

# Deep GOP divide on meth scourge

With Indiana leading the nation, lawmakers grapple with how to respond

By **MATTHEW BUTLER**

INDIANAPOLIS – A Washington Post headline earlier this month read, “Congrats Missouri, you’re no longer the nation’s meth-bust capital.” Now that dubious distinction belongs to Indiana.

In 2013 Indiana led the country with 1,808 meth lab busts. The states behind us were Tennessee (1,500), the former national leader Missouri (1,400), and Ohio (1,010). This isn’t a new phenomenon; 2013 caps a seven-year trend of increasing meth-related incidents statewide and their mounting costs, both fiscal and human. Indications of a worsening crisis are spurring louder calls for action and Republican leadership in the House, Senate, and governor’s office appears more receptive to tougher policies.

Some, however, argue the surge in lab busts can be attributed to improved police techniques. State Sen.



Carlin Yoder believes good police work is primarily driving the jump in bust numbers, not necessarily a worsening meth problem. He argues new technologies are successfully tracking the sale of cold medicines containing the meth ingredient of pseudoephedrine (PSE), preventing illegal sales in real time, and leading police to the meth cooks. “In my mind we’re busting more meth

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## Next Article V convention step coming to Statehouse

By **BRIAN A. HOWEY**

INDIANAPOLIS – In an era of congressional polarization and inability to deal with profound problems, a constitutional alternative is poised to take a second crucial step at the Indiana Statehouse in June.

Senate President Pro Tempore David Long has invited the second session of the Mount Vernon Assembly to convene on June 12-13 in the Indiana House. Three legislators from each of the 50 states will be invited to plan the rules for a third session in December to create a first Article V Constitutional Convention. He



**“What happens in caucus stays in caucus. As far as everything else, he followed the rules.”**

*- State Rep. Clyde Kersey, ‘co-chair’ of House Ethics Committee, on Rep. Turner investigation*



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cites polarization in Washington and its refusal to address key issues as the motivation behind his push for the unprecedented Article V convention.

In addition to Long, Speaker Brian Bosma has appointed State Rep. Ben Smaltz as a delegate. A third delegate has not been selected.

"States are the laboratories of democracy," Long said. "If something gets done properly, it doesn't come from Washington. It comes from the states."

**"What we will** be doing in Indianapolis in the second week of June is try to put the structure and rules of a convention," Long said in an exclusive interview with Howey Politics Indiana. "If we do have that, there will be an agreed upon process that the states, possibly through resolution, will be adopting. Here's how you officially adopt your delegates. Here's how we run it. In this way, no one could argue that you've had a runaway convention. The structure will be agreed upon, what we will be discussing. I think that is very important that there be not only limitations on that, but an agreed upon process."

The issue that has prompted this proposed convention would most likely be a balanced budget amendment. "There are different groups around the country interested in an Article V convention, arguing that Washington and Congress will never impose upon themselves limitations, whether it's fiscal or term limits or you name the issue," said Long. "There are a number of different ideas out there. Spending and fiscal restraint seem to be the common discussion right now that almost everyone, Republicans and Democrats, can agree on."

**Long and other** legislators want to refute the claim that such a gathering could result in a "runaway convention" that could careen into other topics. He said he will seek limitations on subjects, with the balanced budget amendment on the front burner. "There will be an agreed-upon process," Long said, "The Constitution doesn't tell you how it will be done. The reason for that is

the founders believed we would be utilizing this process regularly. If you read their thoughts and how they put together the Constitution of 1787, the discussion and debate was critical. They were all experienced with state conventions themselves."

Maryland, Connecticut and South Carolina all had conventions for specific reasons in the period leading up to 1787 and thereafter.

An Article V convention has never taken place, despite its provision by the Founder Fathers.

Rob Natelson, the Independence Institute's senior fellow in constitutional jurisprudence, gives historical perspective to the two ways the U.S. Constitution can be amended. "Why did the founders provide for two separate methods of proposing amendments?" he asks. "Well, they thought that Congress usually would do the proposing because Congress was involved with the government and knew how well things were working. But the founders provided for this other method that would come from the states because they recognized that sometimes there would be a big problem that Congress couldn't or wouldn't deal with. The state application and convention method is a way of bypassing Congress. That's its purpose."

**Natelson mentions** the period leading up the Civil War as an example. "Just before the Civil War, a lot of people wanted compromise to stave off war, and Congress was deadlocked and couldn't take the action necessary," he explained. "And so, some people suggested a convention as the ideal mechanism to use, but the process never got far enough."

