the land they farm, and others are looking to buy more ground to take advantage of economies of scale. Siting renewable energy on prime farmland increases the cost of doing that, Walmsley noted.

"When that acreage is lost, that drives up the cost across the community. That's the biggest rub," he said.

Dave Crum, 78, who lives in Crawford County and has a lease for what was going to be Apex's Honey Creek project, said he was also surprised by the degree of resistance, including the landslide vote that upheld the commissioners' wind ban.

"I can't understand the difference between renting your land for crop land and renting your land for a wind turbine," he said. "It's baffling when you have things that you think will help the community and they don't let it happen."

Sitting at his dining room table on a frigid February morning, he compared the resistance to stories his grandfather, a local elected official, told him about people who cut down utility poles during rural electrification.

"I'm not sour grapes. They voted to do that. Make sure you understand what you did," he said. "Crawford County's a very conservative place. Sometimes it kicks them in the butt."

Honey Creek, in addition to payments to hundreds of local landowners and neighbors, would have provided up to \$2.7 million per year in new revenue for local schools, county services and township governments in Crawford, about \$80 million over the life of the project, according to Apex Clean Energy.

"We were very disappointed in the result of the vote, which embodies a dangerous and precedent-setting expansion of government authority over local property rights," said Brian O'Shea, a spokesman for the company. "The result restricted and effectively seized the individual land rights of more than 500 Crawford County farmers and landowners, who lost the ability to decide what they wanted to do with their own property."

In an email, Larry Schmidt, a Crawford commissioner who voted for the wind ban, said "very little dialogue took place between the anti-wind groups and the developers, making it difficult to have a conversation with a differing viewpoint."

Schmidt said he supported the wind ban to give locals a vote on the project.

"I favored this option because the developer indicated that they would challenge our decision by ballot," Schmidt said, adding that he "pondered and prayed over this a lot," before making up his mind.

"I do feel we may be missing out on economic gains, however we are more densely populated and the voters have spoken and voted overwhelmingly against," he said. "And we work for them."

## **Selling communities on the merits**

Tolbert, the vice president of strategy and partnerships at Advanced Energy United, the trade group, says renewable energy companies need to build a "bigger tent" to help sell communities on the merits of projects.

"We need to make this as an industry about workforce development, putting people to work, delivering money that can come into your community to help pay for schools, fire and EMS and for all the programs communities need," he said.

Developers also want regulatory certainty, he said, calling for more states to follow Illinois' lead in setting statewide standards for wind and solar siting, an end run around the type of local opposition that snarled projects even in deep blue states. It can be politically tough, however, to water down or strip away local land use control, as lawmakers in neighboring Indiana found out when similar legislation setting statewide standards for wind and solar siting failed in 2021. Voluntary standards passed last year. Zayas, with ACORE,

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pointed to New York, which created an Office of Renewable Energy Siting to consolidate environmental review and permitting of major facilities into a single process.

"The reality is oftentimes what happens is a developer gets into the process, invests hundreds of thousands or millions in the process and a county can at the last moment change the rules on them," Tolbert said. "That's a process that isn't fair."

However, developers can also do more to build trust in communities. Zartman said.

"They have a community in their target area for quite a while but then they start going out to try to get leases. They really don't tell anyone openly that this is what they're thinking until they've got quite a bit of the land leased," he said. "By then they've invested oodles of money but they haven't done anything to try to help public opinion."

Both Sostakowski and Groth, the Ohio wind opponents, said a lack of advance notice from wind developers helped galvanize opposition.

"By the time the community feeling on this becomes apparent the leases are already signed," Groth said.

Zartman said renewable companies need to sell communities on the benefits of projects "before you come in and try to steamroll your way" to approval.

"How do you get community support if that's how you start?" he said. "I understand what they're thinking but as a former public official it's a lot easier for me to be on board with a project if I'm part of the original planning process."

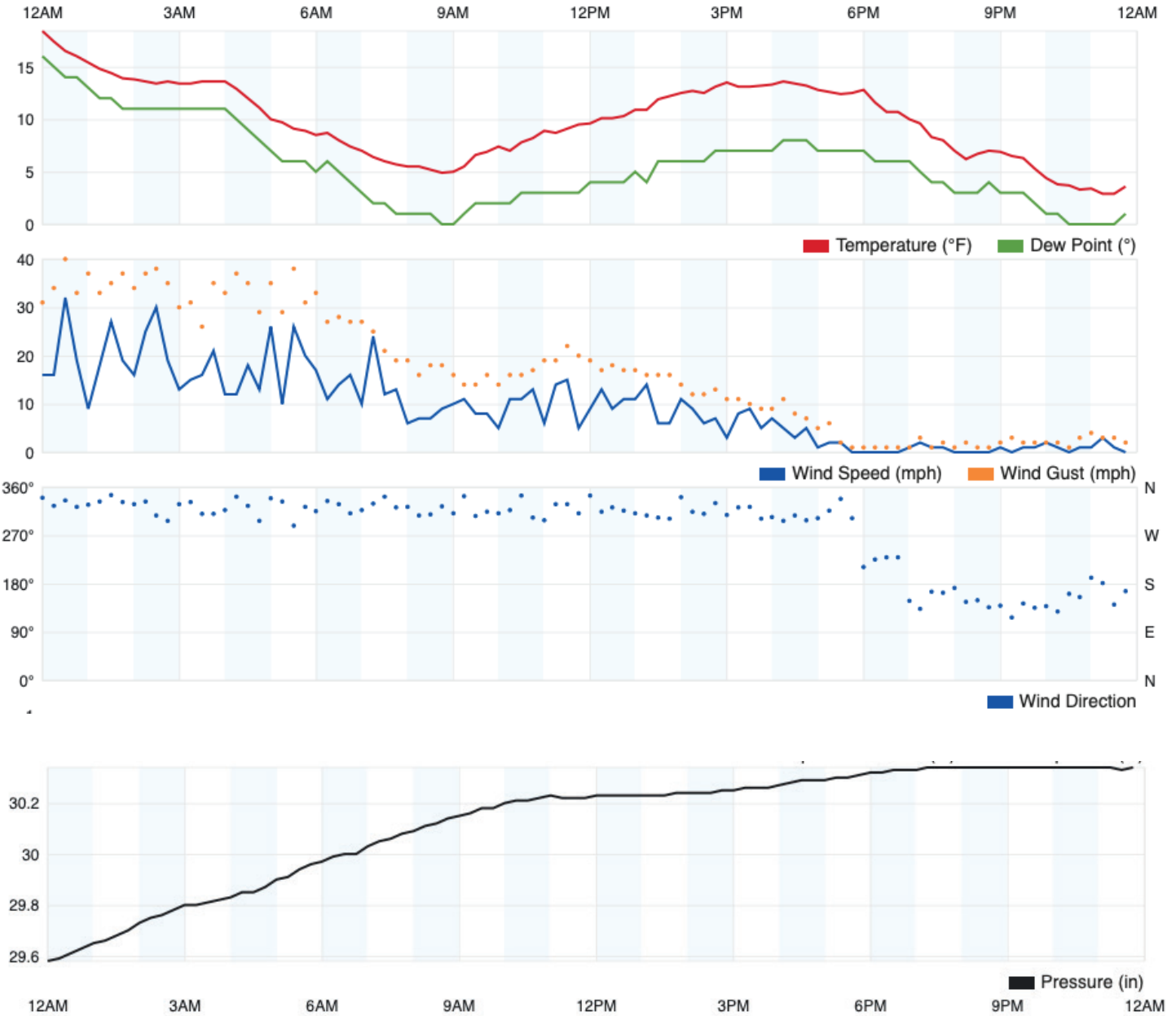
*Robert Zullo is a national energy reporter based in southern Illinois focusing on renewable power and the electric grid. Robert joined States Newsroom in 2018 as the founding editor of the Virginia Mercury. Before that, he spent 13 years as a reporter and editor at newspapers in Virginia, New Jersey, Pennsylvania and Louisiana. He has a bachelor's degree from the College of William and Mary in Williamsburg, Va. He grew up in Miami, Fla., and central New Jersey.*



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## Yesterday's Groton Weather Graphs



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Today	Tonight	Friday	Friday Night	Saturday	Saturday Night	Sunday
						
Patched Fog then Partly Sunny	Partly Cloudy	Sunny and Breezy	Mostly Cloudy	Mostly Sunny	Mostly Cloudy	Partly Sunny
High: 15 °F	Low: -2 °F	High: 34 °F	Low: 12 °F	High: 30 °F	Low: 16 °F	High: 33 °F



## Rest of the Week Forecast

February 16, 2023  
2:04 AM

\*\* dry with a warming trend this weekend \*\*

### Today

> Partly Cloudy, Highs 10-35°

### Friday

> Partly Cloudy, Milder ...Highs 25-55°

### Saturday

> A Few Clouds, Highs 25-50°

### Sunday

> Mostly Cloudy, Highs 30-45°



Warmest temperatures over central South Dakota



National Oceanic and Atmospheric Administration  
U.S. Department of Commerce

National Weather Service  
Aberdeen, SD

Milder temperatures are expected for this weekend. #sdwx #mnwx

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## Yesterday's Groton Weather

High Temp: 18 °F at 12:00 AM

Low Temp: 3 °F at 11:25 PM

Wind: 40 mph at 12:23 AM

Precip: : 0.00

Day length: 10 hours, 31 minutes

## Today's Info

Record High: 56 in 1981

Record Low: -40 in 1936

Average High: 29

Average Low: 7

Average Precip in Feb.: 0.33

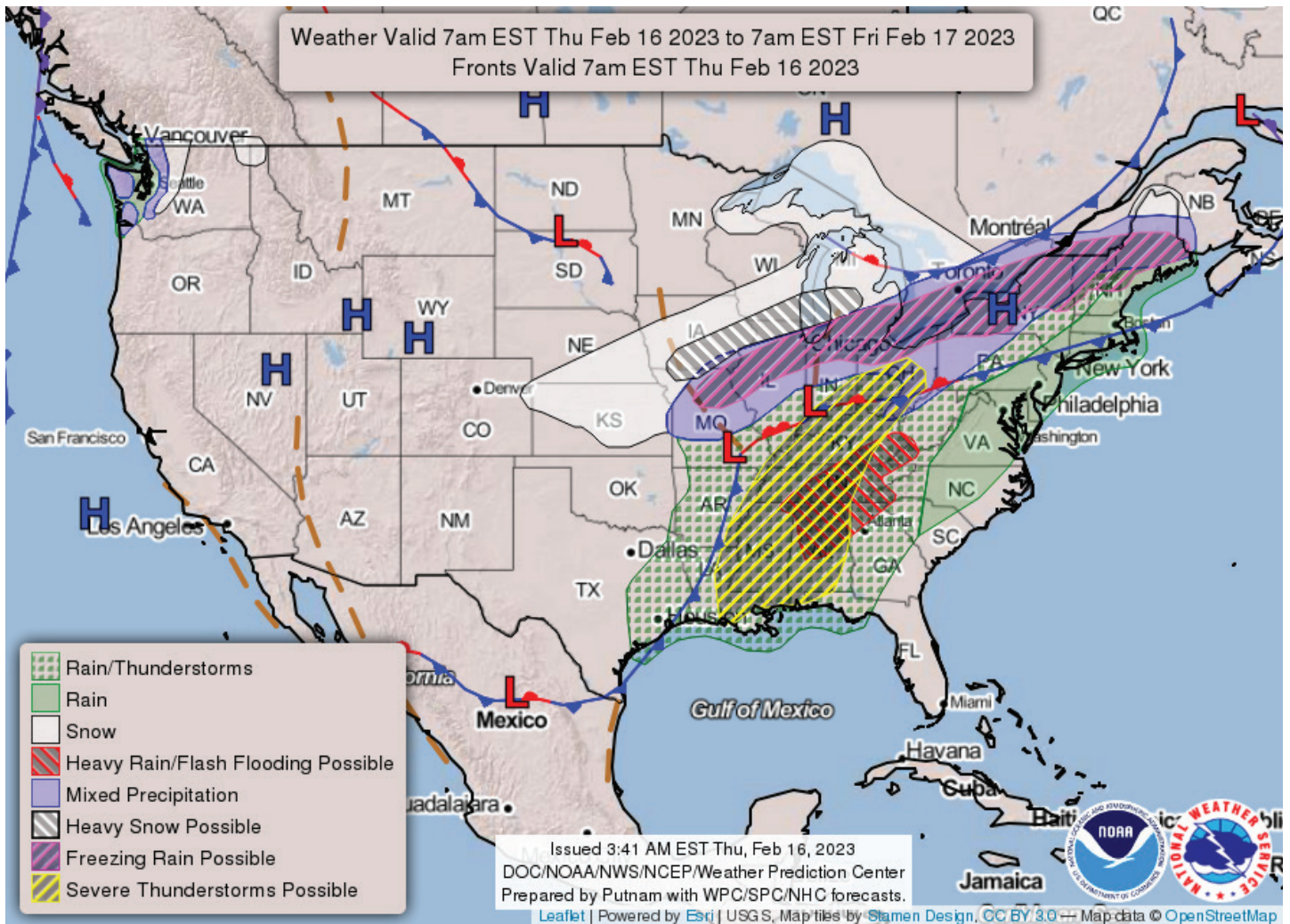
Precip to date in Feb.: 0.00

Average Precip to date: 0.88

Precip Year to Date: 0.25

Sunset Tonight: 6:02:08 PM

Sunrise Tomorrow: 7:29:08 AM



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## Today in Weather History

February 16th, 1969: Freezing drizzle and thick fog formed a heavy glaze on utility lines resulting in several broken power and telephone lines across northern South Dakota.

1898: A series of wildfires swept through South Carolina on February 16-17, 1898. Unconfirmed reports indicate that 14 people were killed, numerous homes and sawmills burned, and up to 3,000,000 acres of forest land were charred from Aiken County, S.C. to Chatham County, N.C., and east to Marlboro County, S.C. There were probably a dozen wildfires raging at the same time driven by a 40 mph wind.

1899 - Washington D.C. received 1.26 inches of rain in six hours atop a snow cover more than 30 inches deep making it the soggiest day of record. (Sandra and TI Richard Sanders - 1987)

1903: Pokegama Dam, Minnesota saw three straight days with low temperatures 50° below zero or colder, including 59° below zero on the 15th. The minus 59° established a state record for the lowest measured temperature in Minnesota. Pokegama Dam held the record until February 2nd, 1996 when the temperature fell to 60° below zero at Tower.

1943: Record cold prevailed in the northeastern United States. The mercury plunged to 37°F below zero at Concord, New Hampshire, and to -39 degrees at Portland, Maine. The morning low of -32°F at Falls Village, Connecticut, established a state record. The Connecticut record low was tied on January 22nd, 1961, when Coventry fell to -32°F.

1987 - A winter storm produced snow and ice in the Ohio Valley and the Appalachian Region. Snowfall totals in Virginia ranged up to 14 inches around Farmville, while Granville NC reported eight inches of sleet and ice. Freezing rain in eastern North Carolina caused extensive damage to power lines. Gales lashed the coast of Virginia and North Carolina. (The National Weather Summary) (Storm Data)

1988 - Santa Ana winds in southern California gusted to 50 mph in the Rancho Cucamonga area. Quiet weather prevailed across the rest of the nation. (The National Weather Summary) (Storm Data)

1989 - A surge of arctic air produced all-time record high barometric pressure readings of 31.08 inches at Duluth MN, 30.97 inches at Chicago IL and 30.94 inches at South Bend IN. Readings of 31.00 inches at Milwaukee WI and 30.98 inches at Rockford IL tied their all-time records. Unseasonably warm weather prevailed across the southeastern U.S. Highs of 81 degrees at Athens GA, 87 degrees at Charleston SC, 85 degrees at Macon GA, and 86 degrees at Savannah GA were records for February. (The National Weather Summary)

1990 - Strong thunderstorms developing ahead of an arctic cold front produced severe weather across the southeastern U.S. between mid morning on the 15th and early evening on the 16th. Thunderstorms spawned thirteen tornadoes, including one which, prior to dawn on the 16th, injured eleven persons near Carrollton GA. There were also 121 reports of large hail or damaging winds. A late afternoon thunderstorm on the 15th produced baseball size hail at Jackson MS, and prior to dawn on the 16th, a thunderstorm produced high winds which injured four persons at Goodwater AL. (The National Weather Summary) (Storm Data)

Daily Devotionals

## Seeds of Hope

### ENDURING PRAISE

One of my memories from living on the coast in Monterey, California was the frustration of coping with fog. It would silently, often without warning, slip quietly in from the ocean and cover the area with a blanket of mist that severely limited one's vision. Without warning, whether day or night, the fog would arrive and sometimes bring traffic to a complete stop. Fog lights were of no use because they could not penetrate the dense moisture. Then, suddenly, just as it had arrived, it would disappear as though it never existed..

"Beauty is deceptive," wrote King Lemuel in the concluding verses in Proverbs. In fact, a more correct translation would be "fleeting" suggesting that it is "transitory" or even "temporary," much like the fog, that without notice, comes and goes without any warning.

Although some have the illusion that "beauty" is a lifetime gift that will bring endless praise and constant attention, it is short-lived and passing. In this verse, it is described as being deceitful and fleeting because "it passes away and with it passes the hope of happiness that was based on it."

"But a woman who fears" or who stands in awe of and worships' - the Lord, is to be praised!" This "woman" who "fears the Lord" is not afraid of God. Rather, she is a "woman of God" who lives her life by following and applying the wisdom and truths contained in the book of Proverbs that describes the roles and responsibilities of being a God-honoring wife and mother.

And the results? She is "to be praised." For what? Her spiritual beauty that comes from loving and worshipping and serving God.

Prayer: Father, few today understand "beauty" and "praise" as taught in Your Word. We ask that You reward and bring praise to wives and mothers who live by Your truth. Amen.

Scripture For Today: Charm is deceptive, and beauty is fleeting; but a woman who fears the Lord is to be praised. Proverbs 31:30



We all need the encouragement, comfort, and peace that comes through God's grace. Our daily devotionals, known as Seeds of Hope, have been a means through which thousands of people have experienced this grace. Each devotional comes from God's Word and we pray this good "seed" finds good soil in your heart. Our aim is that the Seeds of Hope will be a great source of daily encouragement to you and that God will use them to draw you near to Him

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## 2023 Community Events

- 01/29/2023 Groton Robotics Pancake Feed, 10am-1pm, Community Center
- 01/29/2023 85th Carnival of Silver Skates 2pm & 6:30pm (Last Sunday of January)
- 01/31/2023-02/03/2023 Lion's Club Prom & Formal Dress Consignment Drop Off 6-9pm, Community Center
- 02/04/2023-02/05/2023 Lion's Club Prom & Formal Dress Consignment Sale 1-5pm, Community Center
- 02/25/2023 Littles and Me, Art Making 10-11:30am, Wage Memorial Library
- 03/25/2023 Spring Vendor Fair, 10am-3pm, Community Center
- 04/01/2023 Lion's Club Easter Egg Hunt 10am Sharp at the City Park (Saturday a week before Easter)
- 04/01/2023 Dueling Duo Baseball/Softball Fundraiser at the Legion Post #39 6-11:30pm
- 04/06/2023 Groton Career Development Event
- 04/22/2023 Firemen's Spring Social at the Fire Station 7pm-12:30am (Same Saturday as GHS Prom)
- 04/23/2023 Princess Prom 4:30-8pm (Sunday after GHS Prom)
- 05/06/2023 Lion's Club Spring Citywide Rummage Sale 8am-3pm (1st Saturday in May)
- 05/29/2023 Legion Post #39 Memorial Day Services (Memorial Day)
- 06/16/2023 SDSU Alumni and Friends Golf Tournament
- 07/04/2023 Couples Firecracker Golf Tournament
- 07/09/2023 Lion's Club Summer Fest/Car Show at the City Park 9am-4pm (Sunday Mid-July)
- 07/26/2023 GGA Burger Fundraiser Lunch at Olive Grove Golf Course
- 08/04/2023 Wine on Nine 6pm
- 08/11/2023 GHS Basketball Golf Tournament
- 09/09/2023 Lion's Club Fall Citywide Rummage Sale 8am-3pm (1st Saturday after Labor Day)
- 09/10/2023 Couples Sunflower Golf Tournament
- 10/14/2023 Pumpkin Fest at the City Park 10am-3pm
- 10/31/2023 Downtown Trick or Treat 4-6pm (working day on or closest to Halloween)
- 10/31/2023 United Methodist Church Trunk or Treat 5:30-7pm
- 11/23/2023 Community Thanksgiving at the Community Center 11:30am-1pm (Thanksgiving)
- 12/02/2023 Tour of Homes & Holiday Party
- 12/09/2023 Santa Claus Day at Professional Management Services 9-11am

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## The Groton Independent Printed & Mailed Weekly Edition

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## WINNING NUMBERS

### MEGA MILLIONS

WINNING NUMBERS:

02.14.23

23 24 35 40 43 1

MegaPlier: 3x

NEXT ESTIMATED JACKPOT:

**\$84,000,000**

NEXT 1 Days 16 Hrs 6

DRAW: Mins 2 Secs

[PREVIOUS RESULTS](#)

### LOTTO AMERICA

WINNING NUMBERS:

02.15.23

3 11 32 37 43 1

All Star Bonus: 2x

NEXT ESTIMATED JACKPOT:

**\$36,330,000**

NEXT 2 Days 16 Hrs 6

DRAW: Mins 2 Secs

[PREVIOUS RESULTS](#)

### LUCKY FOR LIFE

WINNING NUMBERS:

02.15.23

9 16 28 35 44 1

TOP PRIZE:

**\$7,000/week**

NEXT 15 Hrs 36 Mins 1

DRAW: Secs

[PREVIOUS RESULTS](#)

### DAKOTA CASH

WINNING NUMBERS:

02.15.23

5 9 11 22 26

NEXT ESTIMATED JACKPOT:

**\$55,000**

NEXT 2 Days 16 Hrs 6

DRAW: Mins 2 Secs

[PREVIOUS RESULTS](#)

### POWERBALL

DOUBLE PLAY

WINNING NUMBERS:

02.15.23

25 30 44 52 66 22

TOP PRIZE:

**\$10,000,000**

NEXT 2 Days 16 Hrs 5

DRAW: Mins 2 Secs

[PREVIOUS RESULTS](#)

### POWERBALL

WINNING NUMBERS:

02.15.23

31 32 54 60 63 12

Power Play: 4x

NEXT ESTIMATED JACKPOT:

**\$73,000,000**

NEXT 2 Days 16 Hrs 5

DRAW: Mins 2 Secs

[PREVIOUS RESULTS](#)



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News from the  Associated Press

## Wednesday's Scores

The Associated Press  
GIRLS PREP BASKETBALL=  
Todd County 67, McLaughlin 42

BOYS PREP BASKETBALL=  
McLaughlin 60, Todd County 52

Some high school basketball scores provided by Scorestream.com, <https://scorestream.com/>

## Editorial Roundup: South Dakota

By The Associated Press undefined  
Yankton Press & Dakotan. February 13, 2023.

Editorial: Trans Bills And South Dakota's Message

The South Dakota Legislature's approval of a measure banning some forms of health care for transgender youth puts this session's stamp on a difficult, emotional subject.

It also represents a concerning trend that this state is cultivating in terms of acceptance of a segment of our population.

The bill, House Bill 1080 (HB 1080), which passed overwhelmingly last week by the state Senate, would prohibit a broad range of surgical and non-surgical gender-affirming treatment for minors. This includes banning the use of puberty blockers, which can also be used for purposes other than gender transition; an amendment to exclude the drug failed.

Gov. Kristi Noem announced she signed the bill Monday.

Proponents of HB 1080 say minors should wait until they are 18 to make such life-changing decisions, which they may regret down the line. They note that minors should instead receive mental health counseling until they reach the appropriate age.

This makes sense, to a degree. Certainly, it seems difficult to imagine that kids under 18 can plot out a path for their entire life at such an age.

However, most of us (which includes, we would guess, almost all the lawmakers who voted for this bill) cannot speak directly to the issues and identity crises these young people, as well as their families, face. While counseling would certainly be beneficial, broadly dictating to these people the best avenue of medical care without putting ourselves in their shoes seems awkward and presumptive.

Also, proponents often give the impression that these kids are making this decision on their own, apparently with their families, counselors and physicians not part of this harrowing process. That is almost certainly not the case.

(And, as a legal aside, it should be noted that similar bills passed in Arkansas and Alabama have been blocked by the courts, according to The Hill newspaper.)

