



Closing window of government reform

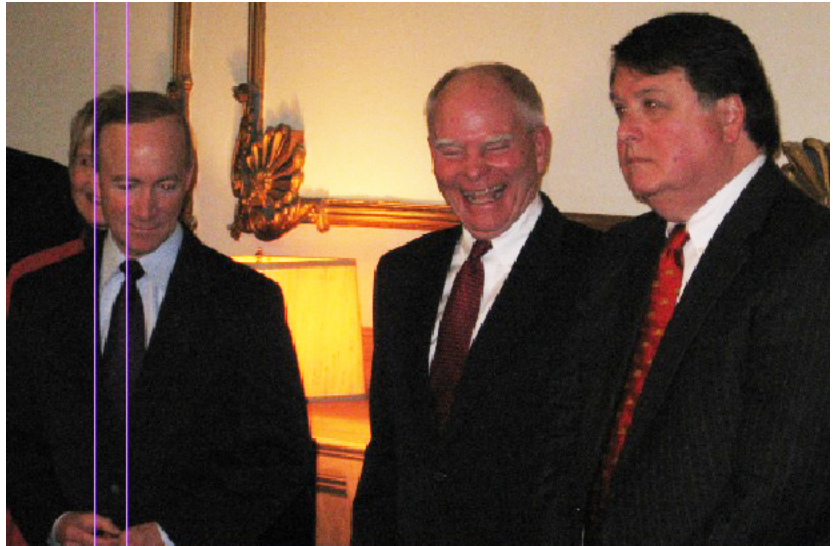
8 of 27 Kernan-Shepard reforms passed, but most of the big ones never made it

By **BRIAN A. HOWEY**

INDIANAPOLIS - Gov. Daniels, you're no Paul McNutt. Or Thomas R. Marshall.

When it comes to government reform, Mitch Daniels appeared to be a transformative figure when it came to bringing Indiana out of its 19th Century form of local government. It was a topic he readily engaged in from 2002 when his gubernatorial flirtation began, to 2007 when he convinced former Gov. Joe Kernan and Chief Justice Randall T. Shepard to head The Indiana Commission on Local Government Reform in 2007.

In their December 2007 report, Kernan and Shepard observed, "Our commission's proposals encompass just a few basic ideas. County governments should be led by a single county executive and a stronger county council, to whom professionally qualified administrators should report and be accountable. The services presently performed by township personnel should be transferred to the county governments. Only elected officials should have the power to levy taxes. All spending, including school spending, should be subject to more rigorous examination by elected officials. And In-



Gov. Daniels with former Gov. Joe Kernan and Chief Justice Randall T. Shepard at the formation of the Kernan-Shepard Commission. (HPI Photo by Brian A. Howey)

diana's school districts should be large enough to gather sufficient resources to educate our children for twenty-first century life."

The pair added, "The transformation we propose will be disruptive, even painful, in the short run. Many who have vested interests in the status quo will resist these

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Is Dick Lugar in trouble?

By **MARK SOUDER**

FORT WAYNE - The last truly close Republican contest for President was between Ronald Reagan and Gerald Ford in 1976, which was the year Richard Lugar, former Indianapolis school board member and mayor, finally won election as United States senator. Reagan and Ford won't be taping commercials for him in this race.



This really isn't the best political environment for a candidate like Lugar. If you thought being called Nixon's favorite mayor was toxic, what is being called Obama's favorite Republican



"We appreciate the court's swift action and clarification of the law. Now that the duty to select a new Secretary of State is certain, we'll do so with promptness."

- Gov. Mitch Daniels



Howey Politics Indiana

is a non-partisan newsletter based in Indianapolis. It was founded in 1994 in Fort Wayne.

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Subscriptions

\$350 annually HPI Weekly
\$550 annually HPI Weekly and HPI Daily Wire.

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(though right now, President Obama has a lot of favorites)? While it is fair to say that our senior senator's legendary strengths are not at the top of the trendy traits sought by this year's electorate, the blitz of Lugar ads is more evidence that he thinks trouble lies ahead.

Lugar Ad Watch #1:

Keystone Pipeline. Picture of Senator Lugar building the pipeline. He's been busy doing this so hasn't had time to visit Indiana much. Obama comes in and tells him to stop. Lugar gets upset, tells Obama gas prices are too high. We need to give Lugar our address and phone number. If we do, the senator promises gas prices will go under \$2 a gallon. No, wait. That was Bachmann who said that, or Gingrich. But it was a deal.

Did the ad work?

Males, 32.8% of them, thought Coors was building a pipeline for Keystone beer, and all of them are voting for Lugar, so yes it worked. You have to start somewhere.

Lugar Ad Watch #2:

Mourdock the Evil One. It used to be conventional wisdom that you didn't mention your opponent's name. Not anymore, as long as when you think of Satan, you think of your opponent. Mourdock, who has run for office 11 times is so busy campaigning that he doesn't show up for work. Brian Howey said so. Mourdock holds some financial office but skips the board meetings, resulting in Indiana investing in Chrysler stock. Why run for the office if you don't like boring meetings? But he must be a good cook with all those fiduciary responsibilities.

Did the ad work?

For those who think it is important to show up for work all the time, yes it did. While that might be a minority, those who think you should show up for work rather than campaigning for another job is an overwhelmingly majority. But it did leave Senator Lugar a bit vulnerable for a double counter-attack: 1, speaking of

working, Senator Lugar hasn't been in Indiana much, and 2, what is Senator Lugar's percentage of committee hearings attended?

Mourdock Ad Watch #1:

Well, therein lies a big problem. While catching snippets of television programming among the Lugar ads, there is a noticeable absence of a counter argument. Senator Lugar is defining himself and his opponent, which every candidate dreams of being able to do. When Mourdock shows up at an event, will people wonder if he's skipping a meeting?

It's All Downhill from Here.

This has been the positive phase of the campaign. We may have seen the last positive ads. The Club for Growth and Freedom Works likely won't be spending millions to build up Richard Mourdock. Hoosiers haven't seen our senator, who is much respected all around the world by nearly everyone, trashed before on their television sets (I have heard the respect for him in many countries myself). And Senator Lugar isn't just Indiana's longest-serving senator in history because he's the smartest. If you run against him, two knee replacements won't get you walking again. The Lugar team plays to win.

There are at least two wild cards. 1. The Indiana Democrats only exist at the top with not much of a body right now, so will any stay in their primary? And for whom will they vote? Or are they so disorganized and so few that it doesn't really matter?

2. Senator Lugar needs to hope for many Santorum-for-Lugar people because I don't think Romney is going to break the 50% barrier in Indiana either.

But here is advice from a seasoned political expert: Your chances of winning the lottery are better than betting against Lugar. I don't quite see the path yet, but those who count him out probably can't count. ❖

Souder is a former Republican Member of Congress.



Kernan-Shepard, from page 1

changes with great vigor.”
And so they did.

When the dust settled on Daniels’ final legislative session, the passage of 27 of the Kernan-Shepard recommendations amounted to eight, and none of the big ones such as a single county executive, creation of countywide public safety commissions, transferring township duties to counties, and creating countywide library systems to serve the 400,000 Hoosiers living outside a current district. Another was consolidating school corporations with less than 2,000 students.

Throughout his governorship, Daniels prioritized other projects, whether it was his education reforms in 2011, to Major Moves in 2006. The verdict on the veracity of that revolutionary policy won’t come for years.

At his post-sine die presser on Monday, Daniels acknowledged much of the agenda will be unfulfilled when he leaves office. “My biggest regret is that we only achieved two of the local government reforms that we sought, but still that marks forward progress and I hope a foundation for future improvements,” Daniels said.

Gov. Daniels has signed into law or is considering:

No. 4: Retain a local government role for property tax assessment under a county assessor who is required to meet professional qualifications and appointed by the county executive. Passed in 2008, it prompted a ballot question that year on whether townships should keep their 1,008 assessors. Voters in 12 townships in Allen, Elkhart, Howard, Lake, LaPorte, Porter, Vigo and Wayne counties voted against consolidation.

No. 6: Consolidate emergency public safety dispatch by county or multi-county region. Require that new, local emergency communications systems be compatible with the Project Hoosier SAFE-T statewide 800 MHz communications system.

No. 8: Move funding of child welfare from counties to state. This was achieved with HEA 1001 in 2008.

No. 12: Require that school corporation bonds be approved by the fiscal body of the municipal or county government containing the greatest proportion of assessed value in the school district. This was mostly achieved via HEA 1001 in 2008.