Long cites the Equal Rights Amendment and a balanced federal budget championed by U.S. Sen. Dan Coats as a modern example of a call for an Article V Constitution. In 1972, the ERA passed both houses of Congress and went to the state legislatures for ratification. Only 35 of the necessary 38 state legislatures ratified the ERA. In 1978, a joint resolution of Congress extended the ratification

deadline to June 30, 1982, but no further states ratified the amendment before the passing of the second deadline.

Long joined Wisconsin State Rep. Chris Kapenga, Republican Ohio Speaker Pro Tem Matt Huffman, Oklahoma State Rep. Gary Banz and Kansas State Sen. Caryn Tyson in calling for the summit last October that took place on Dec. 7 at Mount Vernon. All are Republicans. Democrats on the steering committee included State Rep. Kenneth Marshall from Rhode Island, State Assemblyman Andrew Martin from Nevada, and State Sen. Steve Thompson from Georgia.

In a letter written to legislators in all 50 states, Long and the others explained, "Article V of the U.S. Constitution gives states equal standing with Congress to propose constitutional amendments. The framers of the Constitution included the state option to address issues of abuse or inaction by the federal government. In light of the federal government's struggle to effectively execute the will of the people combined with the imbalance of power that currently exists between the federal and state governments, we respectfully request your state's participation in a bipartisan gathering of state legislators to be known as the Mount Vernon Assembly. It is our hope that all 50 states will be represented at this meeting."

The White House and Congress preside over a bloated, unbalanced federal budget with deficits exceeding \$1 trillion for several years, towering national debt, while the White House and congressional Democrats installed the Affordable Care Act on straight party line votes in March of 2010. Washington has been unable to forge immigration reform, forcing states like Indiana to address what many Hoosier legislators see as a national security issue.

Natelson observes there are potentially two types of gatherings, termed plenipotentiary conventions by Founders James Madison and Alexander Hamilton, designed to deal with practically anything, including establishing a new government. "But most of the Founding Era conventions fell into another category: Those designed for a special purpose to solve a particular problem. The delegates met and solved the problem (or decided they couldn't solve it), and they went home."

**The Founding Fathers** spent a great deal of time devising the Article V potential. Madison described limited conventions "designed to accomplish the specific purpose of proposing amendments," Natelson said. "From that, and from Founding Era custom, it follows that the states may instruct their delegates and specify in their applications what the scope of the convention will be. In other words, if the states say, "We want a convention to propose a balanced budget amendment," that's the scope of the agenda. The convention does not have authority to



go beyond that. So the state application and convention method is a way of bypassing Congress. That's its purpose."

Groups like the Eagle Forum and the John Birch Society have ardently opposed Article V conventions, under the theory that the process could not be controlled, Long said.

"There will be an agreed upon structure," Long said. "If the majority of states say this structure is the one to be agreed upon, that is the one we will be following. We will not let anyone from the federal government to obstruct it. This is a convention of the states and not the federal government. Congress has the responsibility to accept a petition from 34 states to establish a convention. You look back in time and they had to have some place to go to present the petition. Having state control on this is critically important. I truly believe the only way we are going to get control of federal spending is through this type of treatment, through intervention by the states. Congress is just too divided. It's too political and it's too polarized. They just can't control themselves. I just think the mindset out there is too separated from the states. We are much closer to the people. We have to do this for the future of our country and the future of our kids. I don't mean that in a bomb-throwing way, I mean that in a thoughtful way."

Long said it would be Congress's responsibility upon receiving the resolution from 34 states "to set one immediately."

Long said he was not aware of any "runaway conventions" in U.S. or state history, adding, "Those who do not want this to succeed will bring that up."

**The Goldwater Institution** addresses the "runaway convention" issue, observing, "When the Founders drafted the U.S. Constitution in 1787, they specifically rejected language for Article V that would have allowed the states to later call for an open convention. Thirty-eight states must ratify any proposal from an amendments convention, requiring a broad consensus that makes sure an amendments convention cannot 'run away.' There have been 12 interstate conventions in the history of our country. All of them stayed within their stated agenda."

Long said that after the June meeting in Indianapolis and a third in December, "It won't be until 2015 when we start dealing with the issues to be considered."

Critics will say that a balanced budget amendment could potentially prevent the U.S. from properly responding to an emergency, such as a state of war. Long said that provisions would have to spell out the term "emergency," adding, "You can't declare an emergency after every hurricane. You have to have some exceptions and they have to be well thought out and they have to be very limited in scope. We have to reestablish the 10th Amendment and put limits on federal power. States' rights are reestablished." ❖



## Meth, from page 1

labs," he told Howey Politics, "and that's a good thing."

