

Committee: Benghazi Attack Preventable

WASHINGTON (AP) — Both highly critical and bipartisan, a Senate report declared Wednesday that the deadly assault on the American diplomatic compound in Benghazi, Libya, could have been prevented. The account spreads blame among the State Department, the military and U.S. intelligence for missing what now seem like obvious warning signs.

For the first time in the much-politicized aftermath, the report also points at Ambassador Chris Stevens, who was killed in the attack. It says that the State Department ended a deal with the military to have a special operations team provide extra security in Libya, and that Stevens twice refused an offer to reinstate the team in the weeks before the Sept. 11, 2012, attack.

The military also takes criticism in the report for failing to respond more quickly on the night of the assault.

On the 11th anniversary of the 9/11 terror attacks in the U.S., armed militants stormed the diplomatic outpost in Benghazi, setting the building on fire. Stevens, information technology specialist Sean Smith, and CIA security contractors Tyrone Woods and Glen Doherty, both former Navy SEALs, were killed over the course of two battles that night.

Stevens died of smoke inhalation after he was taken to a "safe room" in the besieged compound. The Obama administration, reluctant to deal publicly with a terror attack weeks before the presidential election, first described the assault as a spontaneous mob protest of an anti-Islamic, American-made video. Such a protest did occur at the U.S. Embassy in Cairo earlier that day.

NSA Overhaul Just The Starting Point

WASHINGTON (AP) — President Barack Obama's blueprint for overhauling the government's sweeping surveillance program is just the starting point. The reality is few changes could happen quickly without unlikely agreements from a divided Congress and federal judges.

The most contentious debate probably will be over the future of the National Security Agency's bulk collection of telephone records from millions of Americans. In his highly anticipated speech on Friday, Obama is expected to back the idea of changing the program. But he'll leave the specifics to Congress, according to U.S. officials briefed on the White House review.

That puts key decisions in the hands of lawmakers who are at odds over everything from whether the collections should continue to who should house the data.

Even a widely supported proposal to put an independent privacy advocate in the secretive court that approves spying on Americans is coming under intense scrutiny. Obama has indicated he'll back the proposal, which was one of 46 recommendations he received from a White House-appointed commission. But a senior U.S. district judge declared this week that the advocate role was unnecessary, and other opponents have constitutional concerns about whether the advocate would have standing to appear in court.

The uncertain road ahead raises questions about the practical impact of the surveillance decisions Obama will announce in his speech at the Justice Department. The intelligence community is pressing for the core of the spy programs to be left largely intact, while privacy advocates fear the president's changes may be largely cosmetic.

House Approves Govt.-Wide \$1.1T Budget

BY ALAN FRAM
Associated Press

WASHINGTON — Party leaders pushed a massive \$1.1 trillion spending bill for this year through the House on Wednesday, shunning the turmoil of recent budget clashes with a compromise financing everything from airports to war costs and brimming with victories and concessions for both parties.

The huge bill furnishes the fine print — 1,582 pages of it — for the bipartisan pact approved in December that set overall spending levels for the next couple of years. With that decision behind them, the measure sailed through the House with no suspense and little dissent — fueled additionally by lawmakers' desire to avoid an election-year replay of last fall's widely unpopular 16-day federal shutdown.

Approving the legislation "is showing the American people we actually are capable of working in a bipartisan manner," said Rep. Tom Cole, R-Okla. He praised the bill for holding down spending and said passage would be "the responsible thing to do. It's the thoughtful thing to do."

The measure was approved by a one-sided 359-67 roll call, with virtually all opposition coming from Republicans.

By its sheer size and detail, the measure had plenty for liberals and conservatives to dislike. Some Democrats said they would support it but only reluctantly, complaining that despite some increases, spending for education, health and other programs would still be too low.

"With this bill, we are waste deep in manure instead of neck deep in manure. Hooray, I guess," said Rep. Jim McGovern, D-Mass.

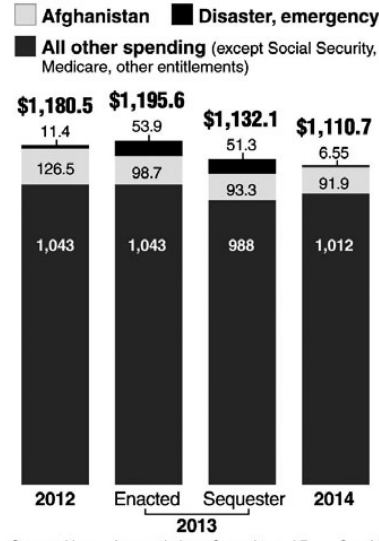
Reflecting those mixed emotions, Rep. Barbara Lee, D-Calif., praised the measure because she said it would "get us out of this cycle of governing

A bill both parties can live with

Congressional appropriators unveiled a \$1.1 trillion spending bill negotiated by both parties that would fund the government until Sept. 30. The House and Senate are to vote on the bill this week.