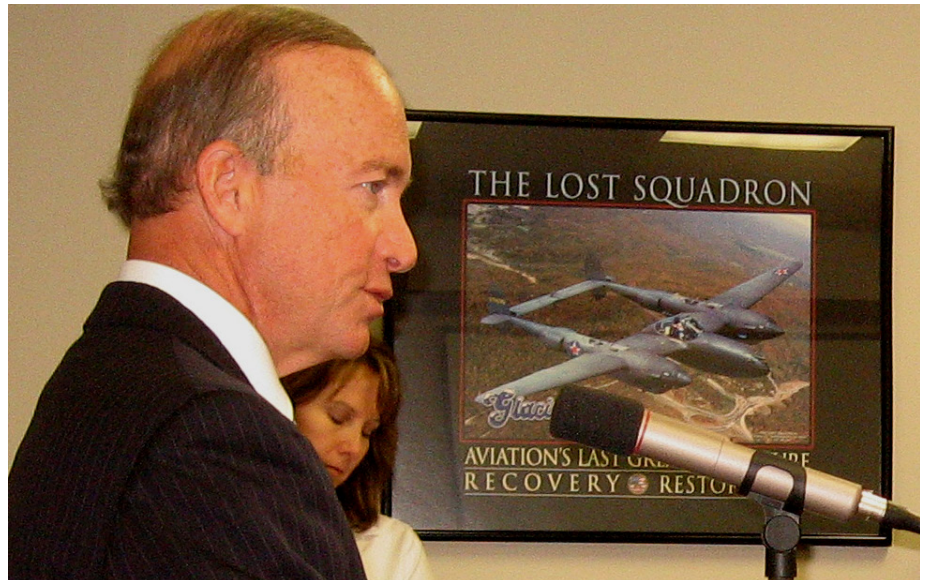
No. 13: Prompt joint purchasing by schools. This was achieved in HEA 1074 in 2008.

No. 19: Require that the budgets and bonds of

library and all other special districts be approved by the fiscal body of the municipal or county government containing the greatest proportion of assessed value in the unit seeking approval. This was also achieved in HEA 1001 in 2008.

No. 21: Expand voluntary coordination and consolidation of units and services. Strengthen the power of voters to compel consolidation. This achieved with SEA 28 in 2011.

No. 24: Prohibit employees of a local government



unit from serving as elected officials within the same local government unit. This was approved this past session and is awaiting Gov. Daniels’ signature.

Mark Lawrence of the Indiana Chamber sees incremental change and hopes for more. “I know that Candidates Pence and Gregg see that this is an issue of importance, but not one that you lead with,” Lawrence said. “It has to do with the political farm team that you are all too aware of. Depending on who gets elected and what the next General Assembly looks like, we’ll see what gets attempted and accomplished. Property tax caps will continue to exert pressure on local governments to figure out how to do more with less. The local government reorganization process is difficult to accomplish, but hopefully some of the economic realities and incentives that were put in place last year will help make more of those happen. Watch to see what happens with the Evansville/Vanderburgh County government referendum up this November. If that succeeds, that may enhance interest among the locals.”

The forces aligned against government reform crossed both political parties and permeated the Indiana General Assembly.

In 2009 and 2010, it was House Democrats who



formed the bulwark against the reforms, with most killed at the committee level.

In February 2009, it was Senate Republicans who killed three pieces of Kernan-Shepard legislation. Township trustees' jobs would not be eliminated, county elected offices such as coroner would not become appointees, and the smallest school districts would not be consolidated under actions taken by Senate committees.

"I'll make no comment about Democrats all voting against reform, but when it comes to two members of my party, I'm disappointed in them and embarrassed for them," Daniels said. "We'll try again next year." In 2011 and 2012, when Republicans controlled both chambers, many of the reforms were strangled by the governor's own party.

In each of his State of the State addresses since 2008, Daniels dedicated a few paragraphs each year to bolster the reforms.

Daniels said in 2008, "When it comes to the structure of local government, Indiana skipped the 20th century. A time traveler from Civil War days would be dumbstruck by an iPod or I-70 or eye surgery, but he would have no trouble recognizing our system of local government. We have too many offices, too many taxing units, too many politicians, too many of everything, and they all cost money."

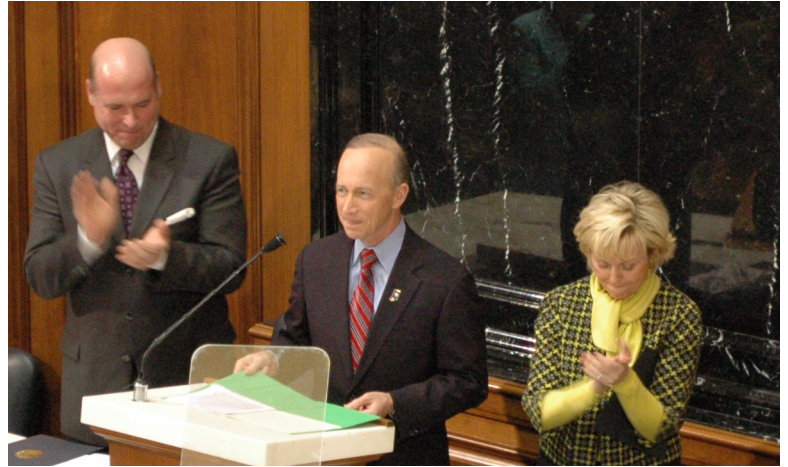
But that notion was not entirely correct. A century ago, Gov. Marshall attempted to rewrite Indiana's 1851 Constitution, but was thwarted by legislative Republicans and eventually the U.S. Supreme Court, which ruled the new document unconstitutional.

In 1933, Democratic Gov. Paul McNutt passed the Executive Reorganization Act. The act effectively rolled back over fifty years of restrictions the legislation had placed on the governor in appointing officials, in having control over policy, giving him a measure of control over the more independent branches of the administration, and also granting new and expanded powers to the lieutenant governor. The new welfare laws passed effectively made charitable giving by the government an entirely state level controlled operation. Previously, local governments had been in charge of identifying needs and carrying out relief.

McNutt had advantages that Daniels didn't. When elected in 1932 in the FDR landslide at the height of the Great Depression, he came to power with Democrats controlling 91 of the 100 House seats and 43 of the 50 Senate seats.

Daniels' Republican Party controlled the legislature in only four of his eight years in office - the first and last two, coming during the Great Recession. In his 2008 speech, Daniels added, "At my request, seven leading Hoosiers with no axes to grind, no interests at heart except the public interest, recently completed a true act of citizenship.

Their report charts the path to better local government and keeping property taxes down over the long haul. Indiana owes Joe Kernan, Randy Shepard, and their colleagues a heartfelt expression of thanks. And, in the wake of property tax reduction, we owe them bold action on the excellent recommendations they have given us."



In 2011, he said, "Today, over 4,000 politicians, few of them known to the voters they represent, run over a thousand different township governments. They are sitting on hundreds of millions of dollars in reserves. Some have eight years of spending needs stashed in the bank, yet they keep collecting taxes. Some townships are awash in money, while the township next door does not have enough to provide poor relief to its needy citizens. Adjacent townships each buy expensive new fire trucks when one would suffice to cover them both. Those serving in township government are good people, and well motivated. We thank them for their service. Our problem lies not with those holding all these offices, but with the antique system that keeps them there. I support the clear and simple recommendation of the Kernan-Shepard Commission that we remove this venerable but obsolete layer of government, and assign what little remains of its duty to elected city and county officials."

He also addressed counties, saying, "Likewise, our strange arrangement of a three-headed county executive should change. No business has three CEOs; no football team has three head coaches; no military unit would think of having three coequal commanding officers. We should join the rest of America in moving to a single, elected county commissioner, working with a strengthened legislative branch, the County Council, to make decision making accountable and implementation swift and efficient. As in the last two sessions, I look forward to constructive cooperation with the Assembly in bringing reform about. The only outcome that is unacceptable is no action at all. Hoosiers have waited for decades for our governmental



design to catch up to society. Let's not keep them waiting any longer."

By this past January, Daniels' interest seemed only as part of a tribute to Chief Justice Shepard: "Part of Justice Shepard's legacy will be the landmark report that he and former Governor Joe Kernan co-authored, proposing overdue modernization of our pioneer days structures of local government. One way to honor this great public servant will be to advance more of the sensible and needed reforms set forth by the Kernan-Shepard Commission. I ask this Assembly to do so, on their own merits but also in recognition of this historic public servant."

Two decisions during this process hastened the demise of most of Kernan-Shepard. The first came in the fall of 2008 when Daniels and the GOP opted not to inject massive funding into GOP House races. Most of the polls in September and October showed Daniels with huge leads over Democrat Jill Long Thompson. But two polls - one by the now disgraced Research 2000 firm, the other by Seltzer and published by the Indianapolis Star - showed Thompson within the margin of error. That data appeared to have frozen the Daniels' campaign into pushing resources toward his reelection instead of regaining the House.

Daniels defeated Thompson by a landslide 58-40%, but in an unprecedented development, the winning governor failed to dislodge the House from B. Patrick Bauer's Democrats. Bauer wreaked havoc on all of Daniels' education and government reform agendas. For two years Daniels essentially gave up, then invested heavily in 2010 House races, using his popularity to help elect 60 House Republicans.