Sen. Yoder has been tackling "the meth scourge" in the Senate for several years as he is well aware of the damage it has wrought in the portions of Elkhart and Kosciusko counties that he represents. In 2011, he authored the law adding Indiana to the National Precursor Log Exchange (NPLEx). The 35-state database monitors and enforces at the point of sale Indiana's individual daily and monthly limits on ephedrine and PSE. In 2013 the sale of 60,000 boxes of cold meds were blocked in Indiana. Yoder also authored legislation that sets an annual cap (roughly an eight-month supply) enforced via NPLEx.

The individual limits severely constrained meth cooks and forced them to find another means of supply: 'smurfing.' The increased demand led to third-party individuals selling seemingly-legal bought PSE to meth cooks. Consequently, the lucrative trade has brought more and more Hoosiers into the meth business even if they're not cooks or users. New small-batch production techniques – so-called 'one pots' and 'shake and bakes' – are also empowering users to produce their own meth instead of depending upon larger distribution networks more easily targeted by police. Whereas most of the nation is getting meth imported from Mexico, the Midwest cooks a lot of its own. In Indiana 'one-pots' accounted for 87% of 2013's meth busts. In response, Sen. Yoder included 'smurfing' in legislation last year that toughened meth penalties.

No matter the type of meth production, meth cooks leave behind contamination that has blighted Hoosier neighborhoods. The 2014 legislative session produced Rep. Wendy McNamara's HEA 1141, building on Sen. Joe Zakas' 2013 law which requires disclosure of automobiles that have been used to make meth. McNamara's bill creates an accessible online database of homes and individual apartments in meth busts and whether they have been professionally decontaminated. Indiana now joins six other state databases. McNamara concedes her latest effort is to mitigate costs and health risks to property owners and renters; it does not tackle the meth problem head on. For years she has wanted the legislature to do more and she is not alone.

## Where Republicans disagree

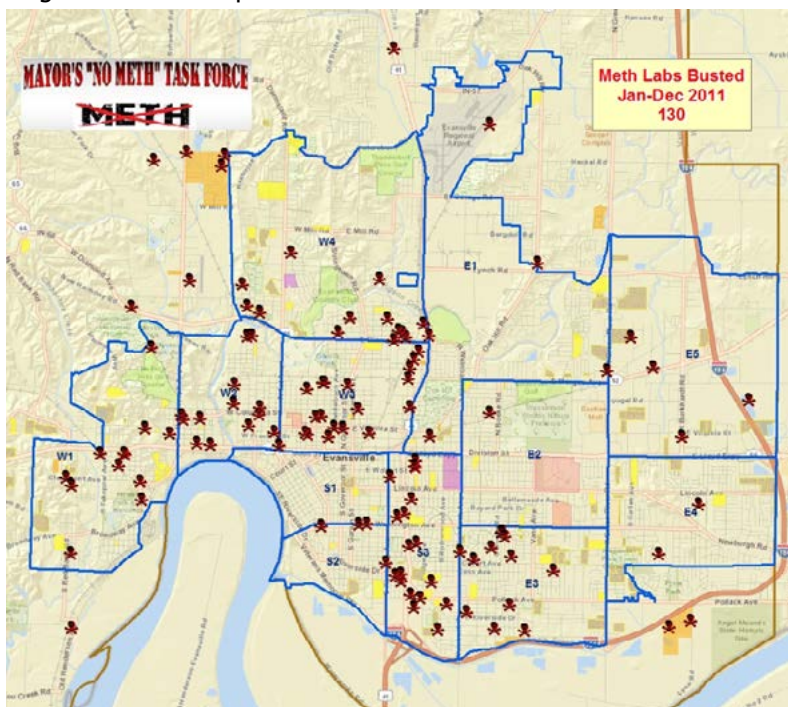
Going the extra step against meth is where Republican lawmakers disagree with each other. Since 2009 at least one bill has been introduced every session that would classify PSE as a controlled substance and require a prescription for its purchase. None has been successful. The 2014 session saw four meth-focused bills with some variation of a prescription requirement filed by Republican Sens. Susan Glick and Democrat Timothy Skinner and Reps. Rebecca Kubacki and Ben Smaltz. The latter's HB 1248 got the most traction. Kubacki signed on as a co-author as did Reps. David Ober and Dennis Zent.