Compared to past years

Spending for fiscal years, in billions



Source: House Appropriations Committee, AP

Highlights

- **Military pensions** Reverses cost-of-living adjustment cut for disabled retirees and survivors
- **Agency funding** Restores \$45 billion in "sequester" cuts
- **Military** \$487.4 billion for DOD core budget
- **Health care, financial services laws** Funding to implement, but not at requested levels
- **More for** Head Start education program; Western firefighters; veterans' medical care

by crisis." But she added that its spending for social programs was "far too low for too many people to really achieve the American dream."

The Democratic-run Senate planned to bestow final congressional approval of the legislation by the end of the week.

To keep agencies functioning while Congress votes on the legislation, the Senate by a 86-14 vote gave final congressional approval to a measure financing the government through Saturday. An earlier short-term spending measure expires after midnight Wednesday evening.

The giant bill debated Wednesday heads off an additional \$20 billion in automatic cuts to the Pentagon's budget — on top of \$34 billion imposed last year — and cuts to many domestic programs as well. The reductions were being triggered by a 2011 law that forced the cuts after President Barack Obama and Congress failed to negotiate

budget savings.

Conservative groups like Club for Growth and Heritage Action were urging lawmakers to oppose it, but the White House urged its passage.

"We met compelling human needs. We certainly preserved national security," said Senate Appropriations Committee Chairwoman Barbara Mikulski, D-Md., chief author of the spending bill with her House counterpart, Rep. Hal Rogers, R-Ky.

The measure provided money for Obama's 2010 health care overhaul and his revamping of federal oversight of the nation's financial markets — though not as much as he requested. It continued age-old restrictions on federal financing of most abortions, but lacked new ones. Democrats also blocked GOP-sought curbs on the Environmental Protection Agency's power to regulate utilities' greenhouse gas emissions.

"It's funding Obamacare, and I pledged a long time ago

Napa

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believe we need a developer's plan," he said.

It would include a transportation plan, road construction requirements based on the transportation plan, a road maintenance financing/implementation plan, a facility load/unload plan, a utilities implementation plan, a floodplain development plan, projections for future uses and potential other requirements as identified, according to Garrity.

"These are issues that we need to have in front of us so we can make good, solid decisions that are based on third-party evidence," he said. "What is the transportation (load)? Where are these trucks coming from? Do we need a turning lane on Highway 50? What kind of turning lanes do we need on (306th Street)?"

"I'm not negative toward this project, but I want a facility load and unload plan if we're really going to do this right," he continued. "I'm going to defend these decisions. We are going to defend the decisions we make here, and we're going to defend them with good planning."

"I want the public to understand that we're not sitting here saying, 'No.' We just want to make sure we're following our comprehensive plan. We're doing what we're supposed to do."

Garrity displayed flow charts during his comments illustrating the steps he believes are needed before

granting either the property rezone or the conditional-use permit.

After hearing his concerns, the Planning Commission agreed that such documentation is a reasonable request considering the magnitude of the project.

Speaking with the *Press & Dakotan* Wednesday, Morris said Dakota Plains will now have to assess how it will proceed.

Winsand did not return a reporter's request for comments by press time Wednesday.

During the meeting Tuesday, Winsand said the Yankton facility will be similar to Dakota Plains' Beardsley grain shuttle elevator south of Parkston.

"It's going to be built in a few phases depending on the total funds available to build the project," he stated. "The long-term plan is to have our facility and additional facilities or companies ... develop portions of the property."

"When we started this project, we were talking with Menards," Winsand added. "They wanted to build a huge flat storage intermodal facility. The project has been taking a while, so they built up in Bismarck, N.D., instead. That's exactly what we want to do. In the long term, hopefully the grain elevator will be the smallest portion of business out there. It takes time to develop. I know we have had a lot of people ask us if there is going to be property for sale."

Dakota Plains would like to break ground at the site between 436th Avenue and 437th Avenue, and north of Highway 50, by April 15 and be open

for the fall harvest in 2015.

The Napa junction is a unique location because it is where a Burlington Northern Santa Fe Railway Company line intersects with the state-owned Napa-Platte line. The short line triggers an agreement between the Burlington Northern Santa Fe Railway Company and the State of South Dakota that would allow other rail companies to come up to the Dakota Plains facility.