The second came in November and December. Just prior to Organization Day, House Speaker Brian Bosma and Senate President Pro Tempore David Long announced that Right to Work would be their No. 1 priority. It was a political reality that both had restive parts of their own caucus pushing Right to Work. To forego that might have led to leadership challenges. Plus, they had followed Daniels lead for seven years, and now he was truly a lame duck.

Gov. Daniels followed suit in December and was able to sign the bill in one month, making Indiana the first "Rust Belt" state with a Right to Work law.

After Right to Work passage, the legislature appeared exhausted from all of the protests and walkouts. And Daniels refused to use his soaring popularity and his bully pulpit to push the government reforms that he never made a top priority.

The Chamber's Lawrence observed, "What I have underestimated is the grassroots political power of organizations who oppose local government reform for their own reasons (Township Association, Association of Indiana Counties, Indiana Farm Bureau, County Commissioners Association, Volunteer Firefighters, etc) can exert on legisla-

tors to make (in my opinion) very irrational decisions. The opposition is motivated, numerous and engaged with their local legislators. Most normal citizens (support for local government efficiency typically polls in the 60% range) don't realize how it could be better and can't believe that we still have relics of the 1800s like townships."

It's hard to see that window opening again. When he was House Speaker, Democrat John Gregg never made government reform a priority. It's doubtful Republican Mike Pence will either. He has a study group on government reform, but most believe that Pence will likely mount a presidential campaign in 2016 - particularly if President Obama is reelected and the White House is open - and rankling a recalcitrant legislature and the county and townships which supply party foot soldiers is unlikely.

There is still some activity on government consolidation fronts in places like Evansville, Brownsburg and Bloomington.

In Allen County, Republican commissioner candidate John McGauley is running on a county streamline platform. He says that county government structure is outdated and expensive and should be replaced with one that is leaner, less burdensome to taxpayers and simpler to navigate. "But current county structure should only give way to an organizational chart that preserves the ability of citizens to choose their representatives, while at the same time building a government more suited to meeting the demands of the 21st Century," McGauley said.

"Every discussion of government reorganization tends to take an all-or-nothing approach to the problem," McGauley added. "Solutions either leave county government the way it is or take from citizens most of the important choices they get to make in who their leaders are. I believe it's possible to modernize local government while still preserving the role voters have in shaping their community."

And therein may be the path to reform. Gov. Daniels and reform proponents never developed the metrics of the cost of outdated government and how reforms might change the dynamic, even as the Tea Party came into being, motivated by high government spending and the perception of high taxes.

Perhaps sometime in the next century, a politician will move beyond rhetoric, put a complete package together to move the structure of this state forward, and then follow with the expenditure of political capital to make it a reality.

In disappointing fashion, Gov. Daniels fell way short on that final point, unless, of course, your station is township and county government where you flourish with the status quo. ❖



\$50 coming for every Hoosier taxpayer

By **DAVE KITCHELL**

LOGANSPOURT - In the wee hours of the morning after the Indiana General Assembly went beyond the bewitching hour to pass all the bills it could before 150 people checked out of Indianapolis and left for home last week, they voted on one of the most important issues of the session.



While most of Indianapolis slept in the city we once knew as "Naptown," legislators passed a bill that will send \$50 back to every taxpaying Hoosier. Mind you, they didn't do this out of the goodness of their hearts. They did this out of blindness.

They couldn't see how they could fairly right a \$318 million wrong.

What has been passed off as an accounting error – the loss of \$318 million in state funding that was deposited in a fund generated by business taxes filed online – was redirected to taxpayers. Instead of welfare offices, town governments, county commissioners, police and fire departments, community mental health centers, Medicaid recipients, school corporations, state hospitals and a host of other taxpayer-supported services that could have benefited from the reconciliation of the worst budget error in Indiana history, legislators gave Hoosiers "hush money."

They did what they could to make themselves look good and maybe win another term, but they did the state and its people wrong by not living up to the formula for funding local government the state already had in place. They allowed employees to be laid off and budgets to be cut.

Much like the former Baltimore Colts did in the early 1980s when they abandoned their Owings Mills, Md., training facilities in Mayflower moving vans from Indianapolis, legislators stole a page from the Colts institutional playbook: They went long in the middle of the night.

For \$50 a Hoosier, they bought and paid for their silence in questioning how an entire administration and two branches of government could overlook such a significant act of incompetence. They swept an error we only hear about now on WISH television commercials promoting the station's investigative team under the rugs of the Indiana Statehouse. They gave us a check to take our families out to dinner, or take ourselves to the racetrack, or a bar,

instead of taking aim at using money for the purposes it was truly intended to serve – the people of the state of Indiana who need the money most. They could have spent it to equip every Indiana school bus with seatbelts, an issue we've heard much about since an Indianapolis student and a bus driver were killed in an accident.

What's even worse is that legislators signed off the session without letting any single state employee fall on their sword for what should be an embarrassing career-ender for some employee, and without any kind of summer oversight commission being appointed to look into not only the \$318 million error, but any others the state might have made in administering the rest of our tax dollars and government grants.

Once again, Hoosiers have to ask themselves if the action the legislature took really served the interests of 150 people and a governor more than it served the 5 million people who count on them to lead the state in a fiscally responsible way – something we only ask them to do a few months out of every year.

Privatizing government has been a trend in this country and in this state since the 1980s. But making the fiscal matters of state a private matter should never be something legislatures and governors can shove under the rug the size of Lucas Oil Stadium's artificial turf.

At a time when unemployment in the state is hurting tens of thousands of families – many of whom have given up looking for work – there is no shortage of people leaving Indianapolis after the session who ought to be looking for work after November.

Voters shouldn't cash their checks and not ask themselves how a government could make an error this inept, this unthinkable, this unacceptable, slide.

These legislators have concluded we can be bought.

It's up to Hoosiers to think about what's just happened and the way it went down. It's up to us to say we're not buying it, and we can't be bought. ❖

Kitchell is an award winning columnist from Logansport.



Romney needs to learn his pork tenderloins

By **BRIAN A. HOWEY**

NASHVILLE, Ind. - Memo to Mitt Romney's Indiana team: In the next six weeks, tune up the candidate on all things Hoosier. Get him familiar with the pork tenderloin sandwich and what to say about it. Remind him that we are not "Indianians" but Hoosiers. Give him better lines than "South Bend is in the north and North Vernon is in the south." Have him listen to some Mellencamp. He needs

to know about Tony Stewart, Butler Bulldogs and Crystal Gayle.

The Republican presidential race is headed our way because Romney has not been able to land the knock-out punch, even though his del-

egate lead (495 to 252 over Rick Santorum), is sizable and may be approaching the mathematical point of no return for the ankle-biters.

Despite his "must" wins in Michigan and Ohio by tiny margins, Romney keeps stumbling along the way in how he communicates. Losing tight races in Alabama and Mississippi on Tuesday might have come down to goofy Romney quotes about cheesy grits, catfish and the enunciation of "y'all" (listen to Peyton Manning's Hoosier dialect on that one).

After Romney admitted in South Carolina that he wasn't a "catfish man" he drew on his inner rebel in Pascagoula, Miss., over the weekend when he said, "I'm learning to say 'y'all' and I like grits. Strange things are happening to me."

Yikes.

"If you're going to pander, at least pander well, and this isn't pandering well," said Stephen Gordon, a Republican consultant based in Birmingham, to NBC News. And we've seen this wooden act before, most notably in one of his home states of Michigan, where he declared his love for cars and trees just the right height (Mitt may not do so well in California).

A well-pandered Romney might have won Alabama and Mississippi if he had gotten the finesse lines down. But what is developing is a Southern losing streak outside of Florida, with Romney failing to win in those two states, along with Georgia, Tennessee, Oklahoma and South Carolina. This is the region where Republicans have been securing presidential elections since Richard Nixon.

What he faces in Indiana is what we like to call the "middle finger of the south," particularly down yonder past U.S. 40. It is a state where Democratic strongholds in the south are giving way to Republicans from the presidential level down to county elections. As we Hoosiers know, these are gun lovin' folk. And they are socially conservative.

NBC News reported that Santorum continued to enjoy strong support from social conservative voters – but he also continued to lose many of those voters to Gingrich. The anti-abortion voters in Alabama preferred Santorum 42% to 21% over Romney. In Mississippi 36% of the anti-abortion voters chose Santorum, while 31% chose Romney and 28% went for Gingrich. Exit poll data from South Carolina, Georgia and Tennessee showed that Romney, a Mormon, was only able to draw between a fifth and a quarter of the evangelical Christian voters in those contests. But among white evangelical Christians in Mississippi, Romney did better, winning 31%, while Santorum won 35%. In Alabama, evangelical Christians preferred Santorum. He won 35% of them, with Romney picking up 27% and Gingrich 32%. Romney ran better among women in Mississippi (getting 34% of their votes) than among men (getting 31% of male voters). Romney ran about even among male and female voters in Alabama but Santorum ran better among Alabama women (37%) than among men (30%).