One thing that can be agreed upon is that such a transition is a major decision, no matter what age the person is at.

We're not sure, however, that it is the state's place to dictate to these people and their families what the best course of medical action is or isn't. The legislative bill is a blanket edict that imposes its own views on a very personal, complex situation, which makes this bill an uncomfortable fit in a state that heralds its freedom.

Meanwhile, this measure is also part of a trend of state officials targeting trans people — who make up a very small part of the electorate and therefore likely have little clout — with restrictive legislation.

Last year, the Legislature passed a ban on transgender athletes competing in female sports, which was

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turned into a high-profile accomplishment that the governor lauded on national television commercials. This was done even though the matter had rarely been an issue here and the state already had a mechanism in place to deal with it.

South Dakota has also attempted a transgender bathroom bill in recent years, but that has yet to make headway.

Now, with the passage of the trans health bill, an underlying (and perhaps unintentional, or perhaps not) message is being sent by South Dakota lawmakers that there are certain types of people who are not wanted or welcome in this state — even if some of these people were born and raised here.

That's not a good look for us, and it could eventually lead to consequences that will not serve us well in the future.

Madison Daily Leader. February 14, 2023.

Editorial: Crime must be curbed on reservations right now

While there are impasses over many issues among Native American nations, the United States government and the states, the top priority at the moment must be to reduce the unbelievable level of crime on Native American reservations.

The U.S. government has treaty and trust obligations to provide "adequate law enforcement" on Native American reservations, and the adjective "adequate" is not specific enough to help. But we don't think anyone can argue that crime is out of control and, in some places, a complete lawless situation.

Consider this: A recent Associated Press story reported the Pine Ridge Reservation, home of the Oglala Sioux Tribe, has more than 100,000 emergency calls for service each year. Only 33 officers and eight criminal investigators are responsible for handling them all. Those federal officers are spread out over 5,400 square miles.

Quick math says that each officer would handle more than 3,000 calls per year if only one officer dealt with a call. If they were spread evenly, that means more than a dozen emergency calls every shift. And during each shift, the officer would need to cover hundreds of square miles.

Just the fact that we need to establish a specific agency just for murdered and missing indigenous women in South Dakota is heartbreaking. The missing list typically includes dozens of names at any time, and there are so many more missing women who aren't on the list. And very few "missing" women are found alive. Add to that the drug and human trafficking, as well as other lawlessness, and we have to agree that it is untenable.

The Oglala Sioux Tribe has sued the Bureau of Indian Affairs, alleging the U.S. is not complying with its treaty obligations, and not surprisingly, the federal government states that ambiguity of the treaties can't force the U.S. to provide the tribe with its "preferred level of staffing or funding for law enforcement." It's an argument of semantics, even when everyone knows crime is out of control.

It's hardly worth assigning blame to only the U.S. government. Tribal governments, states, tribal leaders and tribal members all have responsibility. Because the groups can't agree on much makes solutions almost impossible to find.

That doesn't mean we should give up. Each party to this crisis needs to check their past issues at the door and come together to move toward solutions. We wouldn't expect quick progress, but progress must start right away and build momentum for long-term progress. Immediate action shouldn't be delayed by anyone.

END

## Quake survivors wait amid rubble, to search or say goodbye

By SARAH EL DEEB Associated Press

ANTAKYA, Turkey (AP) — Hamid Yakisikli has waited outside the pile of concrete that used to be his house since an earthquake devastated his home in the ancient city of Antakya. He and his two brothers have endured freezing conditions, in big jackets and wool hats, waiting for rescuers to retrieve the body

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of their mother, Fatma, from under the rubble.

Ever since the Feb. 6 earthquake decimated swaths of Turkey and Syria, survivors have gathered outside destroyed houses and apartments, refusing to leave.

Hundreds of buildings were reduced to rubble; ancient buildings lie in ruins; and the streets of Antakya's historic center were blocked by mounds of debris and furniture, dividing the city into small blocks of apocalyptic destruction. It was the most deadly quake in Turkey's modern history.

Over 2 million people have left the disaster zone in Turkey, according to the government. But here in the worst-hit city, hundreds are still waiting. At every corner, a few people look at a pile of rubble, praying for a wife, a sister, a son or a friend.

Yakisikli, a retired cook, was closest to his mother. She lived right below him.

He was home when the quake struck. "We were on the third floor, and we just found ourselves on the ground," he said. His mother's second-floor apartment was deep underground.

Yakisikli and his brothers initially tried to climb the rubble in search of their mother. One caught a glimpse of her head through the debris — she was lifeless, lying on her back.

Unable to free her body, they began a long wait.

"I can't have peace of mind without burying her," said Yakisikli, as he watched an excavator claw at the remains of the building behind his home.

The Yakisiklis only slept when the excavators turned off their engines, in a tent pitched in an abandoned school near their former home. There was no water, electricity or toilet in the tent.

"We will not feel good about leaving. We must get her out and bury her and then we see what we have to do," he said.

The Yakisikli brothers find solace in the company of the living — and the occasional laugh, as they spend the days swapping stories about their travels.

Some of the people waiting hope for a miracle.

On Wednesday, Abdulrizak Dagli and his wife read the Quran and raised their hands to the skies, as they waited for rescuers to retrieve their son and his wife, and a missing grandchild. Their 1-year-old granddaughter was pulled out of the debris alive five days after the earthquake.

Other survivors have refused to move to guard savings, valuable belongings and homes. Some search for documents they hope could help them rebuild the life they knew; others simply look for memories.

"We can't leave our house," said Gulsen Donmez, a 46-year-old survivor, leaning back on a plastic chair in a park opposite her damaged house. She left for a few days, but soon rushed back. "There are looters who are taking things from homes. We decided to stay here close to the house so we can go check on it all the time."

Donmez, her husband, three children and their large dog have slept in a park, first in one of its small food stands, then in an empty kiosk they filled with blankets to keep out the cold.

She held her hands to a wood-burning heater outside the kiosk. With no public toilets, she relieves herself in the open air.

She said she would wait for as long as it takes to get into her home and retrieve what she can. In the meantime, she has applied for a government-issued tent. Being placed in one would make it easier to access organized aid and begin seeking compensation.

But that wait may be long as Turkey struggles to provide shelter for the hundreds of thousands of new homeless.

On Wednesday, volunteers distributed warm meals and hygiene kits. Some gave out flowers to cheer a sad and gloomy city. Municipality workers cleaned the streets, some with large cracks that snaked through the asphalt.

People have set tents up in open spaces, parks or schools. Some residents slept in cars parked near their homes.

Enise Karaali, 69, and her son Haydar have spent some nights in the car outside their former real estate office, crushed by debris, and others in a tent near their home.

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"I used to live really well. I lost a good life now to live in a car or a tent," Enise Karaali, holding a bowl of pasta offered by volunteers as she reminisced about her dining room table and house with a garden.

In his offices, Haydar Karaali had papers that prove people owe him some \$100,000. He won't leave before retrieving them from under the rubble.

"We will wait. We will keep coming and going," she said.

A few blocks away, silversmith Jan Estefan and his wife used a garden fork and their hands to sift through the rubble. He and his family came out unhurt, but their business, including his silver and collection of ancient coins, were buried.

He asked rescuers to put the rubble to a place where he can sift through it without disrupting their work, and he's been digging through the pile they made near his shop.

"We must do this if we want to live without relying on anyone," said Estefan, as he leaned over to inspect a shining object in the dirt. He picked out an old Syrian coin, and put it in a small paper bag his wife was holding.

For the Yakisikli brothers, the wait went on for nearly 230 hours, when finally Fatma Yakisikli was pulled from the rubble. Now, they can bury their mother and being trying to move on.

"There is no more life here. Antakya is destroyed," he said. "There may be 100,000 funerals."

## 1 killed, 3 hurt in shooting at El Paso, Texas shopping mall

EL PASO, Texas (AP) — One person was killed and three more were wounded Wednesday in a shooting at a shopping mall in El Paso, Texas, adding to the dozens of people already killed this year in mass shootings across the United States.

El Paso police said hours after the gunfire that two people had been taken into custody, though details of what led the shooting remained unclear.

Interim police chief Peter Pacillas said that Cielo Vista Mall was still considered a crime scene, and that it would remain locked down until authorities had completed their investigation.

Pacillas stressed that the danger had passed.

"There is no more danger. I want to repeat that: There is no more danger to the public," Pacillas said.

The shooting happened in a busy shopping area and across a large parking lot from a Walmart where 23 people were killed in a racist attack targeting Hispanic people in 2019. El Paso — with a largely Latino population of about 700,000 people — sits on the U.S. border with Mexico, where residents of both countries cross frequently.

"Today's shooting at the Cielo Vista Mall has brought back traumatic memories for many of us. Please know you are not alone," Democratic U.S. Rep. Veronica Escobar, whose district includes El Paso, said on Twitter.

She urged anyone who needed it to reach out to the city's crisis help line.

The United States has seen dozens of people killed in mass shootings so far in 2023, most recently Monday at Michigan State University, where three students were killed and five more were wounded. In January, 11 people were killed in the Los Angeles-area city of Monterey Park as they welcomed the Lunar New Year at a dance hall popular with older Asian Americans.

Pacillas said the two people taken into custody after Wednesday's shooting as well as all of the victims were males.

University Medical Center in El Paso said in a statement that two gunshot victims being treated there were in critical condition.

The condition of the third victim was not immediately known.

Police earlier said the shooting was reported in the shopping mall's food court.

Authorities set up a reunification center at a nearby high school, where those affected by the shooting could reconnect with loved ones.

The FBI, which is assisting El Paso police in the investigation, set up a website where the public can share photos or video from the shooting: [www.fbi.gov/cielovistamallshooting](http://www.fbi.gov/cielovistamallshooting).

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Republican Gov. Greg Abbott said in a tweet Wednesday night that he had spoken to the mayor of El Paso and offered assistance from the Texas Department of Public and Safety and the Texas Division of Emergency Management.

In 2022, more than 600 mass shootings occurred in the U.S. in which at least four people were killed or wounded, according to the Gun Violence Archive.

## South Korea defense report revives 'enemy' label for North

By HYUNG-JIN KIM Associated Press

SEOUL, South Korea (AP) — South Korea called North Korea "our enemy" in its biennial defense document published Thursday, reviving the label for its rival for the first time in six years, as tensions worsen between the two countries.

North Korea conducted an unprecedented number of missile tests in 2022, including simulated nuclear attacks on South Korea. In response, South Korea's conservative government led by President Yoon Suk Yeol has been seeking a stronger U.S. security commitment and boosting its own military capabilities.

Descriptions of North Korea in past South Korean defense white papers reflect the changing rocky ties between the two Koreas. Past South Korean documents called North Korea the "main enemy," "present enemy" or "enemy" in times of animosity. But they avoided such references when relations were improved.

North Korea "doesn't give up its nukes and is persistently posing military threats to us, so the North Korean government and military ... is our enemy," the 2022 South Korean defense white paper issued Thursday said.

The document noted that in December, North Korean leader Kim Jong Un called South Korea "our undoubted enemy" in a speech at a key ruling party meeting. It also cited the passage of a new North Korean law authorizing pre-emptive use of nuclear weapons in a broad range of scenarios.

The document said the North Korean nuclear program and provocations "are seriously threatening our security." It said the main objectives of South Korean defense policies include bracing for threats and a potential invasion by North Korea, deterring a war on the Korean Peninsula and contributing to a peaceful future Korean reunification.

North Korea didn't immediately respond to the revived use of enemy terminology in the South Korean defense paper, though it has lashed out at past such labels, calling them provocations that demonstrated South Korean hostility.

South Korea first called North Korea its "main enemy" in 1995, a year after North Korea threatened to turn Seoul into "sea of fire" — rhetoric the North has since repeatedly used when confrontations flared with the South.

During a previous era of inter-Korean detente in the 2000s, South Korea stopped using the enemy terminology, but revived it after 50 South Koreans were killed in attacks blamed on North Korea in 2010 — 46 in the torpedoing of a navy ship and four in the shelling of a border island.

South Korea again avoided using enemy labels when it was governed by Yoon's liberal predecessor Moon Jae-in, who espoused greater reconciliation with North Korea. Defense documents published during Moon's 2017-2022 rule didn't mention North Korea by name when they said South Korea's military "considers any force that threatens and violates the sovereignty, territory, people, and properties of the Republic of Korea as an enemy."

The latest defense paper refers to Kim Jong Un by name without any of his titles, while previous papers issued under Moon's government used both his name and titles — "Chairman Kim Jong Un" or "State Affairs Commission Chairman Kim Jong Un."

Yoon, who took office in May last year, has vowed a stern response to North Korean provocations. During his election campaign, Yoon wrote on Facebook that "the main enemy is North Korea" after it conducted a series of missile tests.

## Upset Ohio town residents seek answers over train derailment

By PATRICK ORSAGOS Associated Press

EAST PALESTINE, Ohio (AP) — Residents of the Ohio village upended by a freight train derailment packed a school gym to seek answers about whether they were safe from toxic chemicals that spilled or were burned off.

Hundreds of worried people gathered Wednesday in East Palestine, near the Pennsylvania state line, to hear state officials insist yet again that testing shows local air is safe to breathe so far and promise that air and water monitoring would continue.

With the community in the national spotlight, U.S. Environmental Protection Agency Administrator Michael Regan is slated to visit Thursday to assess the ongoing response and hear from impacted residents.

Those attending Wednesday's informational session, which was originally billed as a town hall meeting, had many questions over health hazards, and they demanded more transparency from railroad operator Norfolk Southern, which did not attend, citing safety concerns for its staff.

"They just danced around the questions a lot," said Danielle Deal, who lives a few miles from the derailment site. "Norfolk needed to be here."

In a statement, Norfolk Southern said it didn't attend alongside local, state and federal officials because of a "growing physical threat to our employees and members of the community around this event."

Deal called that a "copout" and noted the seriousness of the incident.

Deal and her two children left home to stay with her mother, 13 miles away "and we could still see the mushroom cloud, plain as day," she said.

Nearly two weeks after the derailment, people in the area have many concerns about the huge plumes of smoke they saw, persisting odors, risks to pets and wild animals, potential effects on drinking water and what's happening with the cleanup.

Even as school resumed and trains were rolling again, people were worried.

"Why are they being hush-hush?" Kathy Dyke said of the railroad. "They're not out here supporting, they're not out here answering questions. For three days we didn't even know what was on the train."

"I have three grandbabies," she said. "Are they going to grow up here in five years and have cancer? So those are all factors that play on my mind."

In and around East Palestine, residents said they wanted assistance navigating the financial help the railroad has offered hundreds of families who evacuated, and they want to know whether it will be held responsible for what happened.

Ohio Attorney General Dave Yost advised Norfolk Southern on Wednesday that his office is considering legal action against the rail operator.

"The pollution, which continues to contaminate the area around East Palestine, created a nuisance, damage to natural resources and caused environmental harm," Yost said in a letter to the company.

The state's Environmental Protection Agency said the latest tests show five wells supplying the village's drinking water are free from contaminants. But the EPA also recommends testing for private water wells because they are closer to the surface.

The Ohio Department of Natural Resources estimates spilled contaminants affected more than 7 miles (11.2 kilometers) of streams and killed some 3,500 fish, mostly small ones such as minnows and darters.

There have been anecdotal reports that pets or livestock have been sickened. No related animal deaths have been confirmed, state officials said, but that confirmation would require necropsies and lab work to determine the connection to the incident.

Norfolk Southern announced Tuesday that it is creating a \$1 million fund to help the community of some 4,700 people while continuing remediation work, including removing spilled contaminants from the ground and streams and monitoring air quality.

It also will expand how many residents can be reimbursed for their evacuation costs, covering the entire village and surrounding area.

"We will be judged by our actions," Norfolk Southern President and CEO Alan Shaw said in a statement

that the company is "cleaning up the site in an environmentally responsible way."

No one was injured when about 50 cars derailed in a fiery, mangled mess on the outskirts of East Palestine on Feb. 3. As fears grew about a potential explosion, officials seeking to avoid an uncontrolled blast had the area evacuated and opted to release and burn toxic vinyl chloride from five rail cars, sending flames and black smoke billowing into the sky again.

A mechanical issue with a rail car axle is suspected to be the cause of the derailment, and the National Transportation Safety Board said it has video appearing to show a wheel bearing overheating just beforehand. The NTSB said it expects its preliminary report in about two weeks.

Misinformation and exaggerations spread online, and state and federal officials have repeatedly offered assurances that air monitoring hasn't detected any remaining concerns. Even low levels of contaminants that aren't considered hazardous can create lingering odors or symptoms such as headaches, Ohio's health director said Tuesday.

Precautions also are being taken to ensure contaminants that reached the Ohio River don't make it into drinking water.

## China sanctions Lockheed Martin, Raytheon for Taiwan sales

By JOE McDONALD AP Business Writer

BEIJING (AP) — China on Thursday imposed trade and investment sanctions on Lockheed Martin and a unit of Raytheon for supplying weapons to Taiwan, stepping up efforts to isolate the island democracy claimed by the ruling Communist Party as part of its territory.

Lockheed Martin Corp. and Raytheon Technologies Corp.'s Raytheon Missiles and Defense are barred from importing goods into China or making new investments in the country, the Ministry of Commerce announced. It said they were added to the "unreliable entity" list of companies whose activities are restricted because they might endanger national sovereignty, security or development interests.

It wasn't clear what impact the penalties might have. The United States bars most sales of weapons-related technology to China, but some military contractors also have civilian businesses in aerospace and other markets.

Taiwan and China split in 1949 after a civil war. The island of 22 million people never has been part of the People's Republic of China, but the Communist Party says it is obliged to unite with the mainland, by force if necessary.

President Xi Jinping's government has stepped up efforts to intimidate Taiwan by flying fighter jets and bombers near the island and firing missiles into the sea.

The United States has no official relations with Taiwan but maintains extensive commercial and informal contacts. Washington is obligated by federal law to make sure the island's government has the means to defend itself.

The United States is Taiwan's main supplier of military equipment.

Raytheon Missiles and Defense, part of Raytheon Technologies Corp., was awarded a \$412 million contract in September to upgrade Taiwanese military radar as part of a \$1.1 billion package of U.S. arms sales to the island. Boeing Defense received a \$355 million contract to supply Harpoon missiles.

Beijing responded to that sale by announcing sanctions against the CEOs of Raytheon and of Boeing Defense but gave no details of what they were.

Lockheed Martin has supplied Taiwan's military with radar, helicopters and air traffic control equipment. It plays a role in the island's development of its own fighter jet and navy frigates.

In China, Lockheed Martin has sold air traffic control equipment for civilian airports and helicopters for commercial use.

Beijing announced plans for the "unreliable entity" list in 2019 in response to U.S. restrictions imposed on Huawei Technologies Ltd., a Chinese maker of telecom equipment.

## Study: Don't blame climate change for South American drought

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By SETH BORENSTEIN AP Science Writer

Climate change isn't causing the multi-year drought that is devastating parts of Argentina, Uruguay, Brazil and Bolivia, but warming is worsening some of the dry spell's impacts, a new study says.

The natural three-year climate condition La Nina – a cooling of the central Pacific that changes weather worldwide temporarily but lasted much longer than normal this time – is the chief culprit in a drought that has devastated central South America and is still going on, according to a flash study released Thursday by international scientists at World Weather Attribution. The study has not been peer reviewed yet.

Drought has hit the region since 2019 with last year seeing the driest year in Central Argentina since 1960, widespread crop failures and Uruguay declaring an agricultural emergency in October. Water supplies and transportation were hampered, too.

"There is no climate change signal in the rainfall," said study co-author Friederike Otto of the Grantham Institute at Imperial College in London. "But of course, that doesn't mean that climate change doesn't play an important role in the context of these droughts. Because of the extreme increase in heat that we see, the soils do dry faster and the impacts are more severe they would have otherwise been."

The heat has increased the evaporation of what little water there is, worsened a natural water shortage and added to crop destruction, scientists said. The same group of scientists found that climate change made the heat wave last December 60 times more likely.

And cutting down trees in the southern Amazon in 2020 reached the highest rate in a decade and that translates to less moisture being available farther south in Argentina, said study lead author Paola Arias, a climate scientist and professor at the Environmental School of the University of Antioquia in Colombia.

The team of scientists at World Weather Attribution use observations and climate models to see if they find a climate change factor in how frequent or how strong extreme weather is. They compare what happened to how often it happened in the past, and they run computer simulations that contrast reality to what would have happened in a world without human-caused climate change from burning of fossil fuels.

In this drought's case, the models actually show a slight, not significant, increase in moisture from climate change but a clear connection to La Nina, which scientists say is waning. It will still take months if not longer for the region to get out of the drought — and that depends on whether the flip side of La Nina — El Nino — appears, said study co-author Juan Rivera, a scientist at the Argentine Institute for Snow Research, Glaciology and Environmental Sciences.

In the past, the team of scientists has found no obvious climate change connection in some droughts and floods, but they do find global warming is a factor in most of the severe weather they investigate.

"One of the reasons why we do these attribution studies is to show what the realistic impacts of climate change are. And it's not that climate change makes everything worse," Otto said. "Not every bad thing that's happening now is because of climate change."

## In the lives of 5 friends, Ukraine's war story unfolds

By SAMYA KULLAB Associated Press

BUCHA, Ukraine (AP) — In the cemetery where Oleksii Zavadskyi and Yurii Stiahliuk are buried, the women they loved take drags on the men's favorite brands of cigarettes. Clouds of smoke are exhaled in silence.

Interlaced between Anastasiia Okhrimenko's dainty fingers are Camels. Anna Korostenska lights L&M's, her hands shaking in the cold. An intimate ritual when the men were still alive — at the end of the day, when it was just the two of them — it is now a somber tradition carried on after death.

Oleksii and Yurii were killed on Ukraine's eastern front five months apart. One was Vadym Okhrimenko's best friend and died in his arms. "Gone, in an instant," he says, briskly packing his combat uniform and gear. Soon he returns to the battlefield, heavy with sorrow, hungry for revenge.

The five had known each other since childhood. They came of age in Bucha, a Kyiv suburb now synonymous with the war's most horrific atrocities. Their interwoven tales reveal how Russia's invasion of Ukraine exactly one year ago changed their lives, their neighborhood, their country.

"This war is not just about soldiers," says Anna. "It's about everyone connected to them, and their pain."



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With each passing month, sedimentary layers of grief formed: violent occupations followed by tearful separations and interminable waiting. Between chaotic frontlines where victory turned to attrition and homes assailed with constant air raids and power cuts, love blossomed, friendships deepened and the fear of death burrowed in.

As the conflict that killed their loved ones still rages on, Anna, Anastasiia and her brother, Vadym wrestle with a question that all of war-torn Ukraine must grapple with: After loss, what comes next?

## HISTORY UNFOLDING

In Bucha, familiar childhood landmarks are imbued with a new, dark history.

There is the building behind the playground where dozens took shelter from the approaching Russian troops; the garages where Russian soldiers burned to death those sheltering inside; the supermarket, from where the funeral processions now start.

The occupation, which lasted 33 days from the start of the invasion on Feb. 24 to April 1, when Russian troops withdrew, became a potent symbol of the war's horrors. Liberation revealed the mass murder of civilians and cruel accounts of rape. More than 450 people were killed, according to local authorities.

Anastasiia fled the area for another. Anna remained in Bucha until March 10. She spent nights in the shelter as Russian tanks rolled past her neighborhood of Sklozavod, soldiers ransacked shops and ran over a man sitting in a car. All this, she witnessed.

"We are still processing," says Andrii Holovyn, 50, the community's priest, who presided over Yurii's funeral and those of countless other soldiers after him. "People are living in constant danger, without light, with no breaks in between."

The occupation propelled the childhood friends to act. Oleksii's mother and sister escaped to Germany. Vadym's wife fled to the Czech Republic. Yurii asked Anastasiia to leave her job and stay at home.

They were very different, the three men. Yurii had an aura of eternal youth, the kind of guy who smiled broadly even when enraged. Oleksii was a brawler, a rebel on the outside but intensely introverted. Vadym, a terse, self-described "football hooligan," was their leader.

Stirred by the massacre in their hometown, they joined the army in the spring of 2022. No one could afford to fold their arms and watch the war happen, said Vadym.

## LIVING CALL TO CALL

This was the moment Anastasiia chose to propose marriage to Yurii.

It was her way of telling him he could count on her to wait for him. They had been together for seven years, a relationship sparked the day that Yurii, the boy she had met as a child and known only as her brother's friend, reappeared in her life with an innocuous greeting on social media.