Presenting his bill in January, Rep. Smaltz told the Courts and Criminal Code Committee, "We've tried as a state many different techniques to try and curb methamphetamine and the spread thereof." But it simply wasn't enough, he argued, citing the latest 2013 meth bust statistics despite the state's passage of so many new restrictions and bringing NPLEx online. "It's a good system; there is nothing wrong with the system," said Smaltz. "But since the full implementation of NPLEx, labs have increased 29.6%. It's a very steady climb, and you see a steady climb in arrests, in hospital admissions to hospitals for meth-related illness and injury, and, an increasing climb for rehabilitation." Kentucky has dealt with similar frustration as meth labs tripled since it was the first state to rollout NPLEx in 2008.

Smurfing and one-pot methods were giving meth cooks a "work around" the existing statutes, argued Smaltz. Because so much meth was being produced in bottles and then dumped anywhere, he cited estimates totaling Indiana meth labs between 8,000 and 10,000.

Washington County Prosecutor Dustin Houchin agrees that 2013's bust numbers are only scratching the surface: "For every one [lab seizure] there's four or five more out there," he told The Salem-Leader in February.

To appease skeptics, Smaltz's bill provided for a local-option prescription requirement. It was an effort "to test the waters" and an attempt "to find that middle ground" he told Howey Politics. "It's not just a rural problem anymore. It's creeping into our major metropolitan areas," Smaltz told his colleagues.



Evansville area methamphetamine busts in 2011 show how pervasive the problem can be.

"If the big cities don't want to do it that's fine, but we need some tools to fight it back home." Smaltz's DeKalb County was tied for 11th in 2013 meth busts. "I would prefer to have it state-wide because I am just convinced that our meth addicts would leave Indiana. They stay here because they can get the products they need to make meth."

Smaltz's prescription requirement bill failed to advance just like previous bills. After testimony, Courts and Criminal Code Chair Jud McMillin kept to his promise and did not hold a vote on HB 1248. Asked why by Howey Politics, Chairman McMillin said, "I was getting very clear signals from across the hall it would not get a hearing."

Sen. Yoder, for example, is firmly against any prescription requirement. McMillin did reiterate he was glad the topic was addressed and discussed, however, he also opposes a requirement.

### Locals clamoring for more restrictions

It's said that all politics are local and it shouldn't be surprising that those legislators advocating a prescription requirement tend to come from meth-ravaged regions. Rep. Ober, who admits to being still somewhat skeptical of requiring prescriptions, cites pressure from his district. "When we go home, we live this every day," Ober said in January. "Noble County for 2013 was the third highest in the state for meth labs. So when I go home I have to be able to tell folks we're taking this issue to task."

A January public meeting in Kendallville addressed meth specifically. Noble County Councilor Mike Toles told his fellow citizens he was "mad as hell" over inaction in making PSE a controlled substance, reported the News-Sun. Toles has particular insight on the problem as he also leads the Indiana State Police's northern meth suppression unit. A prescription requirement, Toles told the meeting, "would practically eliminate the meth problem." Considering this area is represented by Reps. Ober and Smaltz and Sen. Glick, it's not surprising they have pushed for stricter meth laws.

Indeed, Noble County is among many counties which form the hotspots in Indiana's meth geography. This



**State Rep. Ben Smaltz's meth prescription drug bill failed to advance out of Chairman Jud McMillin's Criminal Code Committee.**

past year Vanderburgh County led the state in busts with 115, which was actually below its 2011 high of 116. Counties rounding out the top five were Delaware (109), Noble (66), Allen (64), and Elkhart (63).

Elected officials in these and other heavily meth-hit areas feel the Statehouse is not helping them enough. Torrents of mayors and police departments have made their way to Indianapolis clamoring for more restrictions on cold medications for the past several years. In 2013 the Indiana Conference on Mayors declared a PSE prescription requirement as one of their top three legislative priorities. They were joined in this push by the Indiana Association of Cities and Towns.

Though Evansville Mayor Lloyd Winnecke can be counted among those regularly lobbying for more assistance against meth, his city and Vanderburgh County have also decided to take drastic steps themselves. The county created a special task force to tackle the problem full-time. Reportedly, a couple of years ago Winnecke beseeched the Department of Justice to designate the region as a high intensity drug trafficking area (HIDTA) in order to qualify for additional federal resources. Nothing came of it.

The Indiana Prosecutor's Council continues to support a prescription requirement and its members are vocal on the

matter. Rodney Cummings, prosecuting attorney for Madison County, which is seventh in meth lab busts, told Anderson's Herald-Bulletin earlier this month, "The frustrating part of the meth problem for me, is the legislature is doing nothing to make PSE a controlled substance. I hear the argument that it's not fair for people who want cold medicine. But compare that to the impact it's having on our community. It's a comical argument."