Pew Research in a poll released Wednesday noted Romney has regained the lead in the support for his party's presidential nomination, as conservative backing for Rick

Santorum has declined. Romney currently holds a 33% to 24% lead over Santorum among registered Republican and Republican-leaning independent voters, with 20% backing Newt Gingrich and 14% favoring Ron Paul. In mid-February, Santorum was tied with Romney overall (30% vs. 28%), and held an 11-point lead over Romney among conservative Republican and Republican-leaning voters (36% vs. 25%). Today, 25% of conservative

Republicans favor Santorum for the nomination, while 31% support Romney and 22% back Gingrich.

We expect the first Howey/DePauw Indiana Battleground Poll in early April to show Santorum with decent strength because he will play well to the evangelical, 2nd Amendment, homeschooler crowd that distrusts liberals, the news media and sophisticates from lefty places like Massachusetts.

The Pew poll found a growing number of Republican and Republican-leaning voters are concerned that the unresolved campaign will be a bad thing for the Republican Party this year. A month ago, 55% said the fact that the





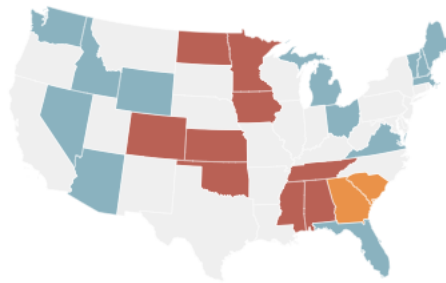
contest was undecided and still going on was a good thing for the party, while 36% said it was a bad thing. Opinion is now divided almost evenly, with 47% saying it is good and 43% bad. Republican evaluations of the quality of the GOP field have changed little over the course of the campaign. About half (49%) say the candidates for the party's nomination are excellent (6%) or good (43%), while 48% say they are only fair (39%) or poor (9%). In February 2008, a few weeks after Super Tuesday, 60% of Republican and Republican-leaning voters said the field was excellent or good, while 38% said it was only fair or poor. Democrats also were more enthusiastic about their field in 2008 – fully 80% said they had excellent or good candidates.

Our forecast is that a Romney/Santorum show-down here will be competitive, with a repeat of some of the auto rescue/bailout related issues we saw in Michigan and Ohio, where the much better financed Romney was able to eke out only tiny margins.

The presidential race far from over, but ...

Over the past two weeks, we've seen an array of surveys from NBC/Wall Street Journal, CBS/New York Times, Fox News and now Pew Research that seem to suggest the general election presidential race may be over before it begins.

The perception developing is that the Republicans are snatching defeat from the jaws of victory. Pew noted that dynamic: With rising job approval and favorability ratings, Barack Obama also holds a growing advantage in voter preferences as they look toward November. Among registered voters, he currently leads Mitt Romney by 12



Delegate Tally » UPDATED MARCH 14

Candidate	March 13	Total to date
Romney	38	495
Santorum	35	252
Gingrich	24	131
Paul	1	48

points and Rick Santorum by 18 points. The difference between Romney and Santorum at the head of the GOP ticket mainly affects independents. While independent voters are divided in a race between Obama and Romney (47% vs. 43%), they would favor Obama by a 53% to 39% margin if Santorum is his opponent. Obama's lead over Romney is attributable in large part to his wide advantage among women, younger voters, and non-whites. Women favor Obama over Romney by 20 points – virtually unchanged from a month ago – while men are divided almost evenly (49% Obama, 46% Romney). This gender gap is particularly wide among voters under age 50. Women ages 18-49 favor Obama over Romney by nearly two to one (64% to 33%), while men the same age are split (50% Obama, 46% Romney).

By a 59% to 32% margin, most Americans think Barack Obama will win the election if Mitt Romney is the Republican nominee. That margin is far wider if Santorum is the GOP nominee: 68% think Obama would win, just 24% Santorum.

The polls from last week reinforce the current Pew findings. Wall Street Journal/NBC News poll found Obama has gained overall support, with marked gains among key groups of female voters. Obama has gained support among white and suburban women. In both groups, the president is up to a 45% approval rating from 40% in December. Overall among women, approval for the president rose to 54% versus 40% disapproval.

Latino voters favor Obama by six to one over any of the Republican presidential hopefuls, in a Fox News Latino poll conducted under the direction of Latin Insights and released on the eve of Super Tuesday. In head-to-head matches, none of the GOP candidates would garner more

than 14% of the Latino vote come November, the poll said. "This is what we're seeing across the country," said Gabriela Domenzain, Obama campaign spokesperson. "The more Latinos learn about the candidates, the more they reject them."

The silver lining for Republicans is the gas price issue, which

Illinois Republican Presidential Primary

March 20 (Direct Election) 69 Delegates

Polling Data							
Poll	Date	Sample	Romney	Santorum	Gingrich	Paul	Spread
Chicago Tribune	3/7 - 3/9	600 LV	35	31	12	7	Romney +4
The Simon Poll/SIU	10/11 - 10/16	RV	21	2	8	7	Romney +13
PPP (D)	10/30 - 10/31	255 RV	12	--	17	--	Gingrich +5
PPP (D)	8/14 - 8/16	400 RV	16	--	23	7	Gingrich +7
PPP (D)	6/12 - 6/13	400 RV	25	--	23	5	Romney +2



Newt Gingrich has tried to use to propel his candidacy, with negative results.

Republican pollster Christine Matthews of Bellwether Research said at DePauw University on Super Tuesday, "Any time Romney and Santorum are in a dead heat in the polls, Romney's organization is going to pull it out. He's got some great people doing micro targeting. He also has a lot more money." But having said that, it's impossible for pollsters to factor in the impact of 11th hour grit and catfish quotes in Dixieland.

But she noted, "The one thing that has been true this season is the prognosticators and pundits have almost always been wrong. This process has really defied categorization. It's defied some of the norms. Mitt Romney has been plugging along and there have been alternatives that have gained favor," she said, listing Rick Perry, Newt Gingrich and now Santorum. "This is not a primary that has played out by any kind of standard metrics," she said.

Matthews believes that Indiana is "reverting back to its red state status," acknowledging, however, that some still see the state as "purple."

Democratic pollster Fred Yang, who polls for Garin-Hart-Yang, acknowledged that 2009-11 were hard years for Obama and Democrats. "Until he has an opponent, it's an up or down scenario on Barack Obama," Yang said. "His opponent was basically the person he saw in the mirror every day."

As for Indiana, Yang said that in 2010, focus groups on Hoosiers found the predominant thought of "They view Washington as 'them.' One team versus the rest of us. It doesn't matter if you put a red uniform or a blue uniform on. At the end of the day they all do the same thing, which is to forget about us."

"When you look at all the historical numbers, there's really no way Barack Obama should be reelected," Yang said. "The right direction for the country has increased tremendously in our last national poll. It's at 33%. We were in the teens in 2011. We're feeling good as Democrats because the right direction of the country has increase dramatically. But it's at 33%. That's a tough number. If you're an incumbent and two-thirds of the people aren't happy with how things are going, that's a problem."

Yang also noted the University of Michigan Consumer Index, where normally, anything below 66% is bad news for incumbents. "In 1992 and in 1976, the last two

incumbent presidents to lose, the Michigan Consumer Index was below 66% at the time of their defeats. We're in the 50th month of the index below 66%. Historically and structurally it should be very hard for this president to win reelection. One thing you've got to say about Barack Obama, just being who he is, he defies history."

Pew reported: "Perceptions of economic news have improved sharply since last summer, a time many feared the nation could be slipping back into recession. However, opinions about national economic conditions remain

overwhelmingly negative. The percentage saying they are hearing mostly bad news about the economy has fallen from 67% last summer to 24% in the current survey. Over this period, the proportion saying that economic news is a mix of good and bad has more than doubled, from 30% in August to 62% today. The percentage hearing mostly good news now stands at 11%, up from just 1% last August. Growing concern over gas prices may be reflected in the public's changing economic concerns. As has been the case for the past two years, a plurality of Americans (39%) say the job situation is the national economic issue that worries them most. But the percentage citing jobs has declined by eight points since November (from 47%), while the share citing rising prices has risen, from 13% then to 22% today."

In the current survey, about as many view rising prices as the top economic concern as cite the federal budget deficit (24%). Last July, nearly twice as many viewed the budget deficit than jobs as their top economic worry (29% vs. 15%).

There's a long way to go and many things can happen. In 2008 as the public grew wary of the Bush administration, it was Hillary Clinton who seemed poised to win the White House. She lost the nomination to Obama in a swell of fervent support for "change we can believe in." Yet, Obama didn't gain the upper hand until after the Wall Street meltdown in September 2008 and John McCain uttered the memorable line "the fundamentals of the U.S. economy are strong" while Lehman Brothers collapsed and AIG nearly did.