"I realized that he was the only person with whom I could imagine my future," she says.

It was a no-frills ceremony. Papers were signed, rings exchanged. But future plans were elaborate. "First, we had to win this war," Anastasiia says, twirling her wedding band around her finger. "Probably the first thing we would do after is go on a honeymoon."

Yurii arrived in the eastern city of Kramatorsk in July, heading toward the salt-mining town of Bakhmut, a fierce battlefield that would turn out to be the war's longest. Says Anastasiia: "I lived from call to call."

Through him, she bore witness to the hellscape that was the war.

Russia had shifted tactics, withdrawing troops from the north after fierce Ukrainian resistance and focusing on what Moscow described as the "liberation" of the contested Donbas region.

His correspondence with Anastasiia over six months revealed his unit was constantly on the move. The shelling and artillery battles were relentless, he told her. After one night of extensive bombardment, he texted, "I will definitely return," with an emoji blowing a heart-shaped kiss.

In August, he complained that the enemy had more advanced weapons while they had to make do with automatic guns. Helpless, they spent hours hiding in the trenches.

The night before Ukraine's Independence Day on Aug. 25, Yurii said he expected the Russians would mark the occasion with missiles. He made her promise to sleep in the corridor, away from windows.

He returned to the front later. When the shelling ceased for a moment, Yurii made a dash for the car,

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thinking he had just enough time as the enemy reloaded weapons.

Then the shooting started again.

It was Vadym, not Yuri, who called Anastasiia that morning. He had bad news from the Military Commissariat.

"Tell me it's not true," reads the last text message she sent her husband. "I'm begging you, tell me you're alive."

## A DECLARATION OF LOVE

September was a turning point.

Ukraine launched surprise counter-offensives in the northern and southern regions, denting the image of Russia's military might. Kyiv was encouraged to seek more arms from the hesitant West to sustain the fight, and Oleksii finally summoned the courage to tell Anna he loved her for the first time.

Theirs was an affair only the two of them understood, one in which moments of affection could quickly devolve into thunderous arguments.

Oleksii was Anna's first kiss at 15, but there was no relationship to speak of until Yuri's death. That changed him. Oleksii revealed he had loved her his entire life but had stayed away because she had been with one of his friends. Now he didn't care anymore.

"Yuri's death pushed us to accept the fact that you can do anything in this life while you are still alive," Anna says.

After Yuri's funeral, Anna planned to spend the night with Anastasiia to comfort her grieving friend. Oleksii, who had taken leave to attend the burial, walked her to the door and kissed her.

After, he called her almost every day.

In mid-September, he seemed especially tired on a video call while stationed in Zaporizhzhia. He asked Anna to help him find out how long soldiers were permitted to take leave. He sent her a link, an information page for officers looking to get time off to get married.

"Zavadskyi, do you want to go on vacation or get married?" she asked him, teasing.

"Let's combine the practical with the pleasant," he responded. That was Oleksii's style. They were engaged.

Autumn turned to winter, Ukraine liberated the northern city of Kharkiv and Kherson in the south. The victories boosted morale, but were won bit by bit with the help of Western weapons that wore down Russian forces and supply lines.

In the east, gains were harder to come by. Russian forces, with Wagner mercenaries, unleashed human wave tactics to exhaust Ukrainian defenses. On January 11, Oleksii was deployed to a position near Bakhmut, very close to the same front where Yuri was killed.

On Jan. 13, he called. It was too cold to sleep, he said, quivering. The combat lines were very close; he was 15 meters away from the enemy. He was scared.

In long-range battles it's not easy to see when you've killed someone, he explained. He had sent videos of himself from these positions before, shooting toward the faraway enemy lines, crying out: "For Stiahliuk!" — for Yuri. But here, he could clearly see how the bodies of the men he extinguished fell.

Anna told him, sharply. "You have to understand: If you don't kill, they will kill you."

He died the next day from a bullet to the neck.

## BROTHERS IN ARMS

Until their redeployment to the east, they had felt invincible. In Zaporizhzhia, they had captured two prisoners after an ambush operation and pushed the Russians back by at least 10 kilometers. Oleksii was both an infantryman and drove the platoon's armored vehicle.

In Bakhmut, they were tasked with carrying out dangerous maneuvers at the foot of the flank, close to enemy lines.

"You have to fight every day, every minute," Vadym says. Russian attacks seemed endless; their soldiers walked passed the corpses of their own comrades in their relentless push toward Ukrainian positions.

In the middle of the shootout on Jan. 14, Oleksii suddenly collapsed. As there was no blood, Vadym thought he had suffered a shock.

He dragged his friend to cover and looked for a pulse. He could swear he felt one, but the medic at the

scene said Oleksii died instantly.

This time, Vadym could not bring himself to call Anna. As the commander of their platoon, Vadym had felt responsible for protecting his best friend. He promised Oleksii's father, Sergey, he would bring him back home alive. "I was ashamed," he says. Yurii had been with a different unit.

"There are no golden or miraculous words that can instantly ease their pain," says Holovyn, the priest of the parishioners who come to him with their tales of suffering. The other day, the teacher of the Sunday school told him her husband had died on the front, but that his body remains in Russian controlled territory. Lying there in the snow.

In Bucha, some people are already rebuilding. The smell of sawdust wafts in the air, as workmen repair destroyed roofs and residents embrace the precarity of living without peace.

In Oleksii's grandmother's home in Bucha, Anna holds her fiance's shirts close to catch the lingering scent of him. "They say the Earth spins. My Earth has stopped," she says.

Time hasn't made it any easier for Anastasiia, either. "You come out of a stressful state and begin to realize what is actually happening." Sometimes she catches herself still waiting for a call.

Side by side, both women stood together at the funerals of the men they loved. "Only Nastya understood me — like no one else," Anna says, using a nickname for Anastasiia and clasping her hand.

For Vadym, the time to leave has come. "Only fools have no fear at all," he says, realizing that he is the last of his brothers in arms. "But I will try to survive."

The next day, he is gone.

## Russia fires barrage of missiles at targets in Ukraine

KYIV, Ukraine (AP) — Russia again pummeled Ukraine with a barrage of cruise and other missiles on Thursday, hitting targets from east to west. Ukrainian authorities said one of the strikes killed a 79-year-old woman and injured at least seven other people.

Russian forces used a variety of missile types, firing 36 in all in a two-hour overnight burst, said Ukraine's military chief, Valery Zaluzhnyy. He said Ukrainian air defense batteries shot down 16 of them — a lower rate of success than against some previous Russian waves.

Ukrainian authorities said targets in the north, west, south, east and center of the country were struck.

The head of Ukraine's presidential office, Andriy Yermak, said Russian forces "changed their tactics" for the strike, deploying what he described as "active reconnaissance" and "false targets."

He gave no details. But Russian forces may be seeking ways to get past Ukrainian air defenses that have been strengthened by Western-supplied weapons systems and have had high rates of success against previous Russian barrages of missiles and killer drones.

One of the overnight strikes caused casualties and destroyed homes in the eastern city of Pavlohrad, the regional governor said. Gov. Serhiy Lysak said a 79-year-old woman was killed and at least seven other people were wounded, including two who were later hospitalized.

The strike destroyed seven homes, damaged 30 others and sparked a fire at an industrial plant that emergency services put out within hours, the governor added.

A regional governor in western Ukraine, Maksym Kozitskyi, said a fire broke out at a "critical" infrastructure facility in the province of Lviv. He did not immediately offer details.

## From tents to tanks; a big year in Ukraine for NATO allies

By LORNE COOK Associated Press

BRUSSELS (AP) — The day after Russia invaded Ukraine, the leaders of NATO's 30 member countries held an emergency summit to address what they described as the gravest threat to Euro-Atlantic security in decades — the launch of what would become the biggest land war in Europe since 1945.

"In this very evolving and difficult situation, it's hard to predict what will (happen) in the future, but allies are providing support and are very committed to continue," NATO Secretary-General Jens Stoltenberg told

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reporters. What that support might look like was an open question.

In the months that followed, Ukraine's supporters at NATO and elsewhere sent fuel, helmets, medical supplies and other non-lethal support. Then, after much hand-wringing, came artillery and air defense systems in the hope that these would not provoke Russia's President Vladimir Putin.

NATO, as an organization, was wary of being dragged into all-out war with nuclear-armed Russia. Technically it still is, but a year on the Ukraine Contact Defense Group this week held talks at NATO's Brussels headquarters, where the alliance's leaders, ministers and envoys usually sit.

Having just secured a promise of sorely needed battle tanks Ukraine wanted more: fighter jets.

"Ukraine has to win this war," said Hanno Pevkur, the defense minister of Estonia, a Baltic country that shares a border and a long history with Russia and is extremely wary of Putin's intentions. The government has stepped up conscription and NATO has boosted its troop presence there.

"We had many questions. Should we send tanks? Now this decision is made," Pevkur said. "Always, there has been the question before, and then the answer after that. We know that Ukraine needs any kind of help, and that means also jet fighters."

All that's missing, it might seem, is the boots of allied troops on the ground. Indeed, the public in Europe and North America could be excused for believing that their taxes funding the world's most powerful security organization are being spent in a war with Russia.

In the year since the Russians invaded, the U.S. has provided more than \$27 billion in military help to Ukraine. Two senior defense officials estimated this week that other allies have stumped up more than \$19 billion worth, with over \$1 billion each from Britain, Canada, Germany, Italy, the Netherlands and Poland.

That's on top of the tens of billions the West is sending to keep Ukraine's battered economy afloat.

For the nationalist government of Hungary, a NATO ally, there is no doubt about what this means.

"If you send weapons, if you finance the entire annual budget of one of the belligerents, if you promise more and more weapons, more and more modern weapons, then you can say whatever you want. No matter what you say, you are in the war," Prime Minister Viktor Orban said last month.

Not so, says Stoltenberg. Even as he exhorted allies and partners this week to give Ukraine more weapons and ammunition, the former Norwegian prime minister insisted, in response to a question from The Associated Press, that NATO is not at war with Russia.

"Neither NATO nor NATO allies are party to the conflict. What we do ... is to provide support to Ukraine. Ukraine is defending itself," he said. "The type of support that we provide to Ukraine has evolved as the war has evolved."

Indeed it has, and some of it is tough to find despite the West's best intentions. Ukraine now fires daily as many artillery shells as a small NATO country orders during a peace-time year, and Europe's defense industry just can't keep up.

"This has become a grinding war of attrition, and therefore it's also a battle of logistics, and this is a huge effort by allies to actually get in the ammunition, the fuel, the spare parts which are needed," Stoltenberg said.

Perhaps one of the most important changes sparked by the war has been the realization that NATO's collective defense guarantee — the pledge that an attack on any ally will be met with a response from them all — is no longer an abstract promise.

Former U.S. President Donald Trump undermined confidence in that guarantee by threatening to abandon any ally that he considered was not spending enough on its armed forces.

Early in the war his successor, Joe Biden, vowed that NATO would defend "every inch" of its territory, to dissuade Putin from targeting any member. Finland and Sweden even gave up their traditional stance of non-alignment to apply to join NATO and secure that very protection.

One year on, some 40,000 troops are under NATO command in eastern Europe, from Estonia down to Bulgaria on the Black Sea. Around 100,000 U.S. troops are stationed in Europe. Some 140 warships ply European waters, aerial surveillance runs round the clock and a total 130 aircraft are on permanent standby.

Those forces are only meant to remain on allied territory but member countries near Russia's borders,

like Lithuania, say they are prepared to go "all the way" in their support for Ukraine. They believe the country should be permitted to join NATO, war or not.

When NATO leaders meet in the Lithuanian capital Vilnius in July they are likely to consider upping the ante with more hi-tech equipment. It's hard to believe that any ally might ponder sending troops. But 18 months ago not even NATO believed that Putin would invade Ukraine.

## Ruling Taliban display rare division in public over bans

By RAHIM FAIEZ Associated Press

ISLAMABAD (AP) — A rare public show of division within the ranks of Afghanistan's ruling Taliban emerged in recent days when Interior Minister Sirajuddin Haqqani, a powerful government figure, gave a speech seen as implicit criticism of the movement's reclusive supreme leader.

The Taliban leadership has been opaque since the former insurgents' takeover of the country in August 2021, with almost no indication of how decisions are made.

In recent months, the group's supreme leader, Hibatullah Akhundzada, has appeared to take a stronger hand in directing policy. In particular, it was on his orders that the Taliban government banned women and girls from universities and schools after the sixth grade.

The bans raised a fierce international uproar, increasing Afghanistan's isolation at a time when its economy has collapsed — and worsening a humanitarian crisis. The bans also appeared to contradict previous policies by the Taliban government.

Between the Taliban takeover until the December ban on attending universities, women had been allowed to continue their studies. Taliban officials repeatedly promised that girls would be allowed to attend secondary school, but a decision to allow them back last year was suddenly reversed.

Haqqani made his comments in a speech over the weekend to a graduation ceremony at an Islamic religious school in the eastern province of Khost.

"Monopolizing power and hurting the reputation of the entire system are not to our benefit," Haqqani said, according to video clips of the speech released on social media by his supporters. "The situation cannot be tolerated," he added.

Haqqani said now that the Taliban have taken power, "more responsibility has been placed on our shoulders and it requires patience and good behavior and engagement with the people." He said the Taliban must "soothe the wounds of the people" and act in a way that the people do not come to hate them and religion.

Haqqani did not refer to Akhundzada, but the remarks were seen by many commenting on social media as directed at him. Haqqani also did not mention the issue of women's education, but he has said publicly in the past that women and girls should be allowed to go to school and universities.

Zabihullah Mujahed, the top spokesman for the Kabul government, said in an apparent reaction to Haqqani's comments — without naming him — that criticism is best voiced privately.

"If someone criticizes the emir, minister, or any other official, it is better — and Islamic ethics also say — that he should express his criticism directly and secretly to him," not in public, he said.

Akhundzada, an Islamic scholar, almost never appears in public and hardly ever leaves the Taliban heartland in southern Kandahar province.

He surrounds himself with other religious scholars and tribal leaders who oppose education and work for women. Only one known photo of him, years old, exists. Akhundzada came to Kabul only once since the Taliban takeover to give a speech to an assembly of pro-Taliban clerics, though he was not shown in media coverage at the closed event.

The Taliban have typically dealt with internal differences behind the scenes, and Haqqani's comments "are a major escalation," said Michael Kugelman, the deputy director of the Asia program and senior associate for South Asia at the Wilson Center. The Taliban leaders have the same broad vision, but "in Kandahar, they're hermits, they're not involved in the day-to-day," said Kugelman. In Kabul, they have to govern and provide services, he added.

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Haqqani leads a faction of the Taliban known as the Haqqani network, built around the family of the same name centered in Khost. The network battled U.S.-led NATO troops and former Afghan government forces for years and was notorious for attacks on civilians and suicide bombings in Kabul. The U.S. government maintains a \$10 million bounty on Sirajuddin Haqqani for attacks on American troops and Afghan civilians.

His comments pointed to an apparent difference between some senior Taliban, who have had to rapidly adjust to the demands of government after two decades of fighting as insurgents.

When they took power in 2021, Taliban officials said they wanted better ties to the world. They said they would not return to the social restrictions on women or punishments, such as public lashings, that they imposed during their first time in power in the 1990s.

But over the nearly 20 months since, the Taliban have barred women from most jobs, middle school and high school as well as from parks. They've also ordered women to wear head-to-toe clothing in public.

The deputy prime minister in the Taliban government, Abdul Salam Hanafi, indirectly criticized the ban on education for women and girls in a speech in Kabul this week.

"If we don't improve the quality and quantity of the education system and do not update it, we will never succeed," he said. He added that the duty of Islamic scholars requires more than prohibiting a behavior or practice — they must also offer a solution and a path forward.

Ahmed Rashid, a veteran Lahore-based journalist who wrote several books about the Taliban, said he didn't expect change from Akhundzada and his Kandahar-based supporters.

Rashid said that unity is a priority for the Taliban in the face of what they see as U.S. and NATO threats, and it's doubtful there is "any kind of revolt" within the ranks. But those in the Taliban leadership dealing with the burden of government have "realized they can't continue like this," he said.

## Deputies suspended in Nichols case didn't keep body cams on

By ADRIAN SAINZ Associated Press

MEMPHIS, Tenn. (AP) — Two sheriff's deputies who have been suspended for five days for their role in the arrest of Tyre Nichols failed to keep their body cameras activated after they went to the location where Nichols had been beaten by five Memphis police officers, officials said late Wednesday.

Shelby County Sheriff's Office deputies Jeremy Watkins and Johntavious Bowers each violated multiple policies after they reported to the location of Nichols' violent arrest on Jan. 7, Sheriff Floyd Bonner said in a statement.

Nichols had fled a traffic stop but was caught near his home by Memphis Police Department officers who punched him, kicked him and hit him with a baton, police video footage and other documents showed.

Video released by the city showed several law enforcement officers standing around as Nichols struggled with serious injuries while he sat on the ground, propped up against a police car. Nichols was taken to a hospital in an ambulance that left the location of the beating 27 minutes after emergency medical technicians arrived, authorities have said.

Nichols died at a hospital on Jan. 10. Five Memphis officers accused of beating Nichols have been fired and charged with second-degree murder. One other Memphis officer has been fired but not charged criminally for his role in the traffic stop that preceded the beating.

The sheriff's office previously had said two deputies who went to the scene after Nichols was beaten had been disciplined and were under investigation. But the county law enforcement office had not divulged further details, including their names and the actions they took — or did not take.

Reports released by the sheriff's office late Thursday showed Bowers and Watkins were suspended for five days without pay for failing to keep their body cameras and in-car video turned on while they were at the arrest location.

The deputies also did not notify dispatch or their supervisor, the reports showed. Watkins also did not report on his daily log that he went to the arrest location, according to the reports.

Bonner said the sheriff's office does not believe that the deputies will face criminal charges.

Bowers and Watkins have been Shelby County deputies since June 2021, Bonner said. Both suspensions

began Wednesday.

## Upset Ohio town residents seek answers over train derailment

By PATRICK ORSAGOS Associated Press

EAST PALESTINE, Ohio (AP) — Residents of the Ohio village upended by a freight train derailment packed a school gym on Wednesday to seek answers about whether they were safe from toxic chemicals that spilled or were burned off.

Hundreds of worried people gathered to hear state officials tell them — as they did earlier in the day — that testing so far has shown local air is safe to breathe and to promise that safety testing of the air and water would continue.

But residents had many questions over health hazards and they demanded more transparency from the railroad operator, Norfolk Southern, which did not attend the gathering, citing safety concerns for its staff.

"They just danced around the questions a lot," said Danielle Deal, who lives about three miles from the derailment site. "Norfolk needed to be here."

In a statement, Norfolk Southern said it was not attending Wednesday's open house gathering with local, state and federal officials because of a "growing physical threat to our employees and members of the community around this event."

Deal called that a "copout" and noted the seriousness of the incident.

Deal and her two children left home to stay with her mother, 13 miles away "and we could still see the mushroom cloud, plain as day," she said.

Wednesday's meeting came amid continuing concerns about the huge plumes of smoke, persisting odors, questions over potential threats to pets and wild animals, any potential impact on drinking water and what was happening with cleanup.

Even as school resumed and trains were rolling again, people were worried.

"Why are they being hush-hush?" Kathy Dyke said of the railroad. "They're not out here supporting, they're not out here answering questions. For three days we didn't even know what was on the train."

"I have three grandbabies," she said. "Are they going to grow up here in five years and have cancer? So those are all factors that play on my mind."

In and around East Palestine, near the Pennsylvania state line, residents said they wanted assistance navigating the financial help the railroad offered hundreds of families who evacuated, and they want to know whether it will be held responsible for what happened.

Ohio Attorney General Dave Yost advised Norfolk Southern on Wednesday that his office is considering legal action against the rail operator.

"The pollution, which continues to contaminate the area around East Palestine, created a nuisance, damage to natural resources and caused environmental harm," Yost said in a letter to the company.

The state's Environmental Protection Agency said Wednesday that the latest tests show water from five wells supplying the village's drinking water are free from contaminants. But the EPA also is recommending testing for private water wells because they are closer to the surface.

The Ohio Department of Natural Resources estimates the spill affected more than seven miles (11.2 kilometers) of streams and killed some 3,500 fish, mostly small ones such as minnows and darters.

There hadn't been any confirmed deaths of other wildlife, including livestock, state officials said.

Norfolk Southern announced Tuesday that it is creating a \$1 million fund to help the community of some 4,700 people while continuing remediation work, including removing spilled contaminants from the ground and streams and monitoring air quality.

It also will expand how many residents can be reimbursed for their evacuation costs, covering the entire village and surrounding area.

"We will be judged by our actions," Norfolk Southern President and CEO Alan Shaw said in a statement. "We are cleaning up the site in an environmentally responsible way, reimbursing residents affected by the derailment, and working with members of the community to identify what is needed to help East

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Palestine recover and thrive.”

No one was injured when about 50 cars derailed in a fiery, mangled mess on the outskirts of East Palestine on Feb. 3. As fears grew about a potential explosion, officials seeking to avoid an uncontrolled blast had the area evacuated and opted to release and burn toxic vinyl chloride from five rail cars, sending flames and black smoke billowing into the sky again.

A mechanical issue with a rail car axle is suspected to be the cause of the derailment, and the National Transportation Safety Board said it has video appearing to show a wheel bearing overheating just beforehand. The NTSB said it expects its preliminary report in about two weeks.

Misinformation and exaggerations spread online, and state and federal officials have repeatedly offered assurances that air monitoring hasn't detected any remaining concerns. Even low levels of contaminants that aren't considered hazardous can create lingering odors or symptoms such as headaches, Ohio's health director said Tuesday.

Precautions also are being taken to ensure contaminants that reached the Ohio River don't make it into drinking water.

## Parts of Georgia special grand jury report to be released

By KATE BRUMBACK Associated Press

ATLANTA (AP) — The public on Thursday will see portions of a report by a special grand jury that investigated whether then-President Donald Trump and his allies committed any crimes while trying to overturn his 2020 election loss in Georgia.

The report's introduction and conclusion, along with a section in which the grand jurors expressed concerns that some witnesses may have lied under oath are to be released. But any recommendations on potential criminal charges will remain under wraps for now.

The partial release was ordered Monday by Fulton County Superior Court Judge Robert McBurney, who oversaw the special grand jury. During a hearing last month, prosecutors urged him not to release the report until they decide on charges, while a coalition of media organizations, including The Associated Press, pushed for the entire report to be made public immediately.

McBurney wrote in his order that it's not appropriate to release the full report now because it's important to protect the due process rights of people for whom the grand jury recommended charges.

The investigation is one of several that could have serious legal consequences for the former president as he tries to persuade voters to return him to the White House in 2024.

The special grand jury, which was requested by Fulton County District Attorney Fani Willis to aid her investigation, did not have the power to issue indictments. Instead, its report contains recommendations for Willis, who will ultimately decide whether to seek one or more indictments from a regular grand jury.

Over the course of about seven months, the grand jurors heard from 75 witnesses, among them high-profile Trump allies former New York mayor and attorney Rudy Giuliani and U.S. Sen. Lindsey Graham of South Carolina. Top Georgia officials, such as Secretary of State Brad Raffensperger and Gov. Brian Kemp, also appeared before the panel.

Trump, who generally refused to accept that Joe Biden won the November 2020 election, seemed particularly bothered by his loss in Georgia and what he saw as a failure of Republican state elected officials to fight for him. Long a reliably Republican-voting state, Georgia tipped to Biden by a margin of about 12,000 votes, making him the first Democratic presidential candidate to win there since 1992.

Trump and his allies made unproven claims of widespread voter fraud and repeatedly berated Raffensperger and Kemp for not acting to overturn his loss. State and federal officials, including Trump's own attorney general, have consistently said the election was secure and that there is no evidence of widespread fraud.

Willis has said since the beginning of the investigation two years ago that she was interested in a Jan. 2, 2021, phone call in which Trump suggested to Raffensperger that he could "find" the votes needed to overturn his loss in the state.



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"All I want to do is this: I just want to find 11,780 votes, which is one more than we have," Trump said during that call. "Because we won the state."

Trump has said repeatedly that his call with Raffensperger was "perfect," and he told the AP last month that he felt "very confident" that he would not be indicted.