"There are about nine other grain companies that want to build at this location," Winsand said. "We happened to get there first. We're a 50/50 joint venture (between Cargill and Agrex), so we have the ability to come in and say, 'We can develop it for other use.' If our parent, Cargill, was to come in, or Archer Daniels Midland, or Lansing Trade Group, or some of the bigger grain companies, they're going to keep it for themselves."

The first phase of the project would include a 9,000-foot loop track, a 1-million bushel concrete house, four dump facilities, an emergency dump and possibly a 5-million bushel flat building. It would require an investment of at least \$30 million to build the initial facilities and do road upgrades, Winsand said.

He expects six full-time employees would be hired, as well as four to five full-time equivalents on a seasonal basis.

Dakota Plains has agreed to not only pay for the facility itself but also the associated road upgrades.

An engineering test is being conducted along the proposed commercial truck route to the elevator. That proposed route is to turn north off of Highway 50 onto 435th Avenue. At

306th Street, the traffic would turn east and enter the grain facility along 436th Avenue.

Dakota Plains has estimated the cost of getting the county roads up to state highway standards would be \$3.7-\$4 million. The township road, 436th Avenue, would also be improved but would remain gravel.

"We're estimating — on average — 200 trucks a day five days a week," Winsand said. "The heaviest time will be at harvest. Currently, we can dump up to 550 trucks per day at our Parkston location."

During phase one of the Yankton facility, he expects 300-400 trucks per day during harvest.

Four lanes of traffic would be accommodated on the grain facility site to avoid a back-up onto the road, according to Winsand.

"This will be a longer driveway than what we have at Beardsley, and during peak harvest we dump 535 trucks and it never left our property," he said.

Winsand also said the company would take steps to keep dust and noise levels down at the facility.

During the public comment portion of Tuesday's meeting, Yankton Area Progressive Growth president John Kramer cited his organization's support for the project.

"In the past, we've had to be the developers of the industrial end, because the private sector did not respond (as it does in larger cities)," he said. "We've had to take that risk and buy the land, do the sewer, do the water, do the streets and all that. It's refreshing to have a private developer come into the county to take that risk and invest heavily. It would be a huge

development for us. We'd like to request you pass this zoning change"

Two residents who live near the proposed facility expressed some concerns.

Darrell Nelson said he doesn't oppose the project but is concerned about the truck traffic that would come to the facility not just along the commercial route but also from other directions.

Jeanette Zimmerman had a similar worry.

"With our farm machinery and young people working with it, there is going to be a disaster yet (with all the traffic)," she said. "I'm a mother and grandmother. We'll see somebody get killed yet with all this business. (435th Avenue is) a busy road the way it is. You'd think it was Highway 50 or worse."

In response to the input from Nelson and Zimmerman, Planning Commission member Michael Welch said perhaps Dakota Plains could enter a cost-share agreement with the sheriff's office to facilitate an extra deputy or more deputy hours during harvest season.

"I think that would mitigate a lot of the risks and potential damages to our roads," he said.

Should Dakota Plains proceed with pursuing its zoning requests, the commission discussed the possibility of scheduling a special meeting because of the amount of information that needs to be covered before a decision is reached.

You can follow Nathan Johnson on Twitter at twitter.com/AnInlandVoyage. Discuss this story at www.yankton.net/.

Davis

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shouldn't have consequences for their behavior," he said. "But sitting in an 8-by-12 foot cell for the rest of your days is adequate punishment."

South Dakota Attorney General Marty Jackley supports the death penalty, which was reinstated in South Dakota in 1979. He points to the need for capital punishment in dealing with heinous crimes. He also argues that the death penalty is used sparingly in the state, reserved for only the worst cases.

According to the Cultural Heritage Center, the South Dakota executions since the 1979 reinstatement include the following:

- Elijah Page was executed by lethal injection in Sioux Falls on July 11, 2007, for the murder of Chester Allan Poage.

- Eric Robert was executed by lethal injection in Sioux Falls on Oct. 15, 2012, for killing South Dakota prison guard Ronald "R.J." Johnson during a failed escape attempt.

- Donald Moeller was executed by lethal injection in Sioux Falls on Oct. 30, 2012, for the 1990 kidnapping, rape and murder of 9-year-old

Becky O'Connell
FOLLOWING A DIFFERENT PATH

Davis' road to serving as a death penalty opponent hasn't taken the usual path. He grew up in Sioux City, graduating from Bishop Heelan High School and attending two years at Briar Cliff University. The father of seven children, he worked for the IBP and Tyson packing plants until retiring after 28 years.