An Israeli attack on Iran – which Obama may have delayed last week – could dramatically change the entire picture, with gas prices a crucial component. ❖



Republican pollster Christine Matthews and Democrat pollster Fred Yang look over Super Tuesday results at DePauw University on March 6. The pair will conduct two Howey/DePauw Indiana Battleground Polls in April for Howey Politics Indiana.



Sister Souljah & Brother Rush

By **JACK COLWELL**

SOUTH BEND - What do Rush Limbaugh and Sister Souljah have in common?



Nothing, really. But Republican TV commentators say Brother Rush and Sister Souljah should have been brought together by Mitt Romney to live together in election campaign lore as decisive "moments."

Viewers too young to recall the 1992 presidential campaign or who don't live and breathe politics perhaps were wondering what the pundits were talking about as they lamented that Romney had missed a chance for a "Sister Souljah mo-

ment."

The term goes back to the '92 candidacy of Bill Clinton, who was trailing in June, behind both President George H.W. Bush and Ross Perot. While it was inevitable that Perot would fade and the majority of Democrats would finally vote for Clinton, he needed independents and moderate Democrats who had defected to support Ronald Reagan in order to win.

Those "Reagan Democrats" thought the Democratic Party had drifted too far left, and they blamed people like Jesse Jackson.

In a politically calculated move that June, Clinton criticized Jackson for giving a forum to Sister Souljah, a black rapper, activist and author who had said: "If black people kill black people every day, why not have a week and kill white people?"

Clinton, in his criticism said if the words "black" and "white" had been reversed in that statement, "you might think (Nazi) David Duke was giving the speech."

Jackson was furious, as Clinton expected. But that "Sister Souljah moment" enabled Clinton to distance himself from Jackson and the rhetoric of Souljah.

Analysts at the time said this helped Clinton to win over enough independents and "Reagan Democrats" to win the presidency. Black voters, even if Jackson was miffed for a time, were going to vote for Clinton anyway.

Fast forward to the rhetoric of Limbaugh. He called a Georgetown Law School student who had testified in Washington about medical use of contraception a "slut" and "prostitute" and said she should record and provide sex videos of herself.

The verbal assault on the young woman was, as

former Reagan speechwriter Peggy Noonan said on one of the TV news programs, "crude, rude, even piggish" and enabled Democrats to portray Republicans as in a war on women.

Should Romney have denounced Limbaugh's offensive rhetoric, as Clinton did with other offensive rhetoric back in '92?

Yes said the Republican TV pundits. (Democratic pundits said so as well, but they were not necessarily displeased that Romney had not seized the moment.)

George Will, noted conservative columnist and ABC-TV commentator, said in deploring lack of firm response that Republican leaders "are afraid of Rush Limbaugh."

Nicolle Wallace, who was a McCain-Palin advisor, was asked if Romney needed a "Sister Souljah moment." Not just one, she responded. She would "tell him to do it every day." She said Romney needs to come across as willing to "call things as he sees them" and speak out when Limbaugh "disparages a woman."

The theory: Romney could have improved his standing with independents and moderates, especially women, by distancing himself from Limbaugh, a right-wing spieler as offensive to many voters in the center as people like Souljah, the left-wing rapper, had been to key swing voters two decades ago. And self-proclaimed "ditto-heads" who follow Limbaugh, though initially miffed, would vote for any Republican over President Obama anyway.

Still, given the Republican primary situation, it could have been politically wise for Romney to avoid direct criticism of Limbaugh and just say "it's not language I would have used."

This controversy came right before the Ohio Republican primary. Romney had to win that primary to avoid disaster. He won by the skin of his teeth.

If Romney had stood up to Limbaugh, he would have swayed some independent and moderate voters needed for victory in the fall, particularly women. But he might have lost enough of those Ohio Republican primary voters to make it less likely that he will get to November as the party's nominee.

This is Romney's problem. He must stay so far to the right to win the nomination that he is losing crucial swing voters that he must bring back in the general election. Maybe there will be a "Sister Souljah moment" later, if it's not too late. ❖

Colwell has covered Indiana politics over five decades for the South Bend Tribune.



Mourdock spends his limited warchest, awaits the pop of the Arme(y)

By **BRIAN A. HOWEY**

INDIANAPOLIS - Indiana Treasurer Richard Mourdock reported \$1.3 million on his fourth quarter FEC report and had less than \$400,000 cash on hand.

The big speculation was identified in last week's Howey Politics Indiana with the trio of national money

FreedomWorks, the National Rifle Association and Club for Growth basically funding the Mourdock challenge to Sen. Dick Lugar via Super PACs.

But Indianapolis broadcast TV viewers and cable subscribers around the state are seeing Mourdock ads, paid for

by the Mourdock committee. Unless Mourdock has had a fundraising boomlet, it appears that the challenger is mowing through his own campaign funds prior to the arrival of the big three. Sources tell HPI that Mourdock's most recent TV buy is in the \$60,000 range, well short of the \$600,000 needed to drive a statewide broadcast and cable campaign that would actually change the numbers.

Mourdock's new ad is called "Changes" and is a cornucopia of Tea Party complaints against Lugar: his residency issue, his support for President Obama's Supreme Court nominees, his stance against earmarks, and his support of the DREAM Act.

"Over the past three decades, Lugar has become increasingly out of touch with Hoosier Republicans and the conservative values we embrace," Mourdock said.

The ad highlights Lugar's support for earmark "pork-barrel" spending, government bailouts of private industry at taxpayers' expense, Obama's judicial nominees - Sonia Sotomayor and Elena Kagan - to the Supreme Court and amnesty for illegal immigrants.

"Dick Lugar wants to launch personal attack ads against me so he doesn't have to talk about his voting record in Washington. These are the issues we will be taking to Hoosier Republicans with our new ad," explained Treasurer Mourdock on his campaign website.

FreedomWorks' Dick Arme(y) appears with Mourdock in a field test to try new smart phone technology. Unlike

traditional Super PACs which exist to produce expensive advertising buys, FreedomWorks for America was created to develop tools to empower local activists to create a winning ground game that will transform grassroots conservatism into lasting political change this November. FreedomWorks has distributed 100,000 palm cards and door hangers, 8,000 "Retire Lugar" yard signs, and 11,000 bumper stickers on his behalf.

Last Saturday, 50 top Indiana activists packed the garage of Greg Fettig, founder of Hoosiers for a Conservative Senate, to watch FreedomWorks for America unveil the online voter-canvassing tool, Political Gravity, software that provides interactive walking maps for activists and identifies conservative voters who have cast ballots in three or four of the last Republican primary elections.

"We have a massive grassroots army of over 1.5 million members nationwide," explained Communications Manager Michael Duncan to AP reporter Tom LoBianco. "Political Gravity empowers local activists with the information they need not just to do door-to-door campaigning, but to maximize the effectiveness of their outreach by hitting these conservative 'super voters.'"

Campaigns Manager Josh Eboch divided the activists into walking groups to field test Political Gravity around the Westfield area and reported back their success rate. "You'd be amazed how many doors we went to where



Dick Arme(y) was ridin' high in Westfield with new software for Richard Mourdock. But FreedomWorks only invested \$374 in Mourdock's phone bank.

people were already onboard with Mourdock, they had signs in their yard, and they were willing to distribute even more," said Eboch.

Arme(y) spoke to activists, providing insights from his time in Congress and highlighting the battle between



Lugar and Mourdock as a fight for the future of the Republican Party. "Are we going to keep sending the 'go along to get along' types like Lugar to Washington?" asked Armev. "Because we have a huge opportunity to send a true believer, Richard Mourdock, to the United States Senate."

Meanwhile, Politico reported that Tea Party groups have directed their ammunition this primary season on the Senate's two longest-serving Republicans, Utah Sen. Orrin Hatch and Lugar, sparking concern from Republicans on Capitol Hill who already face an increasingly challenging landscape in retaking the Senate majority. Of the \$290,000 for GOP candidates, FreedomWorks has spent nearly half of that amount aiding Mourdock's campaign against Lugar, and has spread out the rest to help conservatives vying for open seats in Nebraska and Texas and a smaller amount supporting Republicans seeking Democratic seats in Ohio and Florida.

According to campaign finance filings, FreedomWorks has spent more than \$615,000 to defeat Hatch, dumping cash to recruit volunteers, elect prospective convention delegates, send direct mail and launch TV and radio spots. In contrast, the group has spent just \$1,700 against incumbent Senate Democrats at this point, including one who has since said he'd retire at year's end: Sen. Ben Nelson of Nebraska. About \$175,000 has been spent attacking Obama, with an additional \$290,000 supporting GOP Senate candidates in other races, records show.