Based on witnesses called to testify before the special grand jury, it is clear that Willis is also focusing on several other areas. Those included:

- Phone calls by Trump and others to Georgia officials in the wake of the 2020 election.
- A group of 16 Georgia Republicans who signed a certificate in December 2020 falsely stating that Trump had won the state and that they were the state's "duly elected and qualified" electors.
- False allegations of election fraud made during meetings of state legislators at the Georgia Capitol in December 2020.
- The copying of data and software from election equipment in rural Coffee County by a computer forensics team hired by Trump allies.
- Alleged attempts to pressure Fulton County elections worker Ruby Freeman into falsely confessing to election fraud.
- The abrupt resignation of the U.S. attorney in Atlanta in January 2021.

Willis last summer sent letters informing some people, including Giuliani and the state's 16 fake electors, that they could face criminal charges.

## China blasts US over response to Chinese balloon incursion

BEIJING (AP) — China's ceremonial parliament has accused American lawmakers of trampling on the sovereignty of other nations after the U.S. passed a measure condemning a suspected Chinese spy balloon's intrusion into U.S. airspace.

The statement issued Thursday by the National People's Congress's Foreign Affairs Committee repeated Beijing's insistence that the balloon was an unmanned civilian weather research airship, a claim the U.S. has dismissed citing its flight route and payload of surveillance equipment.

While China at first expressed regret over the Feb. 4 incident, it has toughened its rhetoric in a further sign of how badly relations between the sides have deteriorated in recent years.

On Wednesday, the Foreign Ministry said it will take measures against U.S. entities somehow related to the downing of the balloon, without giving details.

The resolution earlier passed unanimously by the U.S. House of Representatives "deliberately exaggerated the 'China threat,'" the Foreign Relations Committee statement said.

That was "purely malicious hype and political manipulation," it said. "Some U.S. Congress politicians fanned the flames, fully exposing their sinister designs to oppose China and contain China."

"In fact, it is the United States that wantonly interferes in other countries' internal affairs, violates their sovereignty, and conducts surveillance on other countries," it said.

A range of Chinese government departments have issued daily protests over how the U.S. handled the issue, accusing Washington of overreacting and violating "the spirit of international law." Beijing has offered no details on what company or government department was responsible for the giant balloon, the remnants of which are being sent to an FBI lab for analysis.

Along with Congress's passing of the resolution, the U.S. has sanctioned six Chinese entities it said are linked to Beijing's aerospace programs. Secretary of State Antony Blinken also canceled a visit to Beijing, putting an abrupt freeze on what some had seen as momentum for a stabilization in relations that have plunged to their lowest in decades amid disputes over trade, human rights, Taiwan and China's claim to the South China Sea.

The House resolution condemned China for a "brazen violation" of U.S. sovereignty and efforts to "deceive the international community through false claims about its intelligence collection campaigns."

U.S. officials have said China operates a fleet of such balloons, which are a relatively inexpensive and difficult-to-detect method of gathering intelligence. The U.S. government determined the balloon posed

little risk to national security and allowed it to fly across the continent before bringing it down with a missile off the coast of South Carolina.

## Haley's candidacy shows balancing act for women in politics

By SARA BURNETT Associated Press

In announcing her campaign for the Republican presidential nomination this week, Nikki Haley made a subtle reference to the historic nature of her candidacy.

"I don't put up with bullies," Haley said in a video that launched her bid to become the first female president of the U.S. "And when you kick back, it hurts them more if you're wearing heels."

Haley has plenty of accomplishments, including becoming the first woman elected governor of South Carolina and representing the U.S. at the United Nations. But her introduction captured the balancing act women — particularly conservative women — often navigate as they aspire to win the top job in American politics.

They must show toughness to prove they can compete against rivals who are almost always men for a job that has only been held by men. But there's also something of an invisible line that can't be crossed for fear of being viewed as too tough and repelling voters.

"We've seen higher levels of Republican women running and winning in recent elections," said Kelly Dittmar, director of research and a scholar at the Center for American Women and Politics at Rutgers University. "But what you also see these women often doing is working hard to meet that double bind. ... It's like, 'I'm tough, but I'm also feminine. I'm also meeting my kind of feminine expectations.'"

Sexism in politics is hardly limited to one political party, with women in public life often under pressure to appear "likable" in ways that aren't expected of men. During a Democratic primary debate in 2008, a male moderator pressed Hillary Clinton on the "likability issue" in relation to her rival, Barack Obama.

"I don't think I'm that bad," Clinton responded. Obama broke in to say, "You're likable enough, Hillary."

More recently, prominent Democratic women have also sought to project toughness in their campaigns. Sharice Davids, a former mixed martial arts fighter, sparred in a 2018 ad for a Kansas congressional seat. Amy McGrath, who challenged Senate Republican leader Mitch McConnell in 2020, highlighted her experience as a Marine fighter pilot.

But the dynamics are different, Dittmar said, in Republican politics, where voters tend to have more traditional views about stereotypical gender roles. That can incentivize Republican women seeking top offices to demonstrate both their toughness and femininity. She noted how former Alaska Gov. Sarah Palin introduced herself as a vice presidential nominee in 2008 with a joke comparing hockey moms to a pitbull with lipstick.

"It's another way to cue" to voters that candidates are both tough and feminine, Dittmar said.

Haley's formal announcement in Charleston, South Carolina, on Wednesday was peppered with examples. A congressman described Haley as leading with "an iron fist in a velvet glove." The mother of Otto Warmbier, the young American who died after he was held and tortured in North Korea, said Haley taught her how to fight but also checked on her with the compassion of a fellow mom. And Haley herself called on voters to send "a tough-as-nails woman to the White House."

Haley is one of only five Republican women to launch prominent campaigns for the office this century. By comparison, 12 Democratic women have been prominent candidates, including six in 2020, according to CAWP. The 12 include Clinton as the party's 2016 nominee and a 2020 candidate, Kamala Harris, who became the country's first female vice president.

Women face other hurdles their male peers do not, including online abuse that overwhelmingly targets women, especially women of color.

Haley's main competition so far for the nomination, former President Donald Trump, has a long record of insulting his rivals, targeting women with sexist attacks including criticizing their appearance.

Clinton's campaign accused Trump during the 2016 election of repeatedly interrupting her during a debate, saying it resembled a frustrating experience many women have with men. Trump also made critical

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remarks about the appearance of the last major Republican female candidate to challenge him for the presidency, businesswoman Carly Fiorina.

Democratic Sen. Elizabeth Warren, the last of six women to drop out of the party's 2020 presidential primary, referenced sexism as a factor, noting the two remaining hopefuls were white men. Trump said her problem was actually a "lack of talent" and called her mean and unlikable.

Before Haley made her bid official, Trump called her "a very ambitious person," telling conservative talk show host Hugh Hewitt that Haley "just couldn't stay in her seat." He also said he essentially gave Haley his blessing before she reversed course on an earlier decision not to challenge him. "I said, 'You know what, Nikki, if you want to run, you go ahead and run.'"

Haley, a former accountant and state legislator who became South Carolina's first female and first Indian American governor, is no stranger to sexist and racist attacks.

The daughter of Indian immigrants, she has written and talked about growing up in a small town as the only brown-skinned family. During her 2010 campaign for governor, a state lawmaker used a racial slur to reference her. He later apologized.

Former Rep. Susan Brooks of Indiana, who led GOP efforts to recruit and elect more women to the U.S. House, called Haley's candidacy "good for the party" and the country.

Olivia Perez-Cubas is spokeswoman for Winning For Women, which formed to help elect more GOP women after Democratic women led a takeover of the U.S. House in 2018. She said the group wants to ensure the Republican Party is representative of the U.S., which means it needs more diversity, including more women.

She is also hopeful that having more women in office or running as candidates will help Republicans attract more female voters, who have been more likely to support Democrats than Republicans in recent presidential elections. AP VoteCast, a broad survey of the electorate, shows 55% of women voted for Joe Biden in 2020 and 43% voted for Trump.

"Voters like to see and hear themselves reflected," she said. "And when we can put forward a strong candidate that's a woman, that's great for everyone."

Still, Perez-Cubas acknowledged that just as in many careers, the bar for women is "always just a little bit higher."

Republican businesswoman Tudor Dixon was the first woman to be the GOP nominee for governor in Michigan, defeating four male rivals in the 2022 primary. Her nomination was surprising to some voters, Dixon said, including one woman who liked the Republican's policies but said, "I just can't vote for you because you have four girls and I don't think you should be leaving them."

Michigan was one of five states where 2022 gubernatorial contests were between two women, a U.S. record. But it also led to "disgusting" comparisons between herself and Democratic Gov. Gretchen Whitmer, Dixon said, such as who was younger or more physically fit — discussions that rarely happen in contests between two men.

She applauded Haley for getting into the race, saying it's not an easy thing to do.

"You are personally attacked. You put yourself out there, and it's hard," she said. "But young women should see that they can do this, and that the future is that women are doing the same things that men are doing."

Evelyn Sanguinetti, who was Illinois' first Latina lieutenant governor when she served with Republican Gov. Bruce Rauner, had similar experiences on the campaign trail. She was excited about Haley's bid, noting the historic nature of electing a woman who is of Indian descent and could, she said, lead with empathy and compassion at a time when the country is greatly divided.

"I'd like for our daughters to see that, because we've been seeing a lot of males, particularly white males, for a really long time," Sanguinetti said.

In her Wednesday speech, Haley made a point to eschew so-called identity politics. But she stood on stage wearing the white of the suffragette movement and had a message to her rivals.

"As I set out on this new journey I will simply say this," Haley said. "May the best woman win."

## How Ukraine war has shaped US planning for a China conflict

By TARA COPP Associated Press

WASHINGTON (AP) — As the war rages on in Ukraine, the United States is doing more than supporting an ally. It's learning lessons — with an eye toward a possible clash with China.

No one knows what the next U.S. major military conflict will be or whether the U.S. will send troops — as it did in Afghanistan and Iraq — or provide vast amounts of aid and expertise, as it has done with Ukraine.

But China remains America's biggest concern. U.S. military officials say Beijing wants to be ready to invade the self-governing island of Taiwan by 2027, and the U.S. remains the island democracy's chief ally and supplier of defense weapons.

While there are key differences in geography and in U.S. commitment to come to Taiwan's defense, "there are clear parallels between the Russian invasion of Ukraine and a possible Chinese attack on Taiwan," a Center for Strategic and International Studies report found last month.

A look at some of the lessons from the Ukraine war and how they could apply to a Taiwan conflict:

### ARM IN ADVANCE

Soon after Russian troops crossed into Ukraine last February, the U.S. and allies began sending massive amounts of weapons across the border from partner nations.

But Taiwan would need to be fully armed in advance, CSIS found in dozens of war scenarios it ran for its report.

"The 'Ukraine model' cannot be replicated in Taiwan because China can isolate the island for weeks or even months," CSIS found. "Taiwan must start the war with everything it needs."

Deputy Secretary of Defense Kathleen Hicks said Ukraine "was more of a cold-start approach than the planned approach we have been working on for Taiwan, and we will apply those lessons."

Hicks told The Associated Press that an amphibious landing is the hardest military operation to undertake. And re-supply will be difficult, particularly if China chokes off ocean access.

### STOCKPILE WOES

But the Pentagon can't pre-position equipment it doesn't have. Ukraine is putting intense pressure on the U.S. and European defense stockpiles and exposing that neither was ready for a major conventional conflict.

For some items "we have weaknesses in both our inventory and our production capacity," said CSIS International Security Program senior adviser Mark Cancian, an author of the Taiwan report. "In a couple of places, particularly artillery ammunition, it could become a crisis," he said.

Ukraine is shooting as many as 7,000 rounds a day to defend itself and has depended on announcements about every two weeks of new ammunition shipments from the U.S.

Since Russia invaded, the U.S. has sent Ukraine millions of rounds of munitions, including small arms and artillery rounds, 8,500 Javelin anti-armor systems, 1,600 Stinger anti-aircraft systems and 100,000 rounds of 125mm tank ammunition.

One of the biggest stockpile pressure points has been 155mm howitzer ammunition. The U.S. has sent Ukraine 160 howitzers and more than 1 million howitzer rounds, which have been put to heavy use with as many as 3,000 rounds fired a day, according to the Pentagon.

Ukraine is waging a different type of war than the U.S. would likely face with China, said Doug Bush, assistant secretary of the Army for acquisition. A future U.S. campaign would likely involve much more airpower and seapower, taking some of the pressure off land-based systems and ammunition.

But allies would still need to be supported with land-based systems and ammunition.

### REBUILDING TAKES TIME

The Pentagon's defense strategy says the U.S. must be able to conduct one war while deterring another, but the supply chain has not reflected that.

Hicks said the surge of weapons to Ukraine "has not slowed down U.S. support to Taiwan," but many of the military sales promised to Taiwan are facing the same pressures the Ukraine munitions face, such

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as limited parts or workforce issues.

In response, the U.S. has set up a presidential drawdown authority for Taiwan, Hicks said, which will allow the U.S. to send weapons from its own stockpiles instead of arranging new contracts.

The Army is working with Congress to get the authority to do multiyear contracts, so that firms will invest to meet longer-term needs, especially for the systems Bush called "the big four" — Javelin missiles, High Mobility Artillery Rocket System (HIMARS) launchers, Guided Multiple Launch Rocket System (GMLRS) munitions and 155mm rounds.

"Without that urgency, we risk being behind at the wrong time later," Bush said.

The Army is adding production lines for 155mm artillery — including major components such as the outer metal shell, chargers, the fuse and the explosive material — while right now all production is at one facility in Iowa.

All of that will take time. CSIS reported it could take five years or more to replenish 155mm, Javelin and Stinger stockpiles.

"The good news is that I think the Ukraine conflict has alerted people to these weaknesses. The bad news is that they're going to take a long, long time to solve even if there is a lot of political will," said Hal Brands, a senior fellow at the American Enterprise Institute.

For European stockpiles, there's not much excess left to send, and many of the partner nations are rushing to sign new contracts with industry to replenish inventories. However, NATO Secretary-General Jens Stoltenberg warned this week in Brussels that particularly for larger caliber munitions, such as for ground artillery, it could be as long as 2 1/2 years before some new orders are delivered.

## SPACE AS A FRONT LINE

With its use of tanks and artillery, the Ukraine war often seems like a throwback to 20th century ground wars, but it has provided lessons in how valuable space technology has become for intelligence, communications and propaganda.

Before the war, satellite imagery showed Russian forces massing along the border, countering Russia's claims that it was just staging a military exercise. As troops crossed the border, Ukrainian civilians fed real-time images and video from their smart phones to expose Russian military positions, record confessions from captured Russian forces and publicize Russian troop defeats and deaths.

When Ukraine's cell towers and power were struck, SpaceX CEO Elon Musk provided a backup by sending hundreds of his Starlink terminals to Kyiv to keep Ukraine connected.

"Russia just got its clock cleaned in the information war from Day One, and they were never able to control the narrative coming out of Ukraine" of democracy under attack, Brands said. "We should assume that China won't make the same mistake, that it will try very aggressively to control the information space."

U.S. space experts are also looking at expanding satellite communications, building on Starlink's successes. While Starlink is now the main orbiting commercial communications ring, others are coming online.

Starlink has thousands of satellites orbiting the Earth at the same low altitude in a ring. In a potential conflict, if one satellite was attacked, it would be quickly backfilled by another orbiting into place behind it.

That type of proliferated satellite communications is "the way of the future," John Plumb, assistant secretary of defense for space policy, told the AP. "This is the thing we need to adapt to."

## BE READY FOR CYBERWAR

While the satellites and their transmissions must be protected, the ground stations to process and disseminate information are also vulnerable. As Russia invaded, a software attack against Ukraine's Viasat satellite communications network disabled tens of thousand of modems. While Viasat has not said who was to blame, Ukraine blamed Russian hackers.

China would likely use cyber warfare to prevent Taiwan from sending out similar messages showing that it was effectively resisting any assault, Brands said.

That issue has the attention of the U.S. Space Force.

"If we're not thinking about cyber protection of our ground networks," the networks will be left vulnerable, and the satellites won't be able to distribute their information, said Chief of Space Operations Gen. Chance Saltzman.

## Judge slaps \$335K penalty on Ronaldo accuser's Vegas lawyer

By KEN RITTER Associated Press

LAS VEGAS (AP) — A Las Vegas lawyer has been hit with a \$335,000 penalty for pressing a bid in U.S. courts to force Cristiano Ronaldo to pay millions of dollars more than the \$375,000 in hush money he paid to a Nevada woman who claimed the international soccer star raped her in Las Vegas in 2009.

"I find that Ronaldo would not have incurred a majority of the fees and costs that he spent on this litigation absent plaintiff's counsel's bad faith," U.S. District Judge Jennifer Dorsey said in a scathing, 18-page ruling.

The judge in Las Vegas held plaintiff Kathryn Mayorga's attorney, Leslie Mark Stovall, personally responsible for paying Ronaldo's attorneys, led by Peter Christiansen and Kendelee Works.

Stovall and associates in the case, Ross Moynihan and Larissa Drohobyczer, did not immediately respond Wednesday to email and telephone messages about the ruling issued Tuesday.

In a related case, a Nevada state court judge who nearly made long-sealed and long-fought documents public by mistake in August rejected Stovall's bid for a court order to unseal crucial documents, including a Las Vegas police report about Mayorga's rape complaint against Ronaldo.

"The decision regarding confidentiality is final," Clark County District Court Judge Jasmin Lilly-Spells said in her ruling, also issued Tuesday.

Lilly-Spells pointed to Dorsey's earlier decisions to shield from public view the results of police investigations, a 2010 confidentiality agreement between Ronaldo and Mayorga and allegedly stolen records of attorney-client discussions between Ronaldo and his lawyers.

The New York Times began a fight to release the records before Dorsey in federal court and the Las Vegas Review-Journal took the case to Lilly-Spells in state court.

Christiansen welcomed the federal and state court rulings and earlier findings in the case by a U.S. magistrate judge in Las Vegas, saying they showed "hard-working judges don't allow lawyers to abuse the system."

But the rulings aren't quite the end of more than four years of legal battles.

Stovall is asking the 9th U.S. Circuit Court of Appeals in San Francisco to overturn Dorsey's dismissal last June of Mayorga's civil lawsuit, filed in September 2018 in state court and moved in January 2019 to federal court. If Stovall also appeals the monetary sanction, the appellate judges might consider the matters together.

The Associated Press generally does not name people who say they are victims of sexual assault, but Mayorga gave consent through Stovall and Drohobyczer to make her name public.

Mayorga is a former model and teacher who lives in the Las Vegas area. Her lawsuit said she met Ronaldo at a nightclub and went with him and other people to his hotel suite, where she alleged he assaulted her in a bedroom. She was 25 at the time and he was 24.

Ronaldo, now 38, is one of the most recognizable sports stars in the world. He has captained the national team of his home country, Portugal, and played professionally in Spain for Real Madrid and in Italy for Turin-based club Juventus.

In December he accepted a lucrative offer to end his second stretch at English Premier League club Manchester United and play for Saudi Arabian club Al Nassr. The deal could pay Ronaldo up to \$200 million per year through June 2025, according to media reports. That would make him the highest-paid soccer player in history.

Mayorga's lawsuit alleged Ronaldo or his associates violated the confidentiality agreement they reached almost a decade before the German news outlet Der Spiegel in 2017 published an article titled "Cristiano Ronaldo's Secret" based on documents obtained from "whistleblower portal Football Leaks."

Stovall maintained Mayorga never wanted to be named publicly and didn't break the hush-money settlement. Her lawsuit sought to void it, accusing Ronaldo and his representatives of conspiracy, defamation, breach of contract, coercion and fraud.

In documents filed in 2021, Stovall tallied damages at \$25 million plus attorney fees.

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Christiansen and Works fought on several fronts for years to keep the confidentiality agreement out of public view. They alleged Stovall improperly used Mayorga to try to capitalize on Ronaldo's fame and fortune.

Stovall argued that Mayorga, now 39, had learning disabilities as a child and was so pressured by Ronaldo's attorneys and representatives that she was in no condition to consent to dropping a criminal complaint she filed shortly after her encounter with Ronaldo and accepting the \$375,000.

Ronaldo's legal team does not dispute Ronaldo met Mayorga and they had sex in June 2009, but maintained it was consensual and not rape.

Dorsey's ruling this week summarized lawsuits that Stovall filed as "attempts to unwind a years-old settlement agreement regarding serious allegations of potentially criminal acts, fraud, and civil conspiracy among an internationally known athlete and a team of 'fixers' that spanned multiple continents."

Stovall "sought out and relied on the cyber-hacked, privileged documents of Cristiano Ronaldo's attorneys to resurrect Mayorga's long-since-released claims, tainting this case" beyond redemption, the judge said. She added she "unenthusiastically" dismissed the lawsuit "as a sanction for that bad-faith lawyering."

Las Vegas police reopened the rape investigation in 2018 after Mayorga's lawsuit was filed. But the elected prosecutor in Las Vegas decided in 2019 that too much time had passed and evidence failed to show Mayorga's accusation could be proved to a jury beyond a reasonable doubt.

Dorsey's ruling on Tuesday was notable for the amount of the penalty she imposed — just \$40,000 less than the amount Stovall has acknowledged Mayorga received in 2010.

The judge rejected another \$276,000 in court fees and costs that Ronaldo's attorneys sought, but found their billing amounts — \$850 per hour for Christiansen, \$500 per hour for Works and \$350 per hour for others — "reasonable" in the Las Vegas legal market.

## **AP source: FBI searched U. of Delaware in Biden docs probe**

By ERIC TUCKER and ZEKE MILLER Associated Press

WASHINGTON (AP) — The FBI searched the University of Delaware in recent weeks for classified documents as part of its investigation into the potential mishandling of sensitive government records by President Joe Biden.

The search, first reported by CNN, was confirmed to The Associated Press by a person familiar with the matter who was not authorized to discuss it publicly and spoke on condition of anonymity. The person would not say whether anything was found.

A Justice Department special counsel is investigating how classified documents from Biden's time as vice president and senator came to wind up in his home and former office — and whether any mishandling involved criminal intent or was unintentional. Biden's personal lawyers disclosed in January that a small batch of documents with classified markings had been found weeks earlier in his former Washington office, and they have since allowed FBI searches of multiple properties.

The university is Biden's alma mater. In 2011, Biden donated his records from his 36 years serving in the U.S. Senate to the school. The documents arrived June 6, 2012, according to the university, which released photos of the numbered boxes being unloaded at the university alongside blue and gold balloons.

Under the terms of Biden's gift, the records are to remain sealed until two years after he retires from public life.

Biden's Senate records would not be covered by the presidential records act, though prohibitions on mishandling classified information would still apply.

The White House referred questions to the Justice Department, which declined to comment. The University of Delaware also referred questions to the Justice Department.

The university is the fourth known entity to be searched by the FBI following inspections of his former office at the Penn Biden Center in Washington, where records with classified markings were initially found in a locked closet by Biden's personal lawyers in November, and more recently of his Delaware homes in Wilmington and Rehoboth Beach.

Those searches were all done voluntarily and with the consent of Biden's legal team.

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The FBI took six items that contained documents with classified markings during its January search of the Wilmington home, Biden's personal lawyer has said. Agents did not find classified documents at the Rehoboth Beach property but did take some handwritten notes and other materials relating to Biden's time as vice president for review.

The Justice Department is separately investigating the retention by former President Donald Trump of roughly 300 documents marked as classified at his Florida estate, Mar-a-Lago. The FBI served a search warrant at the home last August after months of resistance by Trump and his representatives to returning the documents to the government.

The FBI also searched the Indiana home of former Vice President Mike Pence last week after his lawyers came forward to say they had found a small number of documents with classified markings. A Pence adviser said one additional document with classified markings was found during that search.

## It was 'haunting': Ballard recalls mission to Titanic site

By RODRIQUE NGOWI and MARK PRATT Associated Press

FALMOUTH, Mass. (AP) — The sheer size of the vessel and the shoes were what struck Robert Ballard when he descended to the wreckage of the RMS Titanic in 1986, the year after he and his crew from the Woods Hole Oceanographic Institution helped find the ocean liner that struck an iceberg and sank in the North Atlantic in 1912.

"The first thing I saw coming out of the gloom at 30 feet was this wall, this giant wall of riveted steel that rose over 100 and some feet above us," he said in an interview from Connecticut on Wednesday, the same day the WHOI released on 80 minutes of never before publicly seen underwater video of the expedition to the wreckage.

"I never looked down at the Titanic. I looked up at the Titanic. Nothing was small," he said.

The crew of Alvin, the three-person submersible he was in, headed to the surface when it started taking water into its batteries, and as it rose Ballard saw the Titanic's portholes.

"It was like people looking back at us. It was pretty haunting actually," he said.