Washington County Prosecutor Houchin, vice chairman of the Prosecutor's Council, agrees, telling the Salem Leader in February, "I think that is a useful tool and has worked in other states, and I



would hope our legislature would take that step.” Mike Steiner, Martin County prosecutor and president of the Association of Indiana Prosecuting Attorneys, advocates a prescription requirement, as do many of his colleagues, such as Noble County’s Steve Clouse and Vigo County’s Terry Modesitt. Even the Indiana Public Defender Council is on board.

Indiana’s top attorney, Attorney General Greg Zoeller, to his credit, has addressed meth over the years, such as holding a 2012 summit with his Illinois counterpart and spearheading a 2013 public awareness campaign against smurfing. However, asked by Howey Politics the attorney general’s office responded there has been no official stance on bills with a prescription requirement.

### Other states and special interests

Indiana’s meth laws are not an anomaly. Very few states have actually instituted a prescription requirement for PSE. Oregon was the first; Mississippi was second. Missouri and Tennessee both allow counties the option to require prescriptions. The Illinois and Tennessee legislatures are considering statewide requirements this year. Kentucky has seriously flirted with the idea.

Proponents regularly cite Mississippi’s experience since it imposed a requirement in 2010. Mississippi’s meth lab busts dropped from a high of 692 in 2009 to only eight labs in 2013. Of course meth is not absent from the state, but both large-scale and small-batch meth cooks and their lab detritus appear to have largely disappeared. Meth is cooked elsewhere and comes into Mississippi. A University of Arizona professor’s 2012 study published in the peer-reviewed journal of Drug and Alcohol Dependence found Mississippi’s prescription requirement “realized a substantial impact, suggesting that laboratories, if sufficiently extant, can be meaningfully impacted by prescription precursor regulation.” A 2013 U.S. Government Accountability Office report came to similar findings.

Missouri’s local option suggests it might be gaining traction against meth hotspots. For example, the Walgreen’s in the 4,800-person town of Fenton sold 24,000 boxes of PSE-containing cold medicines per year before its county enacted a prescription requirement. After, reported the St. Louis Post-Dispatch, annual cold medications sales dropped to 2,000 boxes per year.

Interest groups representing pharmaceutical com-

panies and drugstores have been opposing local and statewide prescription requirements wherever they come up for consideration.

In Indiana, the Consumer Healthcare Products Association (CHPA), the Indiana Pharmacist Alliance, and the Indiana Retail Council have not been silent. The CHPA has been a national leader against the issue, maintaining a website ‘Stop Meth, Not Meds’ and a corresponding Facebook page devoted specifically to Indiana with 33,700 ‘Likes.’ During the last session CHPA urged Hoosiers to contact legislators, like Rep. Kubacki and Sen. Glick, to voice opposition against their cold med bills.

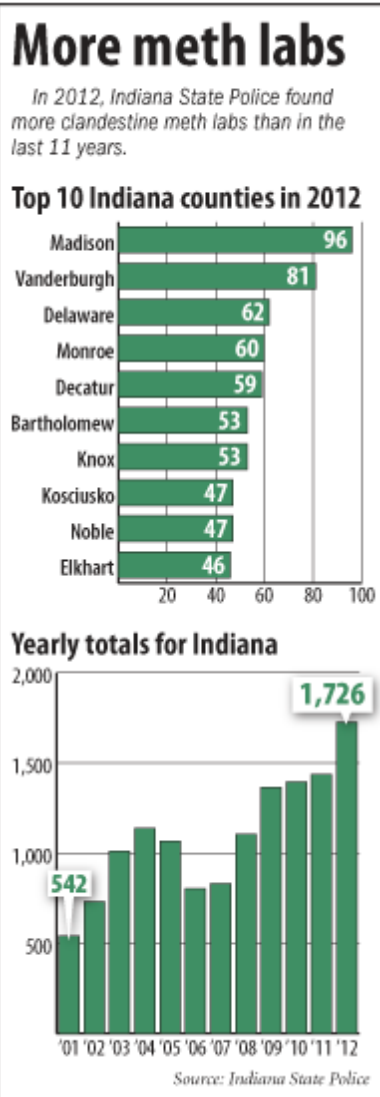
According to Mother Jones, CHPA spent heavily in Kentucky when its legislature seriously considered a prescription requirement in 2010 and 2012. Though it hired high-powered lobbyists, CHPA’s tactics centered on robocalls that could redirect targeted voters immediately to their respective legislators’ phone numbers and voice-mail boxes. This sudden apparent outrage to a proposed prescription requirement was immediately felt by legislators.