FreedomWorks in its independent expenditure report obtained by HPI revealed that it had spent a mere \$374 on phone banks for Mourdock.

The Friends of Dick Lugar campaign tells HPI that it is nearing its one millionth phone bank call.

Meanwhile, Lugar appeared with Indiana Attorney General Greg Zoeller to discuss the upcoming U.S. Supreme Court case challenging the Affordable Care Act. Lugar had asked Zoeller to study the constitutionality of Obamacare.

The U.S. Supreme Court will hear six hours of oral argument in the legal challenge over three days starting March 26. Having prepared a report to Lugar on the health care legislation before it passed Congress, Zoeller decided in March 2010 that Indiana would join the multistate legal challenge to the new law. Zoeller plans to attend and observe the first day of argument in the U.S. Supreme Court chamber.

"When Indiana joined the multistate legal challenge two years ago, it was our goal to bring the case to the U.S. Supreme Court. This landmark case will decide whether the federal government's unprecedented claim of authority was constitutional. No one can minimize the importance of the

case or the issues, which were raised early in our report to Senator Lugar on the legislation," Zoeller said.

"The future economic success of our country, as well as the quality of health care provided to Americans, will be deeply affected by whether we succeed in overturning Obamacare, either legislatively or judicially," Lugar said. "Attorney General Zoeller has shown enormous leadership in moving this legal challenge forward, so I am very pleased that he will be in attendance at the Supreme Court."



Attorney General Greg Zoeller and Sen. Dick Lugar discuss the Affordable Care Act prior to a presser on Monday. Lugar had asked Zoeller to explore the constitutionality of "Obamacare" and that led Indiana into the U.S. Supreme Court lawsuit challenge that will be heard later this month.

In January 2010, before the bill creating the health care law had passed, Lugar invoked a seldom-used Indiana statute and asked Zoeller to prepare a report and analysis of the federal legislation then pending before Congress.

In a 55-page report, Zoeller and Indiana Solicitor General Thomas M. Fisher found that the individual mandate of the health care legislation – requiring all Americans to buy a commercial health insurance product by 2014 or face a financial penalty – was constitutionally suspect. The Attorney General's legal research and report to Senator Lugar served to benefit the legal challenge the group of states later filed once the legislation passed Congress and was signed into law by the President. Indiana was the 14th of 26 states ultimately to join the lawsuit challenging the constitutionality of the Patient Protection and Affordable Care Act (PPACA), as the law is known.

But Indiana Democratic Chairman Dan Parker said Lugar continued racing away from his own record Monday. Lugar has twice co-sponsored individual mandates similar to the one he claims is unconstitutional, signing on to plans offered by Senator John Chafee and Senator Don Nickles in the 103rd Congress. [SB 1770, SB1743]

At the time, Lugar suggested to the Indianapolis



Star that the United States would move to nationalized coverage. "People may decide they want to spend more public money to pay for universal health care coverage, as opposed to rearranging the entirety of the medical health care system," said Lugar. He also told the Star that he wasn't sure where the money to pay for the Chafee plan he co-sponsored would come from. [Indianapolis Star, 12/16/93]

"Senator Lugar owes Hoosiers an explanation" said Parker. "Today he claims an individual mandate is unconstitutional, but has made no distinction between the Affordable Care Act and the not one, but two individual mandates he has co-sponsored. This is nothing but cynical politics. Hoosiers deserve better."

The Marion County Election Board is expected to rule this morning that Lugar cannot vote at his listed address, the home he sold in 1977. The Lugar campaign will then appeal. The Indiana Election Commission has already ruled on Lugar's residency by a 4-0 bipartisan vote. **Horse Race Status:** Leans Lugar

Governor: Pence jobs tour

Republican gubernatorial candidate Mike Pence will kick off a statewide jobs tour today.

Rep. Pence will ask Hoosier business owners and workers how we can work together to create more job opportunities for Hoosiers. The tour will include stops in seven Indiana cities - Greenwood, Jeffersonville, Evansville, Buckskin, Columbia City, Mishawaka and Elkhart - and give Pence the opportunity to listen to real job creators and workers talk about the opportunities and barriers to job growth in Indiana.

"Job creation must be job one for the next governor of Indiana. This 'Jobs Tour' is built on my belief that the best ideas for Indiana come from Indiana," Pence said. "As we work to put the finishing touches on our jobs plan, I believe it is essential that we first listen to Hoosiers who are creating jobs in the city and on the farm."

Pence will visit Elona Biotech Labs in Greenwood, Key Electronics in Jeffersonville, Peabody Coal Mine in Buckskin, the Joseph Decuis Farm in Columbia City, Task Force Fire Tips in Valparaiso, and Daman Products in Mishawaka. Pence will keynote the Elkhart County Lincoln Day Dinner in Elkhart at the Matterhorn Conference Center.

3rd CD: Democrats endorse Boyd

Kevin Boyd announced Wednesday he has been endorsed in his bid for Congress by the 3rd District Democratic Committee (Francisco, Fort Wayne Journal Gazette). Boyd is among six candidates for the Democratic nomination in the May 8 primary election. First-term Rep. Marlin Stutzman, R-3rd, is unopposed in the Republican primary. Ben Ray, press secretary for the Indiana Democratic Party,

confirmed the endorsement of Boyd. Boyd, 57, is the pastor of a Presbyterian church in Fort Wayne. He sought the 3rd District nomination in 2006. Also running in the 3rd District Democratic primary are Stephen Hope, Justin Kuhnle, John Forest Roberson, Tommy Schrader and David Sowards.

Primary Horse Race Status: Likely Boyd

6th CD: Frazier antes up \$700K

Longtime Delaware County farmer Bill Frazier might have taken the fundraising lead in the 6th District Congressional primary contest, thanks to a generous donation of \$729,966 from himself and his wife, Joan, to his own campaign (Muncie Star Press). As of Dec. 31, former state lawmaker Luke Messer, a Shelbyville attorney, had raised the most contributions (\$415,440 from individuals, \$29,250 from PACs) among the Republican candidates hoping to win the open seat being vacated by Republican U.S. Rep. Mike Pence, a candidate for governor. So is Frazier now ahead in fundraising? "I have no idea," he said. "I run my railroad and don't worry too much about the others."

Horse Race Status: Likely Messer

9th CD: Young campaign team

Rep. Todd Young (R-IN9) announced on Wednesday that the same consulting team that helped him win in 2010 would be back in 2012. The team consists of pollster Patrick Lanne of Public Opinion Strategies, mail consultant Chris Faulkner of Gridiron Communications, media consultant Robert Aho of BrabenderCox, and fundraiser Erin Casey French of EC Consulting. "Every member of our team has a wealth of knowledge when it comes to Indiana, and they have a proven track record of success," said Young. "Their honest advice was invaluable last cycle, and I know that it will be helpful again in this year's crucial election. The continuity really helps us hit the ground running and puts us in a strong position headed into this campaign."

Indiana Senate: Rogers gets endorsements

A parade of local elected officials gathered Wednesday at the Genesis Convention Center to support state Sen. Earline Rogers in her campaign for re-election. Rogers, D-Gary, unveiled her slogan, "Now More Than Ever," and yard signs to help her in her campaign (NWI Times). "Now more than ever is the time for a proven, experienced legislator," she said. Gary Mayor Karen Freeman-Wilson, Lake County Sheriff John Buncich, county Councilman Jerome Prince, county Clerk Mike Brown and Calumet Township Trustee Mary Elgin were among the speakers at the event to support Rogers. "It's very important to have somebody that can work with everybody in the Legislature," Buncich said. Rogers said she was pleased with the action she saw in the last legislative session and is looking



forward to the upcoming long session. Darren Washington and Hobart City Councilman David Vinzant will face her in the primary.

Indiana House: Guns and a \$25 PAC?

The Hoosier Gun Owners PAC announced their endorsement of David Ober for election to HD82. But the endorsement may not be much more than a publicity stunt.

Sources tell HPI that Hoosier Gun Owners PAC has around \$25 in its bank account. "A strong advocate of the Second Amendment freedoms of law-abiding gun owners, David Ober is the clear choice for voters in the 82nd District," Hoosier Gun Owners PAC said. "We encourage all gun owners in the 82nd District to vote for David Ober for State Representative." He is endorsed by State Sens. Jim Banks and Carlin Yoder. ❖

They've gone home; it's safe to think again

By **MORTON J. MARCUS**

INDIANAPOLIS - Listen. You don't hear them. Instead you hear the birds of spring. They, the birds of the General Assembly, have flown to the corners of the state. That's always the first surprise of observing the Indiana legislature. They are, individually, capable of flying on their own; they do not have to fly in formation following the loudest honker.



Now that the representatives and senators are back in their respective 150 nests, we can assess this most recent befouling of the Statehouse.