There were no human flesh or bones left, but he saw shoes, including the footwear of what appeared to be a mother and a baby, that looked like tombstones marking the spot where some of the roughly 1,500 people who perished came to rest on the ocean floor.

"After the Titanic sank, those that went into the water that didn't have lifejackets died of hypothermia and their bodies came raining down," he said.

The liner sank on its maiden voyage from Southampton, England, to New York City after hitting an iceberg in the early morning hours of April 15, 1912.

The WHOI team, in partnership with the French oceanographic exploration organization Institut français de recherche pour l'exploitation de la mer, discovered the final resting place of the ship in 12,400 feet (3,780 meters) of water on Sept. 1, 1985, using a towed underwater camera.

The newly released footage was from a return expedition the following year.

There had been prior efforts to find the wreck. But the 1985 discovery and the 1986 trip were made possible by sophisticated underwater vehicles that could withstand the unforgiving conditions, said WHOI engineer Andy Bowen, who helped develop them.

"The water is near freezing temperatures and probably the biggest challenge is the remoteness of the location, and in particular the harsh environment with regard to the pressure our equipment is exposed to," he said.

Ballard said he went through the gamut of emotions during the 1985 mission.

He was concerned that the public would figure out that he was a Naval intelligence officer who was on a top secret Cold War mission funded by the Navy to study the wrecks of two nuclear submarines that had also gone down in the North Atlantic. The search for the Titanic was a bit of an afterthought.

"I wasn't a Titanic groupie," he said. "I was heavily involved in my military program. So I wasn't expecting to be affected by the discovery."

The ship sank at about 2:20 a.m. The 1985 discovery using the underwater camera occurred at about



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2 a.m.

Ballard recalled one of the crew glancing at the clock and saying: "She sinks in 20 minutes."

"We actually stopped the operation and raised the vehicle to gather my thoughts and I said, 'I'm going to go outside and just get myself back together' and everyone else followed," he said. "We had a small memorial service for all those that had died. But we were there, we were at this spot."

It was hallowed ground, like at the Gettysburg battlefield, he said.

The video, much of it haunting and grainy interiors of the ship taken by the remotely-operated underwater exploration vehicle Jason Jr., is being released in conjunction with the 25th anniversary release on Feb. 10 of the remastered version of the Academy Award-winning movie, "Titanic."

"More than a century after the loss of Titanic, the human stories embodied in the great ship continue to resonate," James Cameron, the film's director, said in a statement. "Like many, I was transfixed when Alvin and Jason Jr. ventured down to and inside the wreck. By releasing this footage, WHOI is helping tell an important part of a story that spans generations and circles the globe."

The story of the Titanic fascinates people to this day for many reasons, Ballard said. It was at the time the world's largest ocean liner and was supposed to be virtually unsinkable. Its passengers included some of the world's most wealthy and famous. And in the aftermath, the world heard remarkable stories of heroism and bravery by the crew and passengers.

He said: "I think everyone wonders in their own mind 'If I were there, what would I have done?'"

## NCAA asks US appeals court to block pay for student-athletes

By MARYCLAIRE DALE Associated Press

PHILADELPHIA (AP) — The NCAA asked a federal appeals court on Wednesday to reject a legal effort to make colleges treat Division I athletes like employees and start paying them an hourly wage.

Lawyers for the student-athletes said that weekly, they often spend 30 hours or more on their sport and often need money for expenses, even if they are on full scholarship. And they believe the athletes deserve a share in the millions that are spent on coaches, college administrators and facilities — and the billions that networks pay to televise college sports.

They are not seeking pay equivalent to their market value, but only a modest across-the-board pay rate similar to those earned by work-study students, the lawyers said.

"This does not open up a circumstance in which there's a bidding war (for top talent)," lawyer Michael Willemin said.

The NCAA urged the court to uphold the tradition of college athletes being unpaid amateurs. Critics of the pay-for-play scheme also fear the cost could lead schools to cut sports that don't generate as much or any revenue while sending more resources to their profitable football and basketball programs.

Lawyer Steven B. Katz, arguing for the NCAA, said a finding that athletes are employees "launches you on the edge of a slippery slope that rapidly takes you to someplace that you don't want to go."

As an example, he said that the cost to attend some of the private colleges involved in the case exceed \$70,000 a year. The value of a full scholarship would far outweigh the \$10,000 to \$15,000 the athletes might earn if they were paid a modest hourly wage, he argued.

Katz also said the scholarships could become taxable if the students are deemed employees. And he questioned how teams would function if some students were "paid employees" on scholarship while walk-ons without a scholarship were not.

At least one person on the panel, U.S. Circuit Judge Theodore McKee, seemed to think at least some student-athletes may be employees under the Fair Labor Standards Act — while acknowledging such a finding would create "so many practical problems."

Would football players at powerhouse schools earn more than swimmers at small schools? What about Division II athletes?

"Maybe that's where we end up — that the quarterback at the SEC school is an employee and the woman who's running cross-country track at Alabama, they're not an employee," McKee said.

When Katz raised the potential risk of back taxes being owed, McKee cut him off, saying "the case is

complicated enough without us going down that" rabbit hole.

A lower court judge had declined to dismiss the lawsuit before it went to trial, prompting the NCAA to appeal. The three-judge panel did not indicate when it would rule.

Willemin, arguing for the students, said the NCAA burdens athletes with rigid rules on gambling, earning outside income and free speech while their school teams further restrict their choices by controlling their class schedule, study halls and at times even their college major. The NCAA could loosen its grip on student-athletes and the case might go away, he suggested.

"The NCAA has turned the idea of student-athlete on its head, even in non-revenue generating sports," he said. "These are regulations the NCAA can change. They've chosen not to change them."

The case is just the latest one to test the NCAA's traditional amateurism model — and comes as the organization already faces complicated issues stemming from the advent of "name, image and likeness deals that can top \$1 million for the most popular college athletes.

The NCAA also hopes that Congress might weigh in, given a series of setbacks in the courts. They include the unanimous U.S. Supreme Court decision last year that lifted the ban on compensation beyond full scholarships, and lets colleges give athletes education-related benefits such as computers and study abroad program fees.

## Grand jury indicts father of July 4 parade shooting suspect

By MICHAEL TARM Associated Press

CHICAGO (AP) — An Illinois grand jury on Wednesday formally indicted the father of a man charged with fatally shooting seven people at a Fourth of July parade in suburban Chicago, the Lake County State's Attorney Office said.

The indictment charges Robert Crimo Jr., 58, with seven counts of reckless conduct. Prosecutors have said he helped his son, Robert Crimo III, obtain a gun license years before the shooting in Highland Park, even though the then-19-year-old had threatened violence.

Sara Avalos, a spokesperson for the prosecutors office, confirmed the grand jury indictment and said the father will be arraigned Thursday.

Robert Crimo Jr. was arrested in December, also on seven felony counts of reckless conduct, one for each person killed. Each count carries a maximum 3-year prison term. The longtime resident and well-known figure in Highland Park was released after his arrest on a \$50,000 bond.

At a brief hearing last month, prosecutors had told Judge George Strickland at a Lake County Courthouse in Waukegan, north of Highland Park, they needed more time to present evidence to the grand jury.

In a brief statement released by his office later Wednesday, Lake County State's Attorney Eric Rinehart said the grand jury agreed the case against the father should move forward.

"Parents who help their kids get weapons of war are morally and legally responsible when those kids hurt others with those weapons," Rinehart said.

George M. Gomez, the father's Chicago-area attorney, said Wednesday evening that he couldn't comment because he hadn't yet seen the indictment. But he earlier called the accusations against his client "baseless and unprecedented."

Rinehart has previously said the accusations against the father are based on his sponsorship of his son's application for a gun license in December 2019. Authorities say Robert Crimo III attempted suicide by machete in April 2019 and in September 2019 was accused by a family member of making threats to "kill everyone."

"Parents and guardians are in the best position to decide whether their teenagers should have a weapon," Rinehart said after the father's arrest. "In this case, the system failed when Robert Crimo Jr. sponsored his son. He knew what he knew and he signed the form anyway."

Authorities say Illinois State Police reviewed the son's gun license application and found no reason to deny it because he had no arrests, no criminal record, no serious mental health problems, no orders of protection and no other behavior that would disqualify him.

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Legal experts have said it's rare for an accused shooter's parent or guardian to face charges — in part because it's difficult to prove such charges.

In one notable exception, a Michigan prosecutor in 2021 filed involuntary manslaughter charges against the parents of a teen accused of fatally shooting four students at his high school. A trial date was delayed while the state appeals court considers an appeal.

A grand jury indicted Robert Crimo III in July on 21 first-degree murder counts, 48 counts of attempted murder and 48 counts of aggravated battery, representing the seven people killed and dozens wounded in the attack at the holiday parade in Highland Park.

Robert Crimo Jr. has shown up at several of his son's pretrial hearings, nodding in greeting when his son entered the courtroom shackled and flanked by guards. The father is a familiar face around Highland Park, where he was once a mayoral candidate and operated convenience stores.

## China threatens US entities over downing of balloon

BEIJING (AP) — China said Wednesday it will take measures against U.S. entities related to the downing of a suspected Chinese spy balloon off the American East Coast.

At a daily briefing, Foreign Ministry spokesperson Wang Wenbin gave no details and did not identify the targets of the measures.

China says the balloon was a unmanned weather airship that was accidentally blown off course and accuses the U.S. of overreacting in bringing it down with a missile fired from an F-22 fighter jet.

Since the Feb. 4 downing of the balloon, the United States has sanctioned six Chinese entities it said are linked to Beijing's aerospace programs.

The U.S. House of Representatives subsequently voted unanimously to condemn China for a "brazen violation" of U.S. sovereignty and efforts to "deceive the international community through false claims about its intelligence collection campaigns." Secretary of State Antony Blinken also canceled a visit to Beijing that many hoped would stabilize ties that have cratered amid disputes over trade, human rights, Taiwan and China's claim to the South China Sea.

While China denies the balloon was a military asset, it has yet to say what government department or company was responsible.

After initially expressing regret over the balloon's entry into U.S. airspace, China has returned spying accusations against Washington, alongside threats of retaliation.

"China firmly opposes this and will take countermeasures in accordance with the law against the relevant U.S. entities that undermine China's sovereignty and security," Wang said at Wednesday's briefing.

China will "resolutely safeguard national sovereignty and its legitimate rights and interests," Wang said.

Also Wednesday, U.S. Ambassador to Japan Rahm Emanuel said the Chinese balloon's intrusion was part of a pattern of aggressive behavior by Beijing.

Emanuel noted China's recent beaming of military-grade laser on a Philippine coast guard patrol vessel, the harassment of U.S. planes by Chinese jets and China's opening of illegal police stations in the U.S., Ireland and other countries.

"The balloon to me is not an isolated incident," Emanuel said.

If China wants to be a respected member of the international community, "then you act appropriately to certain basic premises. That is, you don't open police stations in other countries ignorant of their laws as if your laws don't have any boundaries," he said.

"This is not exactly the qualities and characteristics of the good neighbor policy," the ambassador said, referring to China's outreach to countries in the Asia-Pacific region.

On Tuesday, Japan's Defense Ministry said at least three flying objects spotted in Japanese airspace since 2019 were strongly believed to have been Chinese spy balloons. It said it has protested and requested explanations from Beijing.

Senior lawmakers in Japan's governing party on Wednesday said they were considering expanding the Self Defense Force law to also include violations of Japanese airspace by foreign balloons.

## 2nd Amendment sanctuary measure overturned in Oregon

By CLAIRE RUSH and LINDSAY WHITEHURST Associated Press

PORTLAND, Ore. (AP) — Local governments in Oregon can't declare themselves Second Amendment sanctuaries and ban police from enforcing certain gun laws, a state appeals court decided Wednesday, in the first court case filed over a concept that hundreds of U.S. counties have adopted in recent years.

The measure in question, which was approved in Columbia County, forbids local officials from enforcing most federal and state gun laws and would impose thousands of dollars in fines on those who try.

The state Court of Appeals ruled that it violates a law giving the state the power to regulate firearms. The ordinance would effectively, it found, "create a 'patchwork quilt' of firearms laws in Oregon, where firearms regulations that applied in some counties would not apply in Columbia County," something lawmakers specifically wanted to avoid.

Second Amendment sanctuary resolutions have been adopted by some 1,200 local governments around the U.S., including in Virginia, Colorado, New Mexico, Kansas, Illinois and Florida, experts say. Many are symbolic, but some carry legal force like the one in Columbia County, a conservative, rural logging area in deep-blue Oregon.

The sanctuary movement took off around 2018 as states considered stricter gun laws in the wake of mass shootings, but it had not previously faced a major legal challenge.

The Oregon case was filed in 2021 under a provision in state law that allows a judge to examine a measure before it goes into effect. A trial court judge originally declined to rule, a decision that was appealed to the higher court.

The ordinance's supporters included the Oregon Firearms Federation, which said in a statement Wednesday that the ruling "calls into question the legitimacy of the court and the likelihood of getting fair rulings from it."

Opponents included the legal arm of the group Everytown for Gun Safety, which had argued that the ordinance violated the U.S. Constitution. Eric Tirschwell, executive director of Everytown Law, called the court's decision "a win for public safety and the rule of law."

"Opponents of gun safety laws have every right to advocate for change at the ballot box, statehouse, or Congress, but claiming to nullify them at the local level is both unconstitutional and dangerous," Tirschwell said.

State Attorney General Ellen Rosenblum, who has also sued two other Second Amendment sanctuary counties, also applauded the ruling.

"Today's opinion by the Court of Appeals makes it clear that common sense requirements like safe storage and background checks apply throughout Oregon," Rosenblum said. "Hopefully, other counties with similar measures on the books will see the writing on the wall."

## Pence says he will fight subpoena as far as Supreme Court

By THOMAS BEAUMONT and JILL COLVIN Associated Press

CEDAR RAPIDS, Iowa (AP) — Former Vice President Mike Pence said Wednesday that he will challenge a subpoena by the special counsel overseeing Trump investigations to compel his testimony before a grand jury — pursuing it to the Supreme Court if necessary.

Special counsel Jack Smith, appointed by the Justice Department, is investigating efforts by former President Donald Trump and his allies to overturn the results of the 2020 election. Trump spent the days before Jan. 6, 2021, aggressively pressuring Pence to reject the outcome, even though Pence had no power to do so. Pence was at the U.S. Capitol presiding over a joint session of Congress as Trump's supporters violently stormed the building that day.

"Let me first be clear: I'm going to fight the Biden DOJ subpoena for me to appear before the grand jury because I believe it's unconstitutional and it's unprecedented," Pence told reporters in Iowa, the state that will hold the first contest of the 2024 nominating sequence.

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"Never before in American history has a vice president been summoned to appear in court to testify against the president with whom they serve," he said.

Pence said he was prepared to take the case "as far as it needs to go, if needs be to the Supreme Court of the United States."

The posture marks an aggressive turn for Pence, who has been laying the groundwork for a likely presidential run. While it remains unclear whether Pence will succeed in delaying or limiting the scope of his testimony, the posture gives the former vice president a new opening to attack the Justice Department, which has become increasingly unpopular among conservatives, in part due to Trump's constant attacks.

Indeed, Pence repeatedly criticized the department Wednesday, complaining of a "two-tiered justice system that Republicans have been dealing with throughout the Biden administration."

The Associated Press previously reported that Pence was ready to contest Smith's demand for his appearance on constitutional grounds. He argues that because he was serving in his role as president of the Senate on Jan. 6, he is protected under the Constitution's "speech or debate" clause from being forced to testify. That provision is intended to protect members of Congress from questioning about official legislative acts.

A spokesman for Smith declined to comment. The Justice Department, which had earlier declined to comment on Pence's subpoena, is expected to oppose the former vice president's efforts and make the case that his cooperation is essential.

Pence noted during an earlier stop in Minneapolis that he had written and spoken extensively about Trump's efforts to pressure him to overturn the results of the election — something he did not have power to do — and has repeatedly denounced Trump's efforts as "reckless" and "dangerous."

"I have nothing to hide and I'm proud of what we accomplished. But for me, this is a moment where you have to decide where you stand, and I stand on the Constitution of the United States," he said.

He added that he expects Trump to try to assert executive privilege to block his own testimony. "That's not my fight. My fight is on the separation of powers," Pence said.

Pence made his remarks after headlining events in Minneapolis and Cedar Rapids aimed at rallying conservative parents opposed to transgender-affirming policies in public schools. The events came as a federal appeals court was expected to hear oral arguments in St. Paul, Minnesota, in a case brought last summer by a national group representing parents of students in Linn-Mar Community School District in Marion, Iowa, near Cedar Rapids.

Parents Defending Education is trying to overturn a policy adopted by the school board last year allowing transgender students to request a gender support plan to begin socially transitioning at school without the permission of their parents. Pence's advocacy group, Advancing American Freedom, has filed an amicus brief in the case, as have dozens of mostly conservative groups and several conservative states.

"Across the country, parents' rights are being trampled by a politically correct nanny state that's ruining our schools and telling our parents that they have no role in their children's most important decisions," Pence said in Minneapolis, where he argued that parents must be informed of such decisions. "You do not craft a gender transition plan for my child without my knowledge or consent," he said.

Though Pence says he has yet to make a decision about 2024, he has visited leadoff Iowa several times since the 2020 election. And his Wednesday event had the look and feel of a campaign stop, held in a pizza restaurant where candidates commonly hold court with voters.

Pence is hoping to draw the support of social and religious conservatives in what could be a crowded primary contest that already includes Trump and former U.N. Ambassador Nikki Haley, who formally launched her campaign Wednesday.

To that end, Pence's advocacy group launched a new campaign last week on the schools issue, a flashpoint for many on the right, as Haley and other presidential prospects, including South Carolina Sen. Tim Scott, prepare for their own visits to the state this month.

**White supremacist gets life in prison for Buffalo massacre**

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By CAROLYN THOMPSON and JENNIFER PELTZ Associated Press

BUFFALO, N.Y. (AP) — A white supremacist who killed 10 Black people at a Buffalo supermarket was sentenced to life in prison without parole Wednesday after relatives of his victims confronted him with pain and rage caused by his racist attack.

Anger briefly turned physical at Payton Gendron's sentencing when a victim's family member rushed at him from the audience. The man was quickly restrained; prosecutors later said he wouldn't be charged. The proceeding then resumed with an emotional outpouring from people who lost loved ones or were themselves wounded in the attack.

Gendron, whose hatred was fueled by racist conspiracy theories he encountered online, cried during some of the testimony and apologized to victims and their families in a brief statement.

Their remarks ranged from sorrow to outrage, shouts to tears. Some vehemently condemned him; others quoted from the Bible or said they were praying for him. Several pointed out that he deliberately attacked a Black community a three-hour drive from his home in overwhelmingly white Conklin, New York.

"You've been brainwashed," Wayne Jones Sr., the only child of victim Celestine Chaney, said as sobs rose from the audience. "You don't even know Black people that much to hate them. You learned this on the internet."

"I hope you find it in your heart to apologize to these people, man. You did wrong for no reason," Jones said.

Gendron's victims at the Tops Friendly Market — the only supermarket and a neighborhood hub on Buffalo's largely Black East Side — included a church deacon, the grocery store's guard, a man shopping for a birthday cake, a grandmother of nine and the mother of a former Buffalo fire commissioner. The victims ranged in age from 32 to 86.

Gendron pleaded guilty in November to crimes including murder and domestic terrorism motivated by hate, a charge that carried an automatic life sentence.

"There can be no mercy for you, no understanding, no second chances," Judge Susan Eagan said as she sentenced him. She called his rampage "a reckoning" for a nation "founded and built, in part, on white supremacy."

Gendron, 19, is due in a federal court Thursday for a status update in a separate case that could carry a death sentence if prosecutors seek it. His attorney said in December that Gendron is prepared to plead guilty in federal court to avoid execution. New York state does not have the death penalty.

The gunman wore bullet-resistant armor and a helmet equipped with a livestreaming camera as he carried out the May 14 attack with a semiautomatic rifle he purchased legally but then modified so he could load it with illegal high-capacity ammunition magazines.

"Do I hate you? No. Do I want you to die? No. I want you to stay alive. I want you to think about this every day of your life," Tamika Harper, a niece of victim Geraldine Talley, told Gendron. "Think about my family and the other nine families that you've destroyed forever."

Gendron locked eyes with Harper as she gently spoke. Then he lowered his head and wept.

Minutes later, Barbara Massey Mapps excoriated him for killing her 72-year-old sister, Katherine Massey, a neighborhood activist. As Mapps shouted and pointed at Gendron, a person in the audience took a few steps toward him before getting held back.

"You don't know what we're going through," a man shouted as he was led away by court officers. For several minutes thereafter, family members hugged and calmed each other.

Eagan then ordered Gendron back in after admonishing everyone to behave appropriately.

In his short statement, Gendron acknowledged he "shot and killed people because they were Black."

"I believed what I read online and acted out of hate, and now I can't take it back, but I wish I could, and I don't want anyone to be inspired by me," he told the victims and their relatives. His own parents didn't attend.

One woman in the audience stood up, screamed "we don't need" his remarks and stormed out of the courtroom.

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There were only three survivors among the 13 people he shot while specifically seeking out Black shoppers and workers.

Deja Brown said her father, Andre Mackniel, was blindsided "at the hands of a selfish boy who's obviously not educated on the history of African Americans."

Mackniel's young son still calls for a father who was gunned down while shopping for a birthday cake for him, said his brother, Yvonne Elliott.

Christopher Braden, a Tops employee who was shot in the leg, said he was haunted by seeing the victims where they lay as he was carried out of the store.

"The visions haunt me in my sleep and every day," he said.

In documents posted online, Gendron said he hoped the attack would help preserve white power in the U.S. He wrote that he picked the Tops grocery store because it is in a predominantly Black neighborhood. Prosecutor Justin Caldwell said Gendron hoped to start a race war, but instead the community came together.

Reacting from Washington, NAACP President Derrick Johnson called on federal leaders to acknowledge "the constant threat of violence" to Black communities and urged the media to stop spreading misinformation that feeds racist conspiracy theories.

The mass shooting in Buffalo, soon followed by another that killed 19 students and two teachers at a Texas elementary school, amplified calls for stronger gun controls.

New York legislators quickly passed a law banning semiautomatic rifle sales to most people under age 21. The state also banned sales of some types of body armor.

In June, President Joe Biden, a Democrat, signed a compromise gun violence bill intended to toughen background checks, keep firearms from more domestic violence offenders and help states make it easier for authorities to take weapons from people adjudged to be dangerous.

## Messages: Officer often fed information to Proud Boys leader

By MICHAEL KUNZELMAN Associated Press

WASHINGTON (AP) — A police officer frequently provided Proud Boys leader Enrique Tarrío with internal information about law enforcement operations in the weeks before other members of his far-right extremist group stormed the U.S. Capitol, according to messages shown Wednesday at the trial of Tarrío and four associates.

A federal prosecutor showed jurors a string of messages that Metropolitan Police Lt. Shane Lamond and Tarrío privately exchanged in the run-up to a mob's attack on the Capitol on Jan. 6, 2021. Lamond, an intelligence officer for the city's police department, was responsible for monitoring groups like the Proud Boys when they came to Washington for protests.

Less than three weeks before the Jan. 6 riot, Lamond warned Tarrío that the FBI and U.S. Secret Service were "all spun up" over talk on an Infowars internet show that the Proud Boys planned to dress up as supporters of President Joe Biden on the Democrat's inauguration day.

Justice Department prosecutor Conor Mulroe asked a government witness, FBI Special Agent Peter Dubrowski, how common it is for law enforcement to disclose internal information in that fashion.

"I've never heard of it," Dubrowski said.

Tarrío was arrested in Washington two days before the Capitol attack and charged with burning a Black Lives Matter banner taken from a historic Black church during a protest in December 2020. He was released from jail before the riot and wasn't in Washington on Jan. 6.

In a message to Tarrío on Dec. 25, 2020, Lamond said Metropolitan Police Department investigators had asked him to identify Tarrío from a photograph. He warned Tarrío that police may be seeking a warrant for his arrest.

Later, on the day of his arrest, Tarrío posted a message to other Proud Boys leaders that said, "The warrant was just signed."

Before the trial started in January, Tarrío's attorneys said Lamond's testimony would be crucial for his

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defense, supporting Tarrío's claims that he was looking to avoid violence. Mulroe said Lamond has asserted his Fifth Amendment privilege against self-incrimination.

Tarrío's attorneys have accused prosecutors of bullying Lamond into keeping quiet by warning the officer he could be charged with obstructing the investigation into Tarrío, a Miami resident who was national chairman of the Proud Boys. Prosecutors deny that claim.