Howey Politics could not find any indication that the same calling tactics were used in Indiana. According to the Indiana Election Division, CHPA contributed \$15,000 to the Republican State Leadership Committee between 2004 and 2008 but hasn’t made any in-state donations since. It does have an Indianapolis public relations firm, however, monitoring the situation. And,

quite frankly, the amounts donated by the other interested lobbying arms to legislators and both parties are downright miniscule.

Nonetheless, Rep. Smaltz has little nice to say about these industry groups, like CHPA. “It’s very clear our Hoosier misery with meth is their profit,” he told Howey Politics. “CHPA propagates the idea that our society couldn’t possibly exist without over-the-counter availability to their products when in fact there is no evidence that shows that.” He is highly skeptical of a well-known study by an Oregon thinktank which questions the efficacy of prescription requirements because it was funded by CHPA and their results run counter to peer-reviewed studies. Rep. Smaltz told us that when one considers the numbers being tracked by NPLeX on any given day in Indiana, a lot is at stake in terms of sales. They can afford, he remarks, to fly in Washington, D.C., lawyers to testify at the Statehouse, fund robocalls, and organize grassroots efforts.

Regarding claims by pharmacists and drugstores that a prescription requirement would be burdensome, Rep. Smaltz finds some are, in fact, willing to help vol-



untarily. "In the case of Walmart and Meijer, they have self-imposed limits that are more stringent than the state limit," he said. "That tells me they are on board." Rep. McNamara said Walmart, for example, has instituted a corporate policy specific to Vanderburgh County to restrict the sale of PSE to only the actual patient; those purchasing PSE must answer and pass a questionnaire administered by a pharmacist.

Many of those in health care oppose a prescription requirement thinking it transfers drug war burdens to their already cost-laden sector of the economy. The Indiana State Medical Association, the Indiana Pharmacists Alliance, the Minority Health Coalition, and the Indiana Institute for Working Families argue it will unfairly burden primary care physicians, clog waiting rooms, and generally raise the cost of care. House Ways and Means Chairman and Crawfordsville physician Tim Brown told Howey Politics he opposes a prescription requirement for those very reasons.

Rep. Smaltz disagrees that a prescription requirement would appreciably raise health care costs in Indiana, citing the 2013 GAO study of Oregon, Mississippi, and Missouri. "In fact, there is empirical evidence that shows that does not happen," he told Howey Politics. "Our cost of health care does not go up." On that point, the GAO study stated, "On the basis of the limited information available from health care providers in Oregon and Mississippi, there has not been a substantial increase in workload demands to provide and dispense prescriptions for PSE products." Smaltz also says there are ample and effective substitutes to PSE despite what people and the industry might say. He adds that those worried about costs for low-income patients should remember the ACA provides co-pay coverage for prescriptions as would many others' health coverage.

## The 2015 session and meth

Howey Politics was the only media to ask about meth legislation, or the lack thereof, during the press conferences recapping the 2014 session. It appears both parties' leadership is willing to strongly consider a prescription requirement in both chambers. Senate President David Long promised to address the issue during the 2015 session: "I think this is one of the things we're going to have to tackle next year, no question. We may have to be more draconian on the availability of these ingredients. We've attempted to deal with it without having to go that extra step." Besides Sens. Glick and Skinner pushing prescription requirements this past session, Sen. Randy Head, a former Cass County deputy prosecutor, pushed similar legislation in 2013.

In the Senate any movement on a prescription

requirement will likely need support from both sides of the aisle. Asked by Howey Politics if 2014 was a lost opportunity to tackle the meth problem, Democratic Leader Tim Lanane answered, "That's a good question and I think it probably is. I have been a proponent, just personally myself – I'm not talking for my caucus – for making the precursors a prescription requirement. I represent two counties [Delaware and Madison] with some of the highest rates of meth labs and meth busts in the state and I don't know of any other effective way to deal with it other than requiring a prescription."

House Speaker Brian Bosma seemed to suggest that if more Hoosiers and, by consequence, legislators appreciated the severity of the meth problem, they would be willing to support stronger measures. "I am absolutely confident there will be discussion on it next year," Bosma told Howey Politics earlier this month. "It certainly is one of the issues on the short-list of problems. The core question becomes do we make PSE a prescription drug and I'm open to that discussion. We have strong feelings in both directions."

Bosma believes too many Hoosiers are uninformed on the severity of the issue and that most would oppose a prescription requirement if asked. Indeed, his own constituent survey found a majority opposed a prescription requirement. "Part of what policymakers need to do is educate on this issue," he continued, "many may not know that 80% of the inmates at the Vigo County jail are there for meth-related offenses. That's a startling statistic and we need to start educating Hoosiers on the issue. Whether you believe it or not, legislators' opinions are roughly reflected by their constituents' opinions. If Hoosiers are opposed to something or don't care about something, that would be the case for most legislators as well. So we have to have education on the issue." As for the other side of the aisle's leadership, House Democratic Leader Scott Pelath told us, "I've supported changes in the past as an individual lawmaker."