1. They did not pass legislation specifying the appropriate way to sing the national anthem.

2. They did not repeal the rights of teachers to teach cursive writing, probably because a quorum could not be found knowing the meaning of

cursive.

3. They passed right-to-work legislation knowing it was merely a symbolic act to establish Indiana as a sister state to Mississippi.

4. They did something about smoking that was unsatisfactory for all concerned.

5. They did nothing to relieve the fiscal burdens of our local governments.

6. They failed to set a course for the abandonment of casinos and their replacement by the nascent Naval Academies of Ivy Tech.

7. They denied the voters of Marion and Hamilton counties the right to determine the future of a modernized mass transit system. After all, none of the legislators knew anyone who would use such a system.

8. They carefully examined the full implications of declaring some unknown firearm as the State Gun.

9. They continued to dominate and eviscerate the little remaining intellectual integrity of our state universi-

ties.

Except for this last point, all of the above should be self-evident. The legislature and its creature, the Indiana Commission for Higher Education (ICHE), have bullied state universities into an unwise course.

Specifically, the doctrine of consumer sovereignty has been foisted on higher education. Once upon a time, it was presumed educators knew what was best for their students and for sustaining and expanding knowledge. Students and their parents could choose which set of offerings they liked best, but they took what was offered. Today, it is popular to presume students know what they want and what will be good for their futures.

Now the legislature and the ICHE seek to determine the costs of and the inputs to that education. As the legislature reduces its support for higher education, it complains that parents and students have to pay more. That education becomes more expensive is largely a function of the market place. Selected members of the faculty are in great demand by the private sector. To keep the best in any field and to attract new talent into collegiate life, universities compete with each other.

But legislators want to see university costs (read: salaries) controlled. These wise men and women believe that degrees matter and fail to recognize the production and transmission of knowledge as vital parts of a competitive economy.

The ICHE, with little to do except carp at the universities, wants to dictate the number of credits needed for graduation. Together the drive to push down costs and control requirements will hurt quality. How will lower quality at Indiana institutions of higher education help our economy to grow?

The consummate stupidity of the legislature and the ICHE is setting goals for the percent of the population to have degrees of various kinds. Once they learn that degrees do not equate with education, what will they want then? ❖

Mr. Marcus is an independent economist, writer and speaker formerly with the IU Kelley School of Business.



Forgetting your origins is risky for judges

By **RICH JAMES**

MERRILLVILLE – Lake Superior Court Civil Division Judge Jeffery J. Dywan is about to make a mistake. He’s about to forget where he came from, if you will.

But, I’m getting ahead of myself.

When it comes to judges, Lake and St. Joseph counties do it right.



Shame on the other 90 counties. In Lake County, for instance, the judges don’t run in partisan elections.

Nope. They don’t ask contributors for money and thus aren’t beholden to anyone once they take the bench.

Immersing judicial candidates in politics is about the worst thing we can do as a government. Judges should follow the law, not those who contribute big bucks.

For the most part, the system has worked quite well in Lake County and has produced some fine jurists.

If they don’t do a good job, the voters every six years have the chance to remove them from the bench. That has happened twice since the merit selection system was put in place for Lake County.

The most recent victim was Juvenile Court Judge Darlene Wanda Mears, who ran her court like a country club and the public decided she should go. It was a good move for all involved, especially juveniles.

The late Adam Benjamin Jr., a state senator and congressman, wrote the law in the 1970s to provide for the current judicial system.

Despite a hefty bit of arrogance, Dywan has been as pretty good judge. He is a product of the Lake County Judicial Nominating Commission.

It works like this. The commission has nine members. The Indiana chief justice or his designee serves on the commission. Four lawyers – elected by the Lake County Bar Association – also serve on the commission. And there are four non-lawyer members appointed by county commissioners.

To make sure the commission doesn’t get stacked, there are guidelines about the makeup of the body. To be exact: At least one lawyer and one non-lawyer must be minority. At least two lawyers and two non-lawyers must be women. The non-lawyers must be equally represented by Republicans and Democrats.

Yeah, Republicans and Democrats – those two

dreaded words.

The point is to keep the nominating commission as non-partisan as possible.

In a month or so, the nominating commission will announce that it is accepting applications to fill Dywan’s seat. The commission will interview the applicants and select three finalists. Those names are sent to the governor, who names the new judge.

Is it a pure process completely void of politics? No. Not much in life is that way, but this process is about as good as it gets.

Will there be at least one Republican in the three-member panel sent to Gov. Mitch Daniels? Of course. The Republican members of the nominating commission will see that it happens.

And because a Republican governor will be naming the new judge, you can bet there will be a host of Republican lawyers apply. Will Daniels name a Republican to replace Dywan? Bank on it.

Dywan likely ought to wait a few months before stepping down. He has targeted July for his retirement. Since Indiana is electing a new governor this year, Dywan should wait until after the election to leave the bench. As of now, Republican Mike Pence is favored to be the next governor as opposed to Democrat John Gregg. But you never know.

Dywan was appointed to the bench by Democratic Gov. Evan Bayh. He owes something to the Democratic Party. But on the other hand, Bayh, too, owed much to the Democratic Party. But, like Dywan, Bayh bailed out of office early, essentially giving up his seat to a Republican. ❖

Rich James is the former editorial page editor and columnist for the Post-Tribune in Merrillville.





Doug Ross, NWI Times: On Super Tuesday, I said hello to Romney on behalf of everyone in Northwest Indiana and the south suburbs. OK, so it wasn't presidential candidate Mitt Romney. It was the tiny town of Romney, Ind., and I didn't even stop. I was driving to DePauw University to hear two pollsters, Democrat and Republican, give their take on this year's elections. Republican pollster Christine Matthews of Bellwether Research in Washington said at that Super Tuesday session at DePauw that the GOP presidential candidates have net negatives on their important favorable/unfavorable ratings because of the protracted campaign. "It's been hard on them as a brand," she said. Matthews said it's "certainly possible" Indiana will be in play when the May 8 primary finally rolls around. It was fun being in the spotlight in 2008 when the Democratic nomination was still up for grabs then. Remember that iconic photo with Hillary Clinton downing a shot of whiskey in Crown Point? This year Romney, Rick Santorum, Newt Gingrich or Ron Paul might become drinking buddies with us. Matthews and Democratic pollster Fred Yang, of Garin-Hart-Young Research Group in Washington, agree that Romney will win the nomination, sooner or later, but what about November? "He needs to unite the party. He needs to focus on November," Yang said, to establish himself as the clear front-runner and not just as the one in front at the moment. As for President Barack Obama, his numbers don't look good now, but the economy is improving. Obama's rated high on foreign policy, Yang said, because of successes like the death of Osama bin Laden, the mastermind behind the 9/11 attacks, and other successes. Obama's likability is high, too. That's evidenced in ratings of how much people like or dislike him. Will Romney make independent voters as sleepy as the town that shares his name? Will Obama be able to overcome the economic troubles that have dogged him his entire term? It's too soon to tell. "One thing you've got to say about Obama, though, is he kind of defies history," Yang said. So does the Republican primary. ❖



Paul Krugman, New York Times: So Greece has officially defaulted on its debt to private lenders. It was an "orderly" default, negotiated rather than simply announced, which I guess is a good thing. Still, the story is far from over. Even with this debt relief, Greece — like other European nations forced to impose austerity in a depressed economy — seems doomed to many more years of suffering. And that's a tale that needs telling. For the past two years, the Greek story has, as one recent paper on economic policy put it, been "interpreted as a parable of the risks of fiscal profligacy." Not a day goes by without some politician or pundit intoning, with the air of a man conveying great wisdom, that we must slash government spending right

away or find ourselves turning into Greece, Greece I tell you. Just to take one recent example, when Mitch Daniels, the governor of Indiana, delivered the Republican reply to the State of the Union address, he insisted that "we're only a short distance behind Greece, Spain and other European countries now facing economic catastrophe." By the way, apparently nobody told him that Spain had low government debt and a budget surplus on the eve of the crisis; it's in trouble thanks to private-sector, not public-sector, excess. But what Greek experience actually shows is that while running deficits in good times can get you in trouble — which is indeed the story for Greece, although not for Spain — trying to eliminate deficits once you're already in trouble is a recipe for depression. These days, austerity-induced depressions are visible all around Europe's periphery. Greece is the worst case, with unemployment soaring to 20 percent even as public services, including health care, collapse. But Ireland, which has done everything the austerity crowd wanted, is in terrible shape too, with unemployment near 15 percent and real G.D.P. down by double digits. Portugal and Spain are in similarly dire straits. And austerity in a slump doesn't just inflict vast suffering. There is growing evidence that it is self-defeating even in purely fiscal terms, as the combination of falling revenues due to a depressed economy and worsened long-term prospects actually reduces market confidence and makes the future debt burden harder to handle. ❖