Sabino Jauregui, one of Tarrío's attorneys, said other messages show Tarrío routinely cooperated with police and had provided Lamond with useful information. Jauregui said prosecutors "dragged (Lamond's) name through the mud" and falsely insinuated he is a "dirty cop" who had an inappropriate relationship with Tarrío.

"That was their theme over and over again," Jauregui told U.S. District Judge Timothy Kelly during a break in testimony.

Lamond was placed on administrative leave by the police force in February 2022, according to Mark Schamel, an attorney for the officer. Schamel said Lamond aided in Tarrío's arrest for burning the Black Lives Matter banner.

In a statement Wednesday, Schamel said Lamond's job required him to communicate with a variety of groups protesting in Washington and his conduct "was appropriate and always focused on the protection of the citizens of Washington, DC."

"At no time did Lt. Lamond ever assist or support the hateful and divisive agenda of any of the various groups that came to DC to protest," Schamel said. "More importantly, Lt. Lamond is a decorated official who does not condone the hateful rhetoric or the illegal conduct on January 6th and was only communicating with these individuals because the mission required it."

Tarrío and his four lieutenants are charged with seditious conspiracy for what prosecutors said was a plot to stop the peaceful transfer of presidential power and keep former President Donald Trump in the White House after the 2020 presidential election. Thousands of rioters stormed the Capitol on Jan. 6, disrupting a joint session of Congress for certifying the Electoral College vote.

Proud Boys members describe the group as a politically incorrect men's club for "Western chauvinists." They often brawled with antifascist activists at rallies and protests for years before the Capitol attack.

In a message to Tarrío on Dec. 18, 2020, Lamond said other police investigators had asked him if the Proud Boys are racist. The officer said he told them that the group had Black and Latino members, "so not a racist thing."

"It's not being investigated by the FBI, though. Just us," Lamond added.

"Awesome," Tarrío replied.

In another exchange that day, Lamond asked Tarrío if he had called in an anonymous tip claiming responsibility for the flag burning.

"I did more than that," Tarrío responded. "It's on my social media."

In a message to Tarrío on Dec. 11, 2020, Lamond told him about the whereabouts of antifascist activists. The officer asked Tarrío if he should share that information with uniformed police officers or keep it to himself.

Two days later, Tarrío asked Lamond what the police department's "general consensus" was about the Proud Boys.

"That's too complicated for a text answer," Lamond replied. "That's an in-person conversation over a beer."

Tarrío's co-defendants are Proud Boys chapter leader Ethan Nordean, of Auburn, Washington; Joseph Biggs, of Ormond Beach, Florida, a self-described Proud Boys organizer; Zachary Rehl, who led a Proud Boys chapter in Philadelphia; and Dominic Pezzola, a group member from Rochester, New York.

They are among a slew of Proud Boys members facing charges in the riot. In a separate case this week, the president of a West Virginia chapter of the group, Jeffrey Finley, was sentenced to 75 days behind bars after pleading guilty to a misdemeanor illegal entry charge. The Associated Press sent an email to Finley's attorney seeking comment Wednesday.



## Prosecution, defense get wins with Alex Murdaugh lead agent

By JEFFREY COLLINS Associated Press

The lead agent investigating the deaths of disgraced South Carolina attorney Alex Murdaugh's wife and son zeroed in on inconsistencies in his actions the night of the killings, according to a videotaped interview two months after the crime played Wednesday at Murdaugh's double murder trial.

The interview led to Murdaugh becoming the main suspect in the shooting deaths and ended with state Law Enforcement Division agent David Owen asking point-blank if Murdaugh killed his wife and son and a stunned Murdaugh saying he didn't.

Owen's testimony Wednesday also opened the door to cross-examination, where Owen acknowledged he told the grand jury that indicted Murdaugh on two murder charges last summer incorrect information about blood stains on Murdaugh's T-shirt and that several shotguns in the house were loaded with two different sizes of pellets like the killing weapon, which hasn't been found.

Owen also testified agents did not search the sprawling property where Murdaugh's mother lived for weapons, bloody clothes or anything else for three months, even though it was the place Murdaugh was at just before finding the bodies.

"That was an opportunity missed?" defense attorney Jim Griffin asked.

"Probably, yes," Owen replied.

Alex Murdaugh, 54, faces 30 years to life in prison if convicted of killing his 52-year-old wife Maggie and their 22-year-old son Paul. Their bodies were found June 7, 2021, near the dog kennels at their Colleton County home.

Prosecutors called Owen to summarize their case and get the final interview Alex Murdaugh did with investigators into evidence.

It backed up much of what the jury had heard about the case already in three weeks of testimony — Murdaugh said he wasn't at the kennels when witnesses said they heard his voice there minutes before the killings. Murdaugh also changed clothes sometime in the hours before he found the bodies.

At the end of the friendly interview, after Owen told Murdaugh to reach and call if he had any questions and Murdaugh told the agent he appreciated the help, Owen dropped the hammer.

"Did you kill Maggie?" he asked.

"No," Murdaugh replied, pausing for a moment. "Did I kill my wife? No."

Owen then methodically asked if Murdaugh killed his son or knew who killed either of them. Murdaugh said no to each question.

Then Murdaugh asked, sounding surprised and irritated: "Do you think that I killed Maggie?"

"I have to go where the evidence and the facts take me, and I don't have anything that points to anyone else at this time," Owen said.

It would take 11 months to get murder indictments against Alex Murdaugh, only after agents finally hacked into his son's cellphone and found a video Paul Murdaugh took at the kennels about five minutes before the shootings that several witnesses have testified has the voices of all three Murdaughs in it.

Murdaugh started crying at the beginning of the interview. The tears dried up as Owen brought up evidence Murdaugh at the time didn't know existed — a Snapchat video posted by his son taken a few hours before the killing showing Murdaugh wearing different clothes than the shorts and T-shirt he had on when police arrived after he called 911.

"What point in that evening did you change clothes?" Owen asked.

"I'm not sure," Murdaugh said, pausing for several moments. "What time of day was it?"

In cross-examination, Griffin pointed out state agents never asked for those clothes before the interview even though they knew Murdaugh had changed.

Griffin's questioning of Owen focused on other crime scene issues — why agents didn't search for blood in drains or sinks and why Maggie and Paul Murdaugh's clothes weren't tested for DNA. Owen didn't have an answer.

Prosecutor John Meadors ended his questioning of Owen by asking if Alex Murdaugh suggested state

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agents search his mother's home in the hours after the killings. Another defense attorney laughed.

"Is it police procedure that the suspect of your investigation is supposed to solve the crime?" Griffin asked.

During the August 2021 interview, Murdaugh's lawyer asked Owen for details on the evidence and the investigation so far.

"The only DNA we have are family and close friends. We don't have any fingerprints. Unfortunately, we don't have any shoe wear or tire wear impression because it rained that night," Owen said, "The only thing we can go off of are the cell tower dumps."

Later in the interview, Murdaugh asked Owen if his wife or son suffered, and the agent said they would have only for seconds, if that. Murdaugh also asked how far apart his wife and son were killed and how certain he was that Paul Murdaugh had been shot first. Owen said he based that idea on figuring Paul Murdaugh would have reacted if he saw or heard his mother being shot.

"Maggie would have known that then, wouldn't she?" Alex Murdaugh said.

Owen told Murdaugh not to beat himself up over those details.

In cross-examination, Griffin asked if Owen took DNA from gang members to compare to unknown genetic material from a man found under Maggie Murdaugh's fingernails.

Alex Murdaugh was buying drugs through a middleman in a money laundering scheme, and the defense attorney suggested the middleman was skimming money and the drug dealers were angry. Owen said they didn't.

Prosecutors expected to rest their case Thursday, but Judge Clifton Newman ruled questioning about the drug dealers opened up prosecutors to present testimony about Alex Murdaugh being shot on the side of the road in September 2021.

Murdaugh originally said he was shot changing a flat tire, but later said he had asked that same middleman to kill him so his surviving son could get a \$10 million life insurance policy, but the gunman's shot only grazed his head.

Newman announced at the beginning of court Wednesday that all the remaining jurors and alternates tested negative for COVID-19. On Monday, two jurors were dismissed after testing positive for the virus and the clerk of court also has COVID-19, leading to worries that the virus has been spreading through the courtroom and could cause a delay or a mistrial.

## Review: 'Marlowe,' with Neeson, resurrects a vintage gumshoe

By JAKE COYLE AP Film Writer

The richly hard-boiled terrain of detective Philip Marlowe has always been, to quote Raymond Chandler, "a nice neighborhood to have bad habits in."

Chandler's Los Angeles gumshoe has stretched across some of the most fertile decades of American cinema, from Howard Hawks' seductively cryptic "The Big Sleep" (1946) to Robert Altman's "The Long Goodbye" (1973). Having been played by Humphrey Bogart, Dick Powell, Robert Mitchum and Elliot Gould, among others, he's less a character than a legacy to be passed down, like a cherished dark fedora.

But it's been a long time, almost half a century, since Marlowe was notably portrayed on the big screen. "Marlowe," with Liam Neeson as the private eye, is a reclamation project, a bid to recapture some old-school, tough-talking movie magic. And, intriguingly, "Marlowe" is not taken directly from Chandler. It's instead an original (albeit deeply faithful) interpretation of the character penned by William Monahan (screenwriter of "The Departed"), adapted from John Banville's 2014 book, "The Black-Eyed Blonde: A Philip Marlowe Novel."

The urge for imitation is an understandably strong one. Who wouldn't want to write sentences like: "She gave me a smile I could feel in my hip pocket." And "Marlowe" seemingly has all the requisite trappings. Venetian blinds. Femme fatales. The sinister underbelly of polite society. So why does — to paraphrase Chandler again — "Marlowe" mostly just kill time and die hard?

The film, which opens Friday in theaters, is a handsomely made period piece crafted with obvious affection for film noir by the veteran director Neil Jordan ("The Crying Game"), plus a top flight cast including

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Neeson, Diane Kruger, Jessica Lange, Danny Huston and Alan Cumming. Yet "Marlowe," enveloped with a strong smell of mothballs, feels like an old pinstripe suit that's been taken out of the closet for no apparent reason. Neeson's Marlowe punches harder, but that's about all that distinguishes the film, which has made surprisingly little effort to reconsider Marlowe from a new perspective. Marlowe feels more like a mummy purposelessly raised from the dead.

The year is 1939, which happens to be when Chandler's flatfoot debuted on the page, in "The Big Sleep." We're back in early Los Angeles, a still deeply intoxicating moment in pre-freeway California. Unfortunately, as delicious as some settings here can be — iced tea sipping on a veranda, a lush neon-signed nightclub — "Marlowe" was largely shot in Dublin and Barcelona, robbing the tale of possibly its most important character: Los Angeles.

Like countless private eye tales before it, "Marlowe" opens with a mysterious woman — Clare Cavendish, an Irish-American heiress — enlisting a detective (Marlowe, naturally) for a job. She wants him to find her lost lover (François Arnaud), a search that leads Marlowe to an exclusive members' club that has some very vicious things going on behind closed doors. It's overseen by the wide-smiling Floyd Hanson (a brightly brutish Huston), whose toothy grin barely disguises his underlying menace. Like Marlowe, he's a veteran of the war, and if anything sticks in this stale tale, it's the way he shrugs off past horrors while carrying them into daily life. "We're alive and others are not, and it's a pleasant morning," he neatly summarizes to Marlowe.

What else works? Lange gets a few fine scenes as Cavendish's mother, Dorothy Quincannon, a former Hollywood star whose daughter was played in the papers as her niece, so as not to age her. There are some hints of a potentially absorbing mother-daughter femme fatale twist. But "Marlowe" lacks both a meaningful mystery for Marlowe or a narrative as lusciously oblique as "The Big Sleep." There are some decent stabs at visual poetry by cinematographer Xavi Gimenez but they blend into the film's sepia wash of yellow. The language occasionally pops — Cumming's gangster quotes from "The Elements of Style" — but those attempts feel forced.

And as much as Neeson might seem to have the special set of skills required to play Marlowe, his detective feels hollow and maybe a little too tired. Neeson can be a man of rugged force on screen, of course, but his thin growl is less suited to hard-boiled poetry than you would think. No, the best Marlowe is still the first: Dick Powell in 1944's "Murder, My Sweet," adapted from Chandler's "Farewell, My Lovely." It takes a droller detective to make Marlowe sing in lines like: "I caught the blackjack right behind my ear. A black pool opened up at my feet. I dived in. It had no bottom. I felt pretty good — like an amputated leg."

"Marlowe," a Briarcliff Entertainment release, is rated R by the Motion Picture Association for language, violent content, some sexual material and brief drug use. Running time: 110 minutes. Two stars out of four.

## Hollywood sex symbol Raquel Welch dies at 82

By MARK KENNEDY AP Entertainment Writer

NEW YORK (AP) — Raquel Welch, whose emergence from the sea in a skimpy, furry bikini in the film "One Million Years B.C." would propel her to international sex symbol status throughout the 1960s and '70s, has died. She was 82.

Welch died early Wednesday after a brief illness, according to her agent, Stephen LaManna of the talent agency Innovative Artists.

Welch's breakthrough came in 1966's campy prehistoric flick "One Million Years B.C.," despite having a grand total of three lines. Clad in a brown doeskin bikini, she successfully evaded pterodactyls but not the notice of the public.

"I just thought it was a goofy dinosaur epic we'd be able to sweep under the carpet one day," she told The Associated Press in 1981. "Wrong. It turned out that I was the Bo Derek of the season, the lady in the loin cloth about whom everyone said, 'My God, what a bod' and they expected to disappear overnight."

She did not, playing Lust for the comedy team of Peter Cook and Dudley Moore in their film "Bedazzled" in 1967 and playing a secret agent in the sexy spy spoof "Fathom" that same year.

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Her curves and beauty captured pop culture attention, with Playboy crowning her the "most desired woman" of the '70s, despite never being completely naked in the magazine. In 2013, she graced the No. 2 spot on Men's Health's "Hottest Women of All Time" list. In the film "The Shawshank Redemption," a poster of Welch covers an escape tunnel — the last of three that character Andy Dufresne (Tim Robbins) used after Rita Hayworth and Marilyn Monroe.

Admirers took to Twitter to mourn the star, including TV host Rosie O'Donnell, actor Chris Meloni and writer-director Paul Feig, who worked with Welch on "Sabrina the Teenage Witch" and called her "Kind, funny and a true superstar whom I was pretty much in love with for most of my childhood. We've lost a true icon."

In addition to acting, Welch was a singer and dancer. She surprised many critics — and won positive reviews — when she starred in the 1981 musical "Woman of the Year" on Broadway, replacing a vacationing Lauren Bacall. She returned to the Great White Way in 1997 in "Victor/Victoria."

She knew that some people didn't take her seriously because of her glamorous image. "I'm not Penny Marshall or Barbra Streisand," she told the AP in 1993. "They'll say, 'Raquel Welch wants to direct? Give me a break.'"

Welch was born Jo-Raquel Tejada in Chicago and raised in La Jolla, California. (The Jo in her name was from her mother, Josephine). Welch was a divorced mother when she met ex-actor turned press agent, Patrick Curtis.

"The irony of it all is that even though people thought of me as a sex symbol, in reality I was a single mother of two small children!" she wrote in her autobiography, "Raquel: Beyond the Cleavage."

Curtis became her manager and second husband and helped shape her into a glamor-girl with hundreds of magazine covers and a string of movies, plus exercise videos and books like "The Raquel Welch Total Beauty and Fitness Program."

Though she would appear in exploitative films, she also surprised many in the industry with fine performances, including in Richard Lester's "The Three Musketeers," which earned her a Golden Globe, and opposite James Coco in "Wild Party." She was also nominated for a Globe in 1988 for the TV movie "Right to Die." She played herself and mocked divas in an episode of "Seinfeld," memorably attacking Elaine and rattling Kramer.

Married and divorced four times, she is survived by two children, Damon Welch and Tahnee Welch, who also became an actress, including landing a featured role in 1985's "Cocoon."

## Hamlin: I meant no religious disrespect for wearing jacket

By JOHN WAWROW AP Sports Writer

BUFFALO, N.Y. (AP) — Buffalo Bills safety Damar Hamlin said Wednesday he never intended to offend anyone for attending the Super Bowl wearing a jacket that critics deemed to feature an offensive depiction of Jesus.

"After talking with my parents I understand how my coat could have offended some people," Hamlin wrote in a note posted on his Twitter account. "It was never my intentions to hurt or disrespect anyone, the coat is abstract art to me."

Hamlin closed his two-post thread by saying he will continue to learn from the situation while adding: "My beliefs and Relationship with God is not tied to symbolic images."

The second-year player continues recovering after having to be resuscitated on the field after going into cardiac arrest during a game in Cincinnati six weeks ago created a stir for being pictured wearing a Kanye West Eternal Saint blue varsity jacket during pregame ceremonies and sitting in NFL Commissioner Roger Goodell's box at the Super Bowl in Arizona on Sunday.

The back of the jacket featured an abstract illustration of Jesus on the cross under the word "ETERNAL." The front featured an abstract depiction of Jesus' face and appears to reference a Bible verse that reads: "Without end or beginning there is no day and no night."

Among the critics were former NFL running back Adrian Peterson, who referred to the jacket as "blas-

phemy" on Monday.

A day later, Peterson wrote in an Instagram post that he has since cleared the air with Hamlin.

"After speaking with Damar, I have an understanding that it didn't come from a place of ill intent," Peterson wrote. "I apologize for offending you, I just felt offended in that moment as a man who loves and respects our Lord and Savior."

Hamlin, who received the NFLPA's Alan Page Community Award last week, took part in a pregame ceremony in which the NFL honored the Bills and Bengals training and medical staffs and first responders who treated the 24-year-old from the Pittsburgh area on the field, and the staff at the University of Cincinnati Medical Center, where he spent nearly a week recovering.

## IRS nominee Werfel faces questioning on 'thankless' job

By FATIMA HUSSEIN Associated Press

WASHINGTON (AP) — Republican and Democratic senators who have been arguing over how much money to give the IRS and how it should be spent found at least one point of unanimity Wednesday as they considered President Joe Biden's nominee to lead the agency: Both sides wished Danny Werfel good luck with the worst job in Washington.

Werfel pledged before senators not to expand tax audits on businesses and households making less than \$400,000 per year, a key point of concern to legislators, as he faced rounds of questions before the Senate Finance Committee on how he would spend the agency's big new infusion of money. He drew praise for being willing to leave a private consulting job to take on the top job at the troubled agency.

Sen. Mark Warner, D-Va., called the job "one of the more thankless tasks" in Washington. Sen. James Lankford, R-Okla., said Werfel was "walking right into fire." Sen. Thom Tillis, R-N.C., told Werfel the IRS was never going to be one of the most admired agencies in Washington given its mission of collecting taxes. And Sen. Sheldon Whitehouse, D-R.I., offered Werfel best wishes in one of the "least popular jobs in town."

A vote on Werfel's nomination will be scheduled after the committee allows time for him to answer follow-up questions. But the bipartisan acknowledgment of the tough job ahead served as a reminder of just how beleaguered the national tax collector has become in recent decades and the work it will take to modernize the organization.

President Joe Biden nominated Werfel to steer the IRS as it receives nearly \$80 billion over the next 10 years through the Inflation Reduction Act, which Congress passed in August. Taking note of the potential impact of the funding, Werfel said "Americans rightfully expect a more modern and high-performing IRS."

Werfel, 51, said he would be "unyielding in following my true north to increase public trust" in the agency even as he works to modernize the agency's technology, address its paperwork burden and audit high-income earners.

Werfel, who led Boston Consulting Group's global public sector practice, would replace Charles Rettig, whose five-year term ended in November. An acting commissioner has been filling in.

Werfel will have to navigate controversy surrounding the new funding as critics distort how the new law would affect the IRS and taxes for the middle class. About \$46 billion was allocated for enforcing tax laws and the rest to taxpayer services, operations support and updating business systems.

Republicans have suggested without evidence that the agency would use the new money to hire an army of tax agents with weapons.

Sen. Mike Crapo, R-Idaho, said Republican concerns center around potential misuse of government funding.

Taxpayers "are rightly concerned about the vitality of their taxpayer rights" he said.

Werfel pulled out a paper copy of the Taxpayers Bill of Rights and said he pledged to read the document every day if confirmed to the role.

"I'm ready to roll up my sleeves to help working families," he said.

Senators on both sides of the aisle probed the IRS' intent to audit more high-income earners — and Werfel's commitment not to expand audits of households and businesses making less than \$400,000 per year.

House Republicans began their tenure in the majority last month by passing a bill that would rescind new IRS funding. That legislation has not advanced in the Senate and is unlikely to reach Biden, who has promised a veto.

Caroline Bruckner, a tax professor at the American University Kogod School of Business, said that, if confirmed, Werfel would have to address the massive workforce challenges at the IRS wrought by attrition, an aging workforce and a generally poor reputation.

"The next generation of accountants don't want to work for the IRS," Bruckner said. She added, "To attract the best talent, particularly with Millennials and Gen-Z workers who will be the future of the workforce, transparency as a leader will go a long way."

Bruckner referred to a Stanford University study that showed IRS data-driven algorithms chose Black taxpayers for audit at up to 4.7 times the rate of non-Black taxpayers. "The next generation of workers care about these things, and this is a leadership challenge," she said.

Werfel said he would "absolutely" report to the Senate Finance committee within 60 days of his confirmation on the matter.

"The bottom line is what will build trust with the taxpayers," Werfel said.

## At 25, Backyard Bird Count shows power of citizen science

By JULIA RUBIN Associated Press

It's a given that when the Great Backyard Bird Count begins Friday, Steve and Janet Kistler of Hart County, Kentucky, will be joining in. They've done so every year since the now-global tradition began 25 years ago.

For Moira Dalibor, a middle-school math teacher a couple hours away in Lexington, this will be the first count. She's leading a group of students and parents to an arboretum for an exercise in data-gathering.

They're expected to be among hundreds of thousands of people around the world counting and recording over four days, Feb. 17-20. Last year, about 385,000 people from 192 countries took part in the Great Backyard Bird Count, or GBBC.

"Every year we see increased participation," and 2022 was a big jump, says Becca Rodomsky-Bish, the project's leader at the Cornell Lab of Ornithology, in Ithaca, New York, which organizes the count along with the National Audubon Society and Birds Canada.

In India, which had the highest participation outside the U.S. last year, tens of thousands of people submitted bird checklists — a 28% increase from 2021.

This global data goes into the eBird database used by scientists for research on bird populations, which have declined sharply overall in past decades. It's part of a rise in citizen science projects in which volunteers collect data about the natural world for use by researchers.

And if it gets more people interested in bird-watching, so much the better, says Steve Kistler.

"It's fun and important to get the numbers, but it's just a joyful thing to do," says Kistler, 71, who leads bird-watching trips near his home and abroad.

Many bird-watchers use eBird year-round, and it has collected huge amounts of data — often between 1 million and 2 million bird checklists a month from around the world in the past couple of years, says Rodomsky-Bish.

Those numbers help researchers track the ups and downs of various species, which then helps determine the direction of conservation efforts.

"The net number of birds around the world — we're losing them," says Rodomsky-Bish.

A 2019 study by Cornell researchers found there were 3 billion fewer birds in North America than in 1970.

"The bad news is that the declines are coming out strong and hard in the data," Rodomsky-Bish adds. "The good news is if we didn't have that data, we wouldn't know. And that helps a lot of areas take direct action."

The pandemic contributed to the surge in interest in the GBBC and birds in general, she says.

"Birds were company during this period of isolation," she says, and observing them "is an accessible way to connect with the natural world. Birds are everywhere. You don't have to leave your house. They

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will come. ... And they're charismatic. They're fun and fascinating to watch."

Compared to other counts — including Audubon's 123-year-old Christmas Bird Count and the Cornell Lab's Project FeederWatch — the GBBC is accessible to beginners.

How it works: Participants watch birds, whether that means looking out the window for 15 minutes or taking a longer trip to a nature area. Organizers recommend the Merlin bird ID app to distinguish birds by size, shape, song or other characteristics. Many participants also carry field guides and binoculars along with their phones.

They then enter the findings into the eBird app.

"Anyone can say, 'I can contribute to science — it's easy. I can identify one bird over a four-day period and I've done my part,'" says Rodomsky-Bish.

Counting in February, she says, provides a snapshot right before many birds start their annual migrations.