Even those opposing a prescription requirement admit their opponents are regrouping. Rep. McMillin told Howey Politics, "I'm feeling a buildup from those who want to see it done." He also added he is hearing more from his constituents who are in favor of a prescription requirement. When his committee tackles the issue again, Chairman McMillin hopes there will be greater clarity and specificity to numbers and terms, such as what constitutes a 'meth lab' and what is simply a discarded 'one-pot' bottle. He believes the ultimate answers are to be found in pharmaceutical companies reformulating their medicines without PSE and anti-meth education and

treatment. "The longer fix is education," he said. "We have got to get through to people and assure there are more treatment solutions available."



Senate Minority Leader Tim Lanane saw the 2014 session as a lost opportunity to deal with meth.

Sen. Yoder also acknowledges there will be “a strong push next year” for a prescription requirement. And, he remains “more than willing to take a look at any proposals.” However, he stresses there are many other tools to consider and refine in fighting the meth war and, he asserts, the NPLeX system deserves more time to produce results.

Proponents of a prescription requirement do not see their efforts to date wasted. Rep. Ed Delaney, who sits on the Courts and Criminal Code Committee, thinks having an extensive hearing on the issue in 2014 was an important step for future sessions. Going forward, Delaney told Howey Politics, “I am willing to take pretty drastic measures. I want this problem gone.” However, he acknowledges advocates must make a convincing argument next session that the inconvenience to PSE patients is worth the gains in fighting meth labs.

Across the aisle, Rep. Ober echoed these sentiments in January. “What we’ve done last year and prior has not worked,” he said. “It’s time to take a good hard look at meth policy in the state and how we move forward. We’re working on the issue; it’s gotten further than it did last session. There are still skeptics that we have to win over, myself being one of them.” Rep. Kevin Mahan, a former Blackford County sheriff, has asked specifically for that persuasive argument: “How do you convince me we go regulate a product a majority of good Hoosiers use for a good reason?”

Rep. McNamara intends to do that with a compromise prescription requirement. She told Howey Politics she is in the early stages of drafting a bill that would require a prescription only after a person buys, for example, three boxes of PSE cold meds within a 12-month period. Such an exemption would not inconvenience, she argues, those who get a seasonal cold or who are visiting from out of state. She believes patients regularly consuming PSE likely visit (or should visit) a physician and can easily procure multiple prescription refills at one time. Rep. Smaltz thinks, “That’s a good option and maybe it will be palatable.”

Rep. Alan Morrison believes coalition-building will be essential to getting any future prescription requirements out of committee. After Smaltz’s HB 1248 failed, Morrison told the Terre Haute Tribune-Star, “I know there will be continued conversation on this matter over the summer and hopefully we can get the bill to the point where we can vote on it as a body. I think our biggest

obstacle is building a coalition of representatives who are not in areas with meth problems to jump on board. There is a group of us working on building that group and I think we will ultimately get there.”

Rep. Smaltz believes a prescription requirement will appeal to more Democrats and Republicans as time progresses and, he laments, as meth’s reach grows further. However, he hopes legislators whose districts are not ravaged by meth (yet) will join his cause before they are in the same situation as he and his district. “I think that’s where we get our pushback from other legislators – they don’t see it yet,” he told Howey Politics. “The problem is it’s epidemic in northern Indiana, it’s epidemic in southern Indiana, but it’s not a problem everywhere yet. It’s only a matter of time before heroin and cocaine addicts in Marion County realize that for a lot less

money, a lot less risk of arrest, for a high that’s 10 times more powerful and lasts much longer, they only have to go to the pharmacy to get what they need.”

He thinks meth’s creeping growth into urban areas and the fact that prescriptions are covered in some form under the ACA will help attract Democrats. “If you look on the Republican side, I think more and more representatives will come on board as this invades their community, which, unfortunately, I think it will. It will be in all our communities if we don’t do something smart to stop it.” Another potential issue to tackle in coming sessions is the hodgepodge of existing state meth laws. When refining her meth home database bill for 2014, Rep. McNamara found meth laws were scattered across the state code like “spaghetti.” Some statutes even contradicted one another. She said it wouldn’t hurt for a study committee or blue ribbon commission to review everything and work toward streamlining the code.