David Climer, The Tennessean: If this were entirely a football decision, it would be Denver. If this were an attempt to create a new identity, it would be Arizona. If this were about easing toward retirement, it would be Miami. But as analytical as Peyton Manning is, there is a side that likes to wing it. Sometimes he throws logic to the wind. When the mood strikes, he goes with his gut. And I think his gut is telling him to sign with the Tennessee Titans. Will it happen? Maybe. Maybe not. If he follows his normal game plan, Manning will go back to his home in Indianapolis and weigh the pros and cons of his serious suitors. He'll discuss things with wife Ashley and his agent, Tom Condon. Then he'll make the biggest football decision since he opted to play collegiately at Tennessee instead of following conventional wisdom and signing with Ole Miss, where his father, his mother, his older brother and, later, his younger brother attended. In the next couple of days, you'll hear and read a lot of people basing their reporting of Manning's decision on unnamed sources. Let the buyer beware. Manning has a very small circle of confidantes. Even with them, he doesn't always show his cards. Say this much for the Titans: It may have taken them awhile to enter the Peyton Sweepstakes but once they took the plunge, they made up for lost time. ❖



Daniels will make S of S appointment

INDIANAPOLIS - Former Indiana Secretary of State Charlie White was eligible to run for office, the Indiana Supreme Court ruled this morning (Indianapolis Star). The state's highest court issued a unanimous decision this morning saying that even though White was registered to vote at his ex-wife's house when he ran for office, he could still be a candidate. In its decision, the Supreme Court, which has never overturned an election because of a challenge like this, said it was hesitant to go against the will of the voters. "It is likely that the average voter was aware that there were concerns about White's voter registration history at the time of the election," according to the opinion, "but we will not, on the basis of the present petition, judicially disenfranchise voters who went to the polls aware of what were at that moment only allegations." The court's decision will allow Gov. Mitch Daniels to appoint a permanent successor for White, who was removed from office last month after being convicted of six felony charges, including voter fraud. Daniels reacted by saying, "We appreciate the court's swift action and clarification of the law. Now that the duty to select a new Secretary of State is certain, we'll do so with promptness." **HPI Forecast:** We predict Daniels will select Mark Massa as secretary of state.



Coats, Lugar oppose hwy bill

WASHINGTON - Senator Dan Coats voted against the two-year, \$109 billion Surface Transportation

Reauthorization bill (Howey Politics Indiana). "Improving America's infrastructure is a top priority, but Congress must find ways to pay for this spending rather than pile on more debt," said Coats. "Although the federal highway program needs to be funded, this legislation puts Indiana at a disadvantage, fails to reform our broken highway system and spends beyond our nation's means. "The Highway Trust Fund should not be used to reward states who collected earmarks while punishing those who refused to play the game," added Coats. "This business as usual approach in Washington must come to an end. Congress should be reevaluating the way it spends taxpayer dollars to ensure fairness, efficiency and cost-savings." The highway bill, which passed the Senate 74 to 22, locks in the precedent that so-called "winner states" will continue to receive more than their fair share of highway funding while traditional "donor" states like Indiana will continue to receive a reduced share. If a state received fewer highway funds and earmarks over the last several years, that state will continue to receive a reduced share. Sen. Richard Lugar explained, "I opposed the Senate highway bill because the funding mechanisms are unsustainable and Indiana will lose an estimated \$117 million under the new highway funding formulas. "Although I strongly support funding for our transportation infrastructure, this bill exacerbates an inequitable formula that disadvantages Indiana. I voted in favor of Senator Coats' amendment (S.A. 1517), which would have rectified these inequities and improved Indiana's rate of return. Unfortunately, that amendment did not pass. More broadly, the bill failed to address the fact that the Highway Trust Fund is going bankrupt. The bill finances construction for two years, but it does nothing to reconcile the long-term shortfalls in highway funding."

Governor signs 32 bills Wednesday

INDIANAPOLIS - Governor Daniels received 31 bills Wednesday. Additionally, he signed 32 previously received bills into law. Daniels has signed off on a plan to give military families more aid (Indianapolis Star). The new law will extend the time military families can receive aid from the state's Military Family Relief Fund from one year to three. The governor signed the measure into law Wednesday. Indiana lawmakers in the House and Senate gave unanimous approval to the measure earlier this year. As of last August the state had distributed \$751,000 from the fund to 262 families. Bill Watch on the governor's website has been updated and can be accessed at the link below. 2012 Bill Watch: <http://www.in.gov/gov/bill-watch.htm>

Lugar attends state dinner

WASHINGTON - Sen. Richard Lugar, R-Ind., and his wife, Charlene, were on the guest list for Wednesday's state dinner at the White House for British Prime Minister David Cameron and his wife, Samantha (Fort Wayne Journal Gazette). Lugar is the ranking Republican on the Senate Foreign Relations Committee. Invited to the dinner along with numerous government dignitaries were actor George Clooney, billionaire investor Warren Buffett and Irish golfer Rory McIlroy. Singer John Legend and British folk band Mumford & Sons were scheduled to perform.

Indiana gets good transparency grade

INDIANAPOLIS - Indiana state government has received an A- rating



from a leading public interest organization. The high grade came from PIRG - the federation of state Public Interest Research Groups -- a non-profit, non-partisan public interest advocacy organization. Its ratings focus on how well states provide online access to government spending data. "Once again Indiana is leading the way," declared State Auditor Tim Berry. "Because of the hard work of my staff and a number of other state agencies, our transparency portal has become a valuable tool for Hoosiers. I agree with PIRG that transparency in government spending promotes fiscal responsibility, checks corruption, and bolsters public confidence."

Mount drops out of 5th CD race

INDIANAPOLIS - Lt. Matthew Mount of the Indianapolis Metropolitan Police Department has dropped out of the race to replace U.S. Rep. Dan Burton, R-Indiana, in the May 8 GOP primary (Indianapolis Star). Mount told the Star he has been called back to duty in the U.S. Army Reserves to Fort Knox in Kentucky. With about 20 years of serve, he will retire from the police force by the end of June.

East Chicago to change ambulance

EAST CHICAGO - City officials launched plans Wednesday to fast-track privatization of the city's ambulance services. Hopfuls received just a week to submit offers to take over duties for emergency medical care (NWI Times). The official request for proposals the Board of Public Works approved holds a March 21 deadline. Privatization would transfer services from the East Chicago's Fire Department to another provider. Mayor Anthony Copeland first suggested in January that privatizing emergency

medical transportation could cut \$1.4 million from a potential budget shortfall of \$3.7 million this year.

New water quality rules approved

INDIANAPOLIS - An Indiana regulatory panel passed new rules Wednesday aimed at protecting the quality of the state's waterways (NWI Times). The Indiana Water Pollution Control Board met Wednesday afternoon in Indianapolis to approve the state's new anti-degradation rules. The new rules are aimed to lower the levels of pollutants released into waterways by companies. Kim Ferraro of the Hoosier Environmental Council said that under the previous system, when someone applied for a permit to release wastewater into Indiana waterways, there were blanket limits on the levels of pollutants companies could release. The new rule will require the Indiana Department of Environmental Management to consider whether what's discharged will push levels of the chemical in the waterway to a dangerous or polluting level. Ferraro said her group was pleased with IDEM's proposed rule. "It's rare for environmentalists to rally behind something backed by IDEM," Ferraro said.

Evansville smoke ban challenged

EVANSVILLE - Evansville bars and private clubs have filed separate lawsuits over a smoking ban approved by the City Council. Both complaints filed Monday in Vanderburgh Circuit Court claim the smoking ban that exempts a riverboat casino violates the U.S. and state constitutions. One of the lawsuits seeks a temporary injunction blocking the smoking ban. It's scheduled to take effect April 1. The attorney for the private clubs including

the VFW and American Legion posts says his clients can install smoke-reducing air systems. The other complaint was filed by at least 25 bars.

Sheriff budget shortfall worse

INDIANAPOLIS - Metro Police, the Indianapolis Fire Department and the Marion County Sheriff's department are almost out of money (WTHR-TV). The numbers are staggering. To the tune of more than \$30 million dollars, police and fire budgets are coming up short. That was the message delivered Wednesday by Dr. Frank Straub, the city's public safety director, and Sheriff John Layton to the City County Council's public safety committee. "This is a huge problem for everyone," said Layton. The public safety committee will take the budget concerns to the full city-county council for debate. The committee says something needs to be done soon or deputies could be pulled from secure hospital units, police district outposts could close, vehicle maintenance could be affected and payroll could be in danger by the end of the year. On the personnel side, as officers leave their departments, there is not money to replacement them. "I think what we're trying to do is look at our business practices," said Straub.

Cheri Daniels gives food drive totals.

INDIANAPOLIS - First Lady Cheri Daniels today announced the results of the statewide Hoosiers Helping Hoosiers food drive. During the month of February, Indiana state employees collected more than 118,100 non-perishable items and raised over \$19,000. for food banks throughout the state. ❖