Dalibor, who teaches at the Redwood Cooperative School in Kentucky, has been preparing her classes with information about local species and practicing with the Merlin app. The kids will record bird sightings with pencils and clipboards, and parent volunteers will enter those numbers on phones.

"It'll be authentic data that we collected ourselves that real scientists are going to use. There's purpose and action behind it, which is special for them, being connected to the wider world," Dalibor says.

Giving young children an appreciation of nature is the priority for Ganeshwar SV, director of the Salem Ornithological Foundation in India. He helps get schools involved in conservation programs, including the GBBC, and says the goal "is not to count but to just enjoy birds."

"In rural areas, it's not unusual for children to wander around and use catapults (slingshots) and to kill birds," he says. Now, "the hands that used catapults to hit birds are the same hands that are building nest boxes and taking notes about birds and their behavior."

The students don't have smartphones, he says, and "wouldn't have seen a binocular in real life." They write up their sightings in notebooks.

Steve Kistler, in rural Kentucky, advises beginners to "start easy, birding around home. Or join a group going out that day."

Don't worry about exact counts, he says: "If 50 grackles fly by in a flock, you get pretty good at estimating. For the purposes of what you're doing, we don't have to have it down to the last grackle."

Bird counts can get competitive, too.

"If you can beat last year's number of species, well that's a good day," Kistler says.

## Alaska carbon plan: Boost state coffers without cutting oil

By BECKY BOHRER Associated Press

JUNEAU, Alaska (AP) — Oil-dependent Alaska has long sought ways to fatten its coffers and move away from the fiscal whiplash of oil's boom-and-bust cycles.

The newest idea, promoted by Republican Gov. Mike Dunleavy, would have the state capitalize on its oil and gas expertise to tap into a developing industry — carbon storage — as a way to generate new revenues without curtailing the extraction industries that underpin Alaska's economy. It's also being pitched as a potential way for petroleum and mining companies to head off legal challenges over greenhouse gas impacts.

Hearings with state lawmakers are underway on legislation that would charge companies rent and fees for carbon dioxide storage deep underground in places like the Cook Inlet oil and gas basin. Hearings are coming on another bill that would enable Alaska to set up programs so companies could buy credits to offset their emissions. While details are few, such so-called "carbon offset" proposals sometimes include letting trees stand that otherwise might have been logged with the idea that the carbon stays stored in the trees so a company can pollute elsewhere.

Dunleavy said the state could ultimately earn billions annually without raising taxes on industry or Alaska residents. Alaskans currently receive yearly checks from the state's oil-wealth fund and pay no statewide sales or personal income taxes.

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"The reason we landed on this is it doesn't gore any ox, and more importantly, it's in line with what Alaska does, and that's resources," Dunleavy said, underscoring the idea that the plan, as laid out, wouldn't harm existing interests.

But some environmentalists say the state, which has a front-row seat to the ravages of climate change, should be focused more on investing in renewables and green projects. Many of the oil companies operating in Alaska have emissions reductions targets, but the state itself has no overarching climate plan or emissions reduction goals.

The governor "will be the first person to tell you it doesn't have anything to do with climate change, and it doesn't have anything to do with solving Alaska's energy needs," said Matt Jackson, climate program manager with the Southeast Alaska Conservation Council.

It's unclear exactly how much money Alaska could reap from the proposals, and there are still many questions around ideas such as the potential for other states or countries to ship in carbon dioxide for underground storage. Alaska officials for now have emphasized they want to prepare a regulatory framework for future carbon storage.

Shipping carbon dioxide is being analyzed in parts of the world. A project in Norway aims to ship carbon dioxide captured at European industrial sites and pump it into the seabed in Norway, according to the International Energy Agency. Japan is working on shipping technology.

Lawmakers in Alaska want to find experts who can help them analyze Dunleavy's proposals, said state Rep. Ben Carpenter, who chairs the Legislative Budget and Audit Committee. Carpenter said finding people with the experience necessary has been a challenge. It's not clear if Dunleavy's proposals will gain traction during the current legislative session.

Alaska is rich in traditional resources — oil, gas, minerals and timber — and is home to a largely intact forest the size of West Virginia that is estimated to hold more carbon than any other U.S. national forest. But Alaska is also feeling the impacts of climate change: coastal erosion threatening Indigenous villages, unusual wildfires, thinning sea ice and permafrost that threatens to release carbon as it melts.

Dunleavy's plan would give the Department of Natural Resources, which manages state lands for development including oil leasing, authority to implement carbon offset programs and would set up protocols for underground injection and mass storage of carbon dioxide.

Alaska's concept echoes efforts in other fossil fuel-dependent states to capitalize on carbon offsets and sequestration or other emissions-reducing technologies while continuing to support the traditional industries they've long relied on, such as oil, gas or coal.

The proposal for underground storage would also offer a way for companies to mitigate emissions that might otherwise tie a project up in court, said Aaron O'Quinn with the state Division of Oil and Gas.

Cook Inlet, the state's oldest-producing oil and gas basin near Anchorage, could serve as an underground storage site for carbon dioxide pollution from other states or even countries, according to the state Department of Natural Resources. The agency also said federal tax credits aimed at spurring carbon storage could provide a boost for a long-hoped-for liquefied natural gas project.

As part of its plan, Alaska wants to get authority from federal regulators for oversight of carbon injection wells, something North Dakota and Wyoming have already secured and that other states, like Louisiana, are pursuing or interested in.

An Iowa-based company working with Midwest ethanol plants is pursuing a \$4.5 billion carbon dioxide pipeline project that would store the gas underground in North Dakota. The idea has gotten pushback from some landowners. In Wyoming, a state law requires utilities to evaluate getting at least some of their electricity from power plants fitted with carbon capture equipment, but utility reports suggest such retrofitting could cost hundreds of millions of dollars per plant with the expense showing up in higher electricity bills. Wyoming's governor, Republican Mark Gordon, has vowed to make the coal state carbon negative, in part by trapping the carbon dioxide emitted by the state's coal-fired power plants and pumping it underground.

ConocoPhillips Alaska, Alaska's largest oil producer, is among the companies that have expressed interest in Dunleavy's carbon plan but said it is too early to make any commitments.



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The company is pursuing an oil project on Alaska's far-northern edge that it says could produce up to 180,000 barrels (29 million liters) of oil a day. Environmentalists call the Willow oil project a "carbon bomb" that could lead to more development in the region if approved by the federal government. A decision could come by early March.

Alaska officials see perhaps the most immediate carbon opportunities on forest lands. Several Alaska Native corporations have made money through the sale of credits to let trees go unlogged, and the University of Alaska system is proposing a carbon credits program on some lands it manages as a revenue generator.

A report commissioned by the Department of Natural Resources identified three "high potential" carbon offset pilot projects on state forest lands, pegging the revenue potential for all three around \$80 million over 10 years. The department said the report was limited in scope.

## Study shows 'striking' number who believe news misinforms

By DAVID BAUDER AP Media Writer

NEW YORK (AP) — Half of Americans in a recent survey indicated they believe national news organizations intend to mislead, misinform or persuade the public to adopt a particular point of view through their reporting.

The survey, released Wednesday by Gallup and the Knight Foundation, goes beyond others that have shown a low level of trust in the media to the startling point where many believe there is an intent to deceive.

Asked whether they agreed with the statement that national news organizations do not intend to mislead, 50% said they disagreed. Only 25% agreed, the study found.

Similarly, 52% disagreed with a statement that disseminators of national news "care about the best interests of their readers, viewers and listeners," the study found. It said 23% of respondents believed the journalists were acting in the public's best interests.

"That was pretty striking for us," said Sarah Fioroni, a consultant for Gallup. The findings showed a depth of distrust and bad feeling that go beyond the foundations and processes of journalism, she said.

Journalists need to go beyond emphasizing transparency and accuracy to show the impact of their reporting on the public, the study said.

"Americans don't seem to think that the national news organizations care about the overall impact of their reporting on the society," said John Sands, Knight's senior director for media and democracy.

In one small consolation, in both cases Americans had more trust in local news.

The ability of many people to instantly learn news from a device they hold in their hand, the rapid pace of the news cycle and an increased number of news sources would indicate that more Americans are on top of the news than ever before.

Instead, an information overload appears to have had the opposite effect. The survey said 61% of Americans believe these factors make it harder to stay informed, while 37% said it's easier.

Like with many other studies, Knight and Gallup found Democrats trust news more than Republicans. Over the past five years, the level of distrust has particularly spiked among independents. Overall, 55% of respondents said there was a great deal of political bias in coverage, compared to 45% in 2017.

In a finding reflected in the financial struggles of some news organizations and declining ratings of television news networks, the survey found 32% of Americans said they pay a great deal of attention to local news, compared to 56% in early 2020. That was at the outset of a presidential election year and the beginning of the COVID-19 outbreak.

In a picture of how people get their news, 58% said online, 31% said television, 7% said radio and 3% mentioned printed newspapers or magazines.

For members of Gen Z, aged 18- to 25-years-old, 88% said they got their news online, the survey found.

In one olive branch, if Americans believed local news organizations didn't have the resources or opportunities to cover the news, they would be more likely to pay for it.

The results are based on a Gallup study of 5,593 Americans aged 18 and older conducted between May 31 and July 21, 2022.

## **Skinny robot documents forces eroding Doomsday Glacier**

By SETH BORENSTEIN AP Science Writer

Scientists got their first up-close look at what's eating away part of Antarctica's Thwaites ice shelf, nicknamed the Doomsday Glacier because of its massive melt and sea rise potential, and it's both good and bad news.

Using a 13-foot pencil-shaped robot that swam under the grounding line where ice first juts over the sea, scientists saw a shimmery critical point in Thwaites' chaotic breakup, "where it's melting so quickly there, there's just material streaming out of the glacier," said robot creator and polar scientist Britney Schmidt of Cornell University.

Before, scientists had no observations from this critical but hard-to-reach point on Thwaites. But with the robot named Icefin lowered down a slender 1,925-foot (587-meter) hole, they saw how important crevasses are in the fracturing of the ice, which takes the heaviest toll on the glacier, even more than melting. "That's how the glacier is falling apart. It's not thinning and going away. It shatters," said Schmidt, lead author of one of two studies in Wednesday's journal *Nature*.

That fracturing "potentially accelerates the overall demise of that ice shelf," said Paul Cutler, the Thwaites program director for the National Science Foundation who returned from the ice last week. "It's eventual mode of failure may be through falling apart."

The work comes out of a massive \$50 million multi-year international research effort to better understand the widest glacier in the world. The Florida-sized glacier has gotten the nickname the "Doomsday Glacier" because of how much ice it has and how much seas could rise if it all melts — more than 2 feet (65 centimeters), though that's expected take hundreds of years.

The melting of Thwaites is dominated by what's happening underneath, where warmer water nibbles at the bottom, something called basal melting, said Peter Davis, an oceanographer at British Antarctic Survey who is a lead author of one of the studies.

"Thwaites is a rapidly changing system, much more rapidly changing than when we started this work five years ago and even since we were in the field three years ago," said Oregon State University ice researcher Erin Pettit, who wasn't part of either study. "I am definitely expecting the rapid change to continue and accelerate over the next few years."

Pennsylvania State University glaciologist Richard Alley, who also wasn't part of the studies, said the new work "gives us an important look at processes affecting the crevasses that might eventually break and cause loss of much of the ice shelf."

The good news: Much of the flat underwater area they explored is melting much slower than they expected. The bad news: That doesn't really change how much ice is coming off the land part of the glacier and driving up sea levels, Davis said.

Davis said the melting isn't nearly the problem at Thwaites that glacier retreat is. The more the glacier breaks up or retreats, the more ice floats in water. When ice is on ground as part of the glacier it isn't part of sea rise, but when it breaks off land and then goes onto water it adds to the overall water level by displacement, just as ice added to a glass of water raises water level.

And more bad news: This is from the eastern, larger and more stable part of Thwaites. Researchers couldn't safely land a plane and drill a hole in the ice in the main trunk, which is breaking up much faster. And they also found staircase-like steps, those crevasses, in parts of the more stable eastern side where the break-up is far faster and worse.

The key to seeing exactly how bad conditions are on the glacier would require going to the main trunk and looking at the melting from below. But that would require a helicopter to land on the ice instead of a heavier airplane and would be incredibly difficult, said studies co-author Eric Rignot of the University of California Irvine.

The main trunk's glacier surface "is so messed up by crevasses it looks like a set of sugar cubes almost. There's no place to land a plane," NSF's Cutler said.

Ted Scambos of the National Snow and Ice Data Center, who wasn't part of the studies, said the results add to understanding how Thwaites is diminishing.

"Unfortunately, this is still going to be a major issue a century from now," Scambos said in an email. "But our better understanding gives us some time to take action to slow the pace of sea level rise."

When the skinny robot wended its way through the hole in the ice – made by a jet of hot water – the cameras showed not just the melting water, the crucial crevasses and seabed. It showed critters, especially sea anemones, swimming under the ice.

"To accidentally find them here in this environment was really, really cool," Schmidt said in an interview. "We were so tired that you kind of wonder like, 'am I really seeing what I'm seeing?' You know because there are these little creepy alien guys (the anemones) hanging out on the ice-ocean interface.

"In the background is like all these sparkling stars that are like rocks and sediment and things that were picked up from the glacier," Schmidt said. "And then the anemones. It's really kind of a wild experience."

## Michigan State urges: 'Run, Hide, Fight' as gunfire erupts

By HEATHER HOLLINGSWORTH and JOEY CAPPELLETTI Associated Press

EAST LANSING, Mich. (AP) — They broke out windows to escape, barricaded doors and hid under blankets. They silenced their phones — afraid to make even the slightest sound for hours as police searched for a gunman who had already killed three students and critically wounded five others on the Michigan State University campus.

The terror felt by thousands of students — some experiencing their second mass shooting — was evident in texts to parents, posts on social media and in 911 calls.

It started around 8:30 p.m. Monday when Anthony McRae, a 43-year-old with a previous gun violation, opened fire inside an academic building and the student union.

Alerts sent out to students urged them to "run, hide, fight," and video showed them fleeing as police swarmed toward the chaos. The massive search that ensued ended roughly three hours later when McRae fatally shot himself in a confrontation with police miles from campus, officials said Tuesday.

McRae was neither a student nor an employee of the university. The motive is a mystery.

Jaqueline Matthews, a member of the Michigan State rowing team, remembers crouching inside her school when gunfire erupted at nearby Sandy Hook Elementary. Now a decade later, the 21-year-old international law major was watching chaos outside her campus window, stunned to find herself here yet again.

"The fact that this is the second mass shooting that I have now lived through is incomprehensible," she said in a TikTok video that she recorded in the early morning hours, demanding legislative action. "We can no longer allow this to happen. We can no longer be complacent."

She wasn't the only one experiencing her second mass shooting. Jennifer Mancini told the Detroit Free Press that her daughter also had survived the November 2021 shooting that left four students dead at Oxford High School in southeastern Michigan. Now a freshman at Michigan State, her daughter was traumatized anew.

"I can't believe this is happening again," said Mancini, who didn't want her daughter's name used.

Others across campus experienced the terror for the first time.

Ted Zimbo, a 26-year-old astrophysics major, said he was heading back to his residence hall after an off-campus meeting when he saw police cars everywhere and a blood-covered woman hiding behind a car. She told him that someone came into her classroom and started shooting.

"Her hands were completely covered in blood. It was on her pants and her shoes," he told The Associated Press. "She said, 'It's my friend's blood.'"

That, he said, is when it hit him: "There was a real shooting, a mass shooting."

The woman picked up her phone and started crying, unsure of what happened to her friend. Zimbo spent the next three hours hunkered down in his Toyota SUV, a blanket tossed over him.

In a nearby residence hall, Karah Tanski said she spent two hours "crunched under a desk, crying, thinking I was literally going to die."

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The 22-year-old resident assistant said about 40 freshmen relied on her, social media and police scanners for updates during the lockdown. From empty bomb threats to incorrect details about the shooter, the updates were sometimes wrong and added to the "mass hysteria" of the night, Tanski said.

About a half-mile east of campus, junior Aedan Kelley hid with his roommate, locking his doors and covering windows.

"It's all very frightening. And then I have all these people texting me wondering if I'm OK, which is overwhelming," he said.

Ryan Kunkel, 22, said he and his classmates turned off the lights and acted like there "was a shooter right outside the door." For more than four hours, as they waited, "nothing came out of anyone's mouth," he recalled.

"This is supposed to be a place where I'm coming, learning and bettering myself. And instead, students are getting hurt."

Dominik Molotky said he was in a Cuban history class when he and the other students heard a gunshot right outside the classroom. He told ABC's "Good Morning America" that a few seconds later the gunman entered the classroom and fired three to four more rounds while the students took cover.

"After that we broke out the window, and I climbed out of there. And then I booked it back to my apartment," he said.

Claire Papoulias, a sophomore, told NBC's "Today" show she was listening to a history lecture when she heard gunshots and dropped to the floor.

"At that moment," she said, "I thought that I was going to die, I was so scared."

She said she quietly called her mom while classmates opened a window and helped people to jump to safety. Once outside, she grabbed her backpack and phone.

"And I remember," she said, "I just ran for my life."

Sophomores Jake Doohan and Nicole Stark were walking off campus when they heard about the shooting and took shelter, barricading a door with a dresser.

With the blinds closed so "not a speck of light could get out," Stark said she felt like they were watching the news, as though "it's not actually happening to us."

The senselessness of it left Doohan stunned.

"It's sad to think," he said, "that things like this will happen just out of the blue to anybody or anywhere."

John and Rona Szydzik, who both graduated from Michigan State University, left flowers on the campus Tuesday after spending the previous night hiding as ambulances wailed past their home.

As a high school teacher, Rona Szydzik has drilled for years to "run, hide, fight." But she added: "To actually be in it, that's very shocking." For her husband, the flowers were a way to let the victims' families know they cared, that they were praying.

"It really was tough," he said, becoming emotional as he spoke.

## Ukraine aid support softens in the US: AP-NORC Poll

By AAMER MADHANI and EMILY SWANSON Associated Press

WASHINGTON (AP) — Support among the American public for providing Ukraine weaponry and direct economic assistance has softened as the Russian invasion nears a grim one-year milestone, according to a new poll from The Associated Press-NORC Center for Public Affairs Research.

Forty-eight percent say they favor the U.S. providing weapons to Ukraine, with 29% opposed and 22% saying they're neither in favor nor opposed. In May 2022, less than three months into the war, 60% of U.S. adults said they were in favor of sending Ukraine weapons.

Americans are about evenly divided on sending government funds directly to Ukraine, with 37% in favor and 38% opposed, with 23% saying neither. The signs of diminished support for Ukraine come as President Joe Biden is set to travel to Poland next week to mark the first anniversary of the biggest conflict in Europe since World War II.

"I am sympathetic for Ukraine's situation and I feel badly for them, but I feel like we need to first take

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care of priorities here at home," said Joe Hernandez, 44, of Rocklin, California.

Hernandez, a Republican, added that it's difficult to support generous U.S. spending on military and economic assistance to Ukraine when many American communities don't have the resources to deal with the ramifications of migrants crossing into the U.S. at the southern border, a rise in drug overdoses caused by fentanyl and other lab-produced synthetic opioids, and a homelessness crisis in his state.

Biden has repeatedly stated that the United States will help Ukraine "as long as it takes" to repel the Russian invasion that began on Feb. 24 of last year. Privately, administration officials have warned Ukrainian officials that there is a limit to the patience of a narrowly divided Congress — and American public — for the costs of a war with no clear end. Congress approved about \$113 billion in economic, humanitarian and military spending in 2022.

The poll shows 19% of Americans have a great deal of confidence in Biden's ability to handle the situation in Ukraine, while 37% say they have only some confidence and 43% have hardly any.

Views of Biden's handling of the war divide largely along partisan lines. Among Democrats, 40% say they have a great deal of confidence in Biden to handle the situation, 50% have some confidence and 9% have hardly any. Among Republicans, a large majority (76%) say they have hardly any confidence. Those numbers are largely unchanged since last May.

Janice Fortado, 78, of Ipswich, Massachusetts, said Biden deserves credit for his handling of the war. She agreed with Biden's hesitance early in the war about sending advanced and offensive weaponry out of concern that it would give Russian President Vladimir Putin a pretext to expand the war beyond Ukraine and spur a larger global conflict.

But as the war has dragged on — and Ukrainian forces have held up against a more formidable Russian military — some of that resistance has melted away. Biden has approved sending light multiple rocket launchers known as HIMARS, Patriot missile systems, Bradley fighting vehicles, Abrams tanks, and more. Biden, however, continues to balk at Ukraine's request for fighter jets.

"As my opinion evolved, I came to wish we had offered more to Ukraine sooner," said Fortado, a Democrat, who added that she hopes the U.S. and allies change their mind on the fighter jets. "We seem to have done a drip, drip, drip. I understand why it is they were hesitant, but we are now beyond that point."

House Speaker Kevin McCarthy, R-Calif., before winning the speakership, vowed that Republicans wouldn't write a "blank check" for Ukraine once they were in charge. And some of the most right-leaning Republicans lashed out at Senate Minority Leader Mitch McConnell of Kentucky over his support of a \$1.7 trillion spending bill passed in December that included about \$47 billion for Ukraine.

Alex Hoxeng, 37, of Midland, Texas, said he expected Republicans to take a tougher line on Ukraine spending.

"I think Biden isn't worried enough about inflation," said Hoxeng, a Republican. "We should just stay out of it. Ukraine is halfway around the world and we have our own problems."

A majority of Americans, 63%, still favor imposing economic sanctions on Russia, the poll shows, though that too has decreased from the 71% who said that in May 2022.

And 59% say limiting damage to the U.S. economy is more important than effectively sanctioning Russia, even if that means sanctions are less effective. Almost a year ago, in March 2022, the situation was reversed: 55% said it was a bigger priority to sanction Russia effectively, even if it meant damage to the U.S. economy.

Shandi Carter, 51, of Big Spring, Texas, said she's become frustrated with the global ramifications the war has had on consumers, including volatile gas prices and increasing food costs. Carter, who tends to vote Republican, said she's been displeased with Biden's handling of the crisis but doesn't think Donald Trump would have done any better had he won the 2020 election.

"I just wish it was over. I wish it had never started," Carter said. "It didn't matter if there was a Democrat or Republican there. Putin was going to do what he wanted to do."

Overall, the poll shows that about a quarter of Americans, 26%, now say the U.S. should have a major role in the situation, down from as high as 40% in March 2022. Still, 49% say the U.S. should have a minor role, and just 24% say it should have no role.

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Since last March, the percentage of Democrats saying the U.S. should have a major role has dipped slightly from 48% to 40%, while among Republicans it has dropped from 35% to 17%.

Democrats also remain more likely than Republicans to favor imposing economic sanctions on Russia (75% to 60%), accepting refugees from Ukraine (73% to 42%), providing weapons to Ukraine (63% to 39%) and sending government funds to Ukraine (59% to 21%). Support has softened at least slightly among both Democrats and Republicans since last May.

Tom Sadauskas, 68, a political independent from northern Virginia, said he doesn't believe an end to the war is near. That makes him worried about the direction of American support for a conflict that he believes could have reverberations far beyond Ukraine if Putin is successful.

"I worry that as a country we get easily distracted," said Sadauskas, who approves of Biden's handling of the war thus far. "It's easy to say, 'It's a faraway country. That it really doesn't matter.' But if Ukraine goes, what is our attitude going to be when Putin decides to move on and threaten one of our smaller neighboring NATO countries?"

## Rio's first all-female samba school prepares defiant parade

By ELÉONORE HUGHES Associated Press

RIO DE JANEIRO (AP) — As Carnival approaches in Rio de Janeiro, members of a samba school perfect a minutely-tuned performance with dancers twirling in blue, red and white skirts and 40 drummers pounding the rhythm with gusto.

There isn't a single man in sight. This samba school, in Rio's Madureira neighborhood, is the city's first to be run by and for women.

The community-tied music and dance clubs have always included women, most commonly as seamstresses and dancers. They've played the schools' smaller instruments and Carnival queens lead processions in elaborate, sequined outfits. But rarely do women call the shots on finances, themes or even costumes.

"The big samba schools are coordinated by men, which means women are used to receiving orders," Barbara Rigaud, a 54-year-old cultural producer and hairdresser who is the head of the new Turma da Paz de Madureira samba school, or Group of Peace from Madureira, known by the initials TPM.

During a recent rehearsal, the musicians played under a huge red and orange marquee, offering some protection from the sweltering sun, while older women and a young girl sat in chairs lined against the wall.