He had lived in South Sioux City, Neb., throughout his adult life. Upon retiring, he moved to the Burbank area to live near family members along the Missouri River.

When the SDADP directorship opened up, he prayed about the opportunity and stepped forward. "I was involved with social justice for 30 years and thought, maybe this is my call," he said.

Davis took over the organization's reins in time for the 2013 legislative session. He faced a steep learning curve amidst a lawmaking body that holds a history of strongly supporting capital punishment.

"I thought, 'Lord, You're going to have change hearts,'" Davis admitted.

His initial effort was unsuccessful in overturning the death penalty. However, Davis believed he set a firm foundation.

"I was new to the (SDADP)

position last year. I didn't have a coalition," he said. "This year, we will bring a lot of people, and there is a lot more awareness. Hopefully, that will help."

Davis has spent the past year meeting with lawmakers individually outside the legislative session. He has also built relationships and learned more about South Dakota during his travels.

"There were some legislators that I figured would be for the death penalty, but they said they would support the repeal. That really surprised me," he said.

"A lot of it has to do with their faith tradition, but it's not always that, either. There are people who don't have a faith tradition, and they're against the death penalty."

Not all of the South Dakota lawmakers are apparently willing to jump into the fray at this time, Davis said. "I have emailed them, and I haven't heard anything back from many of them," he said.

A LOCAL PERSPECTIVE

Davis has personally visited with District 18 (Yankton County) lawmakers: Sen. Jean Hunhoff (R-Yankton) and Reps. Bernie Hunhoff (D-Yankton) and Mike Stevens (R-Yankton).

Even before the legislative session started Tuesday, Bernie Hunhoff received strong feedback from one source.

"This (death penalty debate) has the potential for being a real hot-button issue out here (in Pierre)," he said. "I was at a meeting (Monday) night, and a lady was inflamed over this (repeal effort). She talked about, 'Eye for an eye and tooth for a tooth.' This issue brings out the real passions."

The recent executions in South Dakota, the first in the state for decades, have cast a different meaning on the death penalty issue, Bernie Hunhoff said.

"This makes it more real for South Dakota, for both sides of the issue," he said. "We went without an execution for (60) years, so it just seemed like mostly a philosophical argument. But now that we have had executions over the last several years, it has become a lot more real. I expect an intense debate (in the Legislature)."

Jean Hunhoff agreed the recent executions have added a new dimension to the debate.

"We had many years when we hadn't had any, and now we have had three," she said. "The closeness of those (executions) has raised the awareness of people."

Jean Hunhoff said she understands both sides of the issue. She sees the vileness of certain crimes and the suffering of victims and their families. She saw another dimension when she toured

the Sioux Falls penitentiary shortly after one of the executions.

"The warden at the time gave (our legislative committee) a very detailed analysis of the (execution) process," she said. "He walked us through the process of executing Elijah Page. It was a very vivid impression that remains in my memory."

Stevens, an attorney, has faced the capital punishment issue through a courtroom setting.

"I am someone with a little bit of a different perspective," he said. "I represented somebody (in Nebraska) charged with first-degree murder and looking at the death penalty."

Stevens said he met with Davis but remains opposed to the repeal effort.

"If you look at the individuals that South Dakota has executed the last few years, there isn't any question whatsoever of what they did," Stevens said. "We use (the death penalty) on such a limited basis, and we have even gotten a fellow that asked to be executed."

While he has defended a client facing the death penalty, Stevens said he remains supportive of the punishment's place.

"Justice has to play a part," he said. "For me, it's not a huge problem (to have capital punishment)."

With the 2014 Legislature

under way, Rep. Steve Hickey (R-Sioux Falls), a pastor, is introducing the bill seeking repeal of the death penalty.

Hickey previously supported capital punishment but has changed his mind based on religious and other reasons, Davis said. The bill, which wouldn't affect any death sentence imposed before July 1, 2014.

Davis has enlisted the support of a number of religious leaders across the state. He hopes South Dakota follows the lead of the 18 states — most recently Maryland — that have repealed the death penalty.

"Among our neighbors, Nebraska has the death penalty, while Minnesota, Iowa and North Dakota don't have it," he said.

Davis plans to testify when the South Dakota repeal bill receives a committee hearing.

"The bill will likely get introduced in the Judiciary or State Affairs Committee," he said. "It's so high profile that it will probably go to State Affairs."

(Next: Davis and Jackley present arguments on both sides of the debate.)

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