"Here, a woman can express her desires, her ideas, her opinions, which increases self-esteem," said Rigaud, a Black woman who wears beaded earrings and a wide smile. "It is empowering."

TPM started in 2011 as a bloco, the name for musical groups that flood streets with parties during the Carnival season. Rigaud decided she wanted to take the women-only group further and compete in the city's samba leagues. She successfully sought approval from city councilors and the school was inaugurated last September.

The school has 320 members, and rehearses in the the lower middle-class neighborhood of Madureira in Rio's north zone, along with some of the city's most prestigious samba schools, including Portela and Império Serrano.

Among the group's dozens of drummers is Gisele Rosires, 47. She is proud of her big, bulky surdo drum, but the blowback is strong.

"Men look me up and down, they think I'm not capable," she said. A year and a half ago, she was playing in Madureira's park for her first show with the school, when a man took the instrument from her. "He said, 'You're a woman, get out'", said Rosires, who, not wanting to make a fuss, ended up leaving, annoyed.

Challenges start at the very mention of TPM's name; the acronym is the same in Portuguese for premenstrual syndrome, or PMS. While Carnival's street bands often employ clever puns, this was an unintended coincidence that often elicits laughter and mockery from men. Some call them the Turma de Putas de Madueira, or Group of Whores from Madureira.

Patriarchy in Brazil remains persistent. Women are the majority of Brazil's electorate, yet in October congressional elections claimed only 18% of the Lower House seats. There's an even smaller proportion

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of female senators. In business, women hold leadership positions in 38% of 250 mid-market companies surveyed by consultant Grant Thornton. That percentage has climbed from 15% in 2015, but remains short of parity.

Meanwhile, sexual harassment and assault remain widespread in Carnival's street parties. Over the last decade, however, women have increasingly been standing up for their rights and spreading the message "No means No!" on stickers and pamphlets.

When women are in the spotlight for Carnival, they are often sexualized — particularly Black women. During its coverage of Carnival each year, behemoth TV network Globo airs vignettes with the so-called *Globeleza*, meaning "Globo beauty," played by a Black actress whose role is to promote the spectacle by dancing suggestively while virtually nude.

"Being part of this school is a way of saying we are together. I think women need this, Black women in particular," Margaret Oliveira, a 55-year-old Black housewife who is part of TPM's group of dancers, said at the rehearsal.

Making time for oneself in a society that values and expects self-sacrifice from women is an act of resistance, Oliveira added.

With rare exception, women who contributed to samba over time are omitted from its history, said Maira de Deus Brito, who researches samba and the afro-Brazilian religion Candomblé at the University of Brasilia.

For their first parade, on Feb. 19, TPM will honor Iansã, a female deity and warrior of Candomblé. Carnival is just a few days off, but costumes remain incomplete due to a lack of funds. Their vision also will fall somewhat short given the procession is required by parade protocol to include two men as masters of ceremony.

"It has to be a man for now, until it changes, until this machismo ends," Rigaud said.

As in any power dispute, the school is going to face problems and opposition, said Paula Dürks Cassol, who wrote a paper about women's rights and samba in Rio de Janeiro published in the *Journal of International Women's Studies* last year.

"Every time women try to create new methods of resistance, emancipation and empowerment, there are going to be barriers," Dürks Cassol said. "But I am sure that thanks to their union and strength, they will overcome."

At dusk on the day of TPM's recent rehearsal, the group spilled out from the courtyard, with the sound of their drums reverberating up and down the narrow street leading off Madureira Park.

This year, the school will make its debut in Rio's lowest-tier samba league. If the women perform well enough, they can climb the ranks for next year's parade. Already, Rigaud has her sights on reaching the Sambodrome, where only the top schools compete.

"We're not here to play around," Rigaud said. "We're here to fight, to win."

## Waters off New England had 2nd warmest year on record in '22

By PATRICK WHITTLE Associated Press

PORTLAND, Maine (AP) — The waters off New England, which are home to rare whales and most of the American lobster fishing industry, logged the second-warmest year on record last year.

The Gulf of Maine, a body of water about the size of Indiana that touches Maine, New Hampshire, Massachusetts and Canada, is warming faster than the vast majority of the world's oceans. Last year fell short of setting a new high mark for hottest year by less than half a degree Fahrenheit, said scientists with the Gulf of Maine Research Institute, a science center in Portland.

The average sea surface temperature was 53.66 degrees (12 degrees Celsius), more than 3.7 degrees above the 40-year average, the scientists said. The accelerated warming is changing an ecosystem that's host to numerous important commercial fishing industries, especially for lobsters, they said.

One implication is that the warming is driving species more associated with southern waters into the Gulf of Maine and altering its food chain, said Janet Duffy-Anderson, chief scientific officer with the institute. That includes species such as black sea bass, which prey on lobsters.

"Who will be the emergent species and who will be the species that decline is, in large part, a function

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of those interactions," said Duffy-Anderson. "At the moment, we're not in a period of stability."

The gulf is the nerve center of the lobster fishing business, which has recorded heavy catches over the past 10 years. However, lobster fisheries in more southern waters have collapsed, and scientists have placed the blame on warming temperatures.

The Gulf of Maine is also a key area for marine mammals such as the North Atlantic right whale, which numbers only about 340, and sea birds such as Atlantic puffins. Those species and many others are threatened by disruptions in their food supply due to warming waters.

The environmental factors accompanying high temperatures in the Gulf of Maine include persistent, intense heatwaves, according to a report released by Gulf of Maine Research Institute on Wednesday.

The warming is also coming at a time when the world's oceans are heating up. Last year was the third-warmest year for global sea surface temperature, the report said.

"What is being observed in the Gulf of Maine (and elsewhere around the world), however, is a loss of that balance: larger fractions of recent years are experiencing above average temperatures and cold spells are becoming vanishingly rare," the report said.

The hottest year in the Gulf of Maine was 2021, according to records that go back to 1982, the institute said. That year, the average annual sea surface temperature was slightly more than 54 degrees (12.2 degrees Celsius). Last year was a fraction of a percent warmer than the third warmest year, which was 2012.

Those three years are the only ones in recorded history in which the gulf's average temperature exceeded 53 degrees (11.7 degrees Celsius).

The report states that other data also paint a picture of the Gulf of Maine as the site of prolonged warming. In nine of the year's 12 months, the average monthly sea surface temperature was within the top three warmest among all years on record, the report said. November and December both set new records for highest monthly average sea surface temperature in the gulf, it said.

## **Pastors' view: Sermons written by ChatGPT will have no soul**

By DAVID CRARY AP National Writer

NEW YORK (AP) — Among sermon writers, there is fascination – and unease – over the fast-expanding abilities of artificial-intelligence chatbots. For now, the evolving consensus among clergy is this: Yes, they can write a passably competent sermon. But no, they can't replicate the passion of actual preaching.

"It lacks a soul – I don't know how else to say it," said Hershael York, a pastor in Kentucky who also is dean of the school of theology and a professor of Christian preaching at The Southern Baptist Theological Seminary.

Sermons are meant to be the core of a worship service -- and often are faith leaders' best weekly shot at grabbing their congregation's attention to impart theological and moral guidance.

Lazy pastors might be tempted to use AI for this purpose, York said, "but not the great shepherds, the ones who love preaching, who love their people."

A rabbi in New York, Joshua Franklin, recently told his congregation at the Jewish Center of the Hamptons that he was going to deliver a plagiarized sermon – dealing with such issues as trust, vulnerability and forgiveness.

Upon finishing, he asked the worshippers to guess who wrote it. When they appeared stumped, he revealed that the writer was ChatGPT, responding to his request to write a 1,000-word sermon related to that week's lesson from the Torah.

"Now, you're clapping -- I'm deathly afraid," Franklin said when several congregants applauded. "I thought truck drivers were going to go long before the rabbi, in terms of losing our positions to artificial intelligence."

"ChatGPT might be really great at sounding intelligent, but the question is, can it be empathetic? And that, not yet at least, it can't," added Franklin. He said AI has yet to develop compassion and love, and is unable to build community and relationships.

"Those are the things that bring us together," the rabbi concluded.

Rachael Keefe, pastor of Living Table United Church of Christ in Minneapolis, undertook an experiment



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similar to Franklin's. She posted a brief essay in her online Pastoral Notes in January, addressing how to attend to one's mental health amid the stresses of the holiday season.

It was pleasant, but somewhat bland, and at the end, Keefe revealed that it was written by ChatGPT, not by herself.

"While the facts are correct, there's something deeper missing," she wrote. "AI cannot understand community and inclusivity and how important these things are in creating church."

Several congregation members responded.

"It's not terrible, but yes, I agree. Rather generic and a little bit eerie," wrote Douglas Federhart. "I like what you write a lot more. It comes from an actually living being, with a great brain and a compassionate, beating heart."

Todd Brewer, a New Testament scholar and managing editor of the Christian website Mockingbird, wrote in December about an experiment of his own -- asking ChatGPT to write a Christmas sermon for him.

He was specific, requesting a sermon "based upon Luke's birth narrative, with quotations from Karl Barth, Martin Luther, Irenaeus of Lyon, and Barack Obama."

Brewer wrote that he was "not prepared" when ChatGPT responded with a creation that met his criteria and "is better than several Christmas sermons I've heard over the years."

"The A.I. even seems to understand what makes the birth of Jesus genuinely good news," Brewer added.

Yet the ChatGPT sermon "lacks any human warmth," he wrote. "The preaching of Artificial Intelligence can't convincingly sympathize with the human plight."

In Brentwood, Tennessee, Mike Glenn, senior pastor for 32 years at Brentwood Baptist Church, wrote a blog post in January after a computer-savvy assistant joked that Glenn could be replaced by an AI machine.

"I'm not buying it," Glenn wrote. "AI will never be able to preach a decent sermon. Why? Because the gospel is more than words. It's the evidence of a changed life."

"When listening to a sermon, what a congregation is looking for is evidence that the pastor has been with Jesus," Glenn added. "AI will always have to -- literally -- take someone else's words for it... it won't ever be a sermon that will convince anyone to come and follow Jesus."

Also weighing in with an online essay was the Rev. Russell Moore, formerly head of the Southern Baptist Convention's public policy division and now editor-in-chief of the evangelical magazine Christianity Today. He confided to his readers that his first sermon, delivered at age 12, was a well-intentioned mess.

"Preaching needs someone who knows the text and can convey that to the people -- but it's not just about transmitting information," Moore wrote. "When we listen to the Word preached, we are hearing not just a word about God but a word from God."

"Such life-altering news needs to be delivered by a human, in person," he added. "A chatbot can research. A chatbot can write. Perhaps a chatbot can even orate. But a chatbot can't preach."

The Southern Baptist department formerly led by Moore -- the Ethics and Religious Liberty Commission --- has been monitoring artificial-intelligence developments for several years under the direction of Jason Thacker, its chair of research in technology ethics.

He shares the view that "wise, virtuous pastors" won't let new technology deter them from personal immersion in sermon-writing.

"But I also can see it being used in unhelpful or unethical ways," he added.

"Some young pastors may become overly reliant on these machines ... and not see the imperfections of these tools," Thacker told The Associated Press. "Many pastors are overworked, exhausted, filled with anxiety... One can see why a pastor might say, 'I can't do everything I'm supposed to do,' and start passing ideas off as their own."

Hershael York, the Kentucky pastor and professor, said some of the greatest sermons contain elements of anguish.

"Artificial intelligence can imitate that to some level. But I don't think it can ever give any kind of a sense of suffering, grief, sorrow, the same way that a human being can," he said. "It comes from deep within the heart and the soul -- that's what the great preachers have, and I don't think you can get that by proxy."

## Dave Hollis, Disney exec turned self-help author, dies at 47

By JAMIE STENGLE Associated Press

DALLAS (AP) — Dave Hollis, who left his post as a Disney executive to help his wife run a successful lifestyle empire, has died at his home in Texas. He was 47.

Hollis, whose ex-wife Rachel Hollis wrote the bestseller "Girl, Wash Your Face," was pronounced dead Sunday afternoon at his home in Dripping Springs, a city on the outskirts of Austin, according to Hays County Justice of the Peace Andrew Cable. An autopsy will be performed to determine the cause of death since Hollis, who was last seen the evening before, was "youthful and didn't have a long medical history," Cable said.

In an Instagram post on Tuesday, Rachel Hollis asked for prayers as the family tries to "navigate through the unthinkable."

"We are devastated," she wrote. "I have no words and my heart is too broken."

Dave Hollis worked for Disney for 17 years and had been head of distribution for the company for seven years when he left in 2018 to join his wife's venture. The parents of four moved from Los Angeles to the Austin area, collaborated on livestreams, podcasts and organized life-affirming conferences. In their podcast, "Rise Together," they focused on marriage.

When Rachel Hollis announced on Instagram in 2020 that they were getting divorced, she said they had worked "endlessly" over the prior three years to make their marriage work but came to the conclusion that "it is healthier and more respectful for us to choose this as the end of our journey as a married couple."

During his tenure at Disney, Hollis oversaw the release of blockbusters including "Black Panther" and films in the "Star Wars" franchise. He told The Associated Press in 2018 that he joined his wife's enterprise after realizing he was in a corporate rut. He said his new life felt "like a calling."

Hollis also wrote motivational books. His book "Get Out of Your Own Way: A Skeptic's Guide to Growth and Fulfillment" was published in 2020 and he released "Built Through Courage: Face Your Fears to Live the Life You Were Meant For" in 2021.

## Slain students were 'incredibly loved,' 'tremendous' leaders

By JOHN FLESHER and JOEY CAPPELLETTI Associated Press

EAST LANSING, Mich. (AP) — One student was a fraternity chapter president. Another was a science student with fond memories of her days as a high-school athlete — and the third was a frequent volunteer who wanted to become a surgeon.

Family and friends mourned the deaths of three Michigan State University students killed in a Monday night shooting that critically wounded five others. The 43-year-old gunman fatally shot himself hours later when police, alerted by a tipster who recognized the suspect in photos, confronted him about 5 miles (8 kilometers) away from the East Lansing campus.

All three students who were killed came from the suburban Detroit area. The names of the five who were injured have not been released.

Among those killed was Alexandria Verner, a junior from Clawson, whose LinkedIn profile said she was studying integrated biology and anthropology.

A 2020 graduate of Clawson High School, Verner "was and is incredibly loved by everyone," district Superintendent Billy Shellenbarger said in a statement Tuesday. "She was a tremendous student, athlete, leader and exemplified kindness every day of her life.

"If you knew her, you loved her and we will forever remember the lasting impact she has had on all of us," Shellenbarger said, adding that Verner's parents, sister and brother were "grieving but are certainly already feeling the uplifting support of this tremendous community."

Verner's Twitter bio says, "Can't stop dreaming," and features photos and videos from Clawson basketball and volleyball games.

Hundreds of mourners flowed onto a suburban Detroit high school football field Tuesday night to light candles and reminisce about Verner in a vigil led by Shellenbarger.

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Those in attendance also observed a 24-second moment of silence in honor of Verner, who wore jersey No. 24 while she was a basketball player at Clawson High.

"While you are silent," Shellenbarger said over the public-address system, "think about her smile, think about that hero that was among us for 20 years."

Also killed was Brian Fraser, a sophomore who attended Grosse Pointe South High School.

Fraser was president of Michigan State's chapter of Phi Delta Theta fraternity, which said in a statement Tuesday that its members were "heartbroken."

"Brian was our leader, and we loved him," the fraternity said. "He cared deeply about his Phi Delt brothers, his family, Michigan State University, and Phi Delta Theta. We will greatly miss Brian and mourn his death deeply as our chapter supports each other during this difficult time."

University police identified the third victim as Arielle Anderson, a junior who graduated from Grosse Pointe North High School.

"As much as we loved her, she loved us and others even more," her family said in a statement. "She was passionate about helping her friends and family, assisting children and serving people." They described her as "sweet and loving," with an "infectious smile."

Anderson was pushing to graduate early from Michigan State, hoping to become a surgeon as quickly as possible, the statement said.

"We are absolutely devastated by this heinous act of violence upon her and many other innocent victims," her family said.

Jon Dean, superintendent of the Grosse Pointe schools, mourned the loss of his district's former students in an open letter.

"I can't even process what I just wrote," Dean said. "It is with a great deal of sadness that I bring this news to you and my thoughts go out to the many families that are suffering from another senseless act of violence."

## Ukrainian Olympic head on Russian rival: 'He is my enemy'

By JOHN LEICESTER and HANNA ARHIROVA Associated Press

KYIV, Ukraine (AP) — They fought on the same side and together won Olympic gold, young men from Russia and a newly independent Ukraine, joined for one last medal-winning hurrah on a short-lived post-Soviet Unified Team at the 1992 Barcelona Games.

Now, former fencers Vadym Guttsait and Stanislav Pozdnyakov are on opposite sides of the war that Russia is waging on Ukraine. Both have risen to become senior sports administrators, respectively heading the Ukrainian and Russian Olympic committees. The nearly year-old invasion has utterly shredded what was left of their friendship and they're now fighting each other in a divisive and growing split within the Olympic movement over whether Russia and ally Belarus should be barred from next year's Paris Games.

Guttsait, who is also Ukraine's sports minister as well as its Olympic committee president, now has only contempt for his former teammate. Guttsait calls Pozdnyakov "my enemy" and says their friendship began to collapse when Russia invaded Ukraine's Crimean Peninsula in 2014. Moscow's full-scale invasion, which enters its second year next week, was the last straw. Guttsait blames the Russian Olympic Committee president for making supportive comments of the assault.

"I don't want to talk to him. I don't want to know him at all. He is my enemy, who supports this war, who considers it an honor for athletes to take part in the war against Ukrainians, to kill Ukrainians," Guttsait said. "Therefore, for today and forever, this person does not exist for me."

The issue of whether athletes from Russia and Belarus should be allowed to compete is shaping up as the biggest potential spoiler of next year's Paris Olympics. Guttsait is threatening a Ukrainian boycott if Russians and Belarusians are there and he is mobilizing support from other countries, backed by the war-time star power of Ukrainian President Volodymyr Zelenskyy.

Russia and Belarus, on the other hand, are clinging to a lifeline thrown to them by the International Olympic Committee, which says some of their athletes may be able to return to international competition

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despite the war. The IOC suggests that their athletes who have not actively supported the war could try to qualify and compete as "neutral athletes," stripped of national team uniforms, flags and anthems. Pozdnyakov has said Russia is preparing as if its athletes are going to Paris.

In an interview late Tuesday with The Associated Press, Guttsait laid out the process that could lead to a Ukrainian boycott of Paris if that happens. The minister said his own personal opinion is that "we need to boycott" if Russians and Belarusians attend. But he added that the decision isn't his alone to make and said the Ukrainian Olympic Committee will convene an extraordinary meeting and "we will decide together whether we will participate or not."

"This is a very important question, it is a very serious question and difficult for every athlete, for every coach who prepares all his life to go to the Olympic Games," he said. "But while our people are dying, women and children are being killed, our cities are being destroyed, we stand in solidarity with the Ukrainian people. In my opinion, this is more important than going to the competition. But we need to make this political decision together with our Olympic family."

Before any decision for a full boycott, Ukrainian athletes could also show opposition by withdrawing from Olympic qualifying competitions that allow Russian and Belarusian entrants. Guttsait cited the example of the European wrestling championships in Croatia in April. If Russian and Belarusian athletes compete, Ukrainian wrestlers will either not attend "or they will come and not take part," Guttsait said.

International Olympic Committee president Thomas Bach is facing a widespread backlash from Ukraine and its allies for opening a door for some athletes from Russia and Belarus to return to international competition. Bach argues that the Olympic movement has a "unifying mission of bringing people together" and a proven track record of opening lines of communication between nations divided by conflict. He cites the example of North and South Korea, which fielded a joint women's hockey team at the 2018 Winter Olympics in Pyeongchang, South Korea.

Guttsait noted, however, that there are also Olympic precedents for keeping nations out. Germany and Japan were not invited to the 1948 London Olympics after they were the aggressors in World War II and South Africa was excluded from 1964-1988 because of its racist Apartheid laws.

The minister said support among Russian athletes for the invasion makes their presence at the Paris Olympics unthinkable while the war rages. He also noted that Russian athletes are often enrolled in the country's armed forces.

Ukrainian athletes, on the other hand, are facing the miseries of war as they try, as best they can, to ready themselves for Paris.

"I really want all people to understand how we prepare, how our athletes live, that our athletes train while cruise missiles are flying, bombs are flying," Guttsait said. "The Olympic Games are great, they unite the whole world, but not those athletes who support this war and this aggression."

## Today in History: FEB 16, Fidel Castro becomes Cuban premier

By The Associated Press undefined

Today in History

Today is Thursday, Feb. 16, the 47th day of 2023. There are 318 days left in the year.

Today's Highlight in History:

On Feb. 16, 1959, Fidel Castro became premier of Cuba a month and a-half after the overthrow of Fulgencio Batista.

On this date:

In 1862, the Civil War Battle of Fort Donelson in Tennessee ended as some 12,000 Confederate soldiers surrendered; Union Gen. Ulysses S. Grant's victory earned him the moniker "Unconditional Surrender Grant."

In 1918, Lithuania proclaimed its independence from the Russian Empire. (Lithuania, which was occupied by the Soviet Union, then Nazi Germany, then the Soviet Union again during World War II, renewed its independence in 1990).

In 1923, the burial chamber of King Tutankhamen's recently unearthed tomb was unsealed in Egypt by

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English archaeologist Howard Carter.

In 1945, American troops landed on the island of Corregidor in the Philippines during World War II.

In 1960, the nuclear-powered radar picket submarine USS Triton departed New London, Connecticut, on the first submerged circumnavigation by a vessel.

In 1961, the United States launched the Explorer 9 satellite.

In 1996, eleven people were killed in a fiery collision between an Amtrak passenger train and a Maryland commuter train in Silver Spring, Maryland.

In 1998, a China Airlines Airbus A300 trying to land in fog near Taipei, Taiwan, crashed, killing all 196 people on board, plus seven on the ground.

In 2001, the United States and Britain staged air strikes against radar stations and air defense command centers in Iraq.

In 2009, in Stamford, Connecticut, a 200-pound chimpanzee named Travis went berserk, severely mauling its owner's friend, Charla Nash; Travis was shot dead by police.

In 2011, bookstore chain Borders filed for Chapter 11 bankruptcy protection and said it would close nearly a third of its stores. (Borders closed all of its remaining stores in September 2011.)

Ten years ago: Gunmen attacked a camp for a construction company in rural northern Nigeria, killing a guard and kidnapping seven workers from Lebanon, Britain, Greece and Italy; the kidnappers later claimed to have killed the hostages. Billy Hunter was ousted as executive director of the National Basketball Players Association by NBA players. Tony Sheridan, 72, a British singer who performed with the Beatles during their early years in Germany, died in Hamburg.

Five years ago: In an indictment, special counsel Robert Mueller accused 13 Russians of an elaborate plot to disrupt the 2016 U.S. presidential election with a huge but hidden social media trolling campaign aimed in part at helping Donald Trump. The FBI said it had received a tip in January that the suspect in the Parkland, Florida school shooting had a "desire to kill" and access to guns, but agents failed to investigate. Former presidential hopeful Mitt Romney officially launched his political comeback attempt, announcing that he was running for a Utah Senate seat. (Romney would be elected in November, handily defeating Democrat Jenny Wilson.)

One year ago: Ukrainians defied pressure from Moscow with a national show of flag-waving unity, while the West warned that it saw no sign of a promised pullback of Russian troops from Ukraine's borders despite Kremlin declarations of a withdrawal. (Russia would invade Ukraine four days later.) The Catholic Church said baptisms performed by a priest who served in Arizona for 16 years are now presumed to be invalid because he used incorrect wording on a subtle but key component of the sacrament.

Today's birthdays: Jazz/pop singer-actor Peggy King is 93. Actor William Katt is 72. Actor LeVar Burton is 66. Actor-rapper Ice-T is 65. International Tennis Hall of Famer John McEnroe is 64. Rock musician Andy Taylor is 62. Rock musician Dave Lombardo (Slayer) is 58. Actor Sarah Clarke is 52. Olympic gold medal runner Cathy Freeman is 50. Actor Mahershala Ali is 49. Electronic dance music artist Bassnectar is 45. Rapper Lupe Fiasco is 41. Actor Chloe Wepper is 37. Pop-rock singer Ryan Follese (Hot Chelle Rae) is 36. Sen. John Ossoff, D-Ga., is 36. Rock musician Danielle Haim is 34. Actor Elizabeth Olsen is 34.