### Pence sees meth as a ‘priority’

Asked if meth will be a priority next year, Gov. Mike Pence told Howey Politics “it is most assuredly a priority for this year.” He commended the hard work of both local and state law enforcement, but particularly the State Police’s meth suppression unit. As for supporting some form of a prescription requirement, Pence answered, “We’ve talked about that; all options are on the table. We’ll be looking in the budget session for resources and policies that will continue to give Indiana the tools we need to protect our kids from the scourge of meth.”

Tackling meth production specifically might be the best way to protect Hoosier children and mitigate other costs to the state. In 2013, 440 children were found in meth labs; some have been killed or grievously injured by





them. Their foster care and medical treatment costs climb as do injuries from meth lab accidents to adults. 'One-pot' meth cooks are notorious for exploding their concoctions and burning themselves. Burn units are constantly treating such patients; the Associated Press reported the average hospitalization of an injured meth cook costs an estimated \$130,000.

According to the Indiana Department of Environmental Management, for every pound of meth product there can be up to seven pounds of chemical waste. As recent legislation has hoped to remedy, meth-contaminated properties are a health risk and can blight neighborhoods unless professionally cleaned.

A 2009 Rand Corporation study estimated meth cost the Hoosier state grievously in 2005, to the tune of \$1.871 billion. (Indiana's 2005 GDP was \$233 billion.) Over half that cost was an estimated \$1.33 billion from intangible cost factors and premature deaths; another \$55 million was attributed to lost economic productivity. The remaining \$485 million in annual costs could be attributed to more concrete areas in which to estimate: \$336 million in crime and criminal justice; \$72 million in child endangerment costs; \$43 million in drug treatment costs; \$28 million in health care costs; and, \$5 million in environmental costs. With more busts, lab cleanups, dedicated police units, addicts in rehabilitation, and dealers incarcerated, those figures have to be higher today. All of these costs are mounting.

The Indiana Prosecutor's Council estimates removing meth production, not to be conflated with meth use, from the state would save over the next 10 years \$120 million in decontamination and prison costs. Processing meth labs is extremely time-consuming in terms of safety procedures and paperwork. The State Police's meth suppression unit includes 19 full-time personnel and 16 lab investigation vehicles (each costing \$100,000 to equip). Moreover, they have trained well over a hundred local law enforcement officers to dismantle and catalogue meth labs. Despite the precautions and training, 100 officers were injured by meth labs last year. All of these costs are mounting.

To compound matters further, meth cooked in Indiana also has its own exacerbating qualities as compared to imported meth. Rep. Smaltz told Howey Politics, "There are two types of meth, 'L' meth and 'D' meth. 'L'

meth is imported, is more pure, but is less potent and is not derived from pseudoephedrine. 'D' meth is more likely to be locally produced is, less pure, but can be exceptionally potent and is derived from PSE. States in the interior, Indiana, Missouri, Mississippi, Tennessee, Kentucky, Ohio, Illinois, and Michigan are more likely to see locally produced, extremely potent 'D' meth being consumed." In other words, on top of all the other problems associated with meth labs operating in Indiana, their output is more potent. It creates addicts faster and destroys their bodies and lives faster. All of these costs are mounting

Though they are inextricably linked, meth labs are not the same as meth use. The former appears to be much worse for our state than the latter. Tackling the meth cooks, no matter how small their poisonous batches, seems like a worthy short-term legislative priority. Perhaps it might be better if Indiana's meth supply comes from elsewhere.

When considering all this, it might be worth quoting that 2013 GAO study:

"With the decline in meth lab incidents, officials in the prescription-only states reported observing related declines in the demand and utilization for law enforcement, child welfare, and environmental cleanup services that are needed to respond to meth labs." Meth use is still a major problem in those states, but their costs are declining.

Dedicated cohorts of Republicans in both chambers have sought and will continue to seek some form of a prescription requirement for PSE. One can expect advocates to refine their arguments and proposals between now and the 2015 session. To get any traction, these efforts will have to become more bipartisan. Perhaps more importantly, local elected officials, like mayors and prosecutors, will need to not only continue lobbying before legislative committees but make the local politics of meth felt by their respective state representatives and senators. Simply getting a floor vote in one of the chambers next year would probably be a victory to build on.

Regardless, if things do not improve, Hoosiers may have to embrace mocking slogans such as 'The Crossroads of American Meth' or 'The State That Smurfs.' ❖



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# Ethics Committee likely to clear Turner

By **MATTHEW BUTLER**

INDIANAPOLIS — All of the evidence reviewed by the House Ethics Committee Wednesday afternoon suggests it has not found any technical wrongdoing on the part of Rep. Eric Turner. The panel convened to consider rules and ethics allegations leveled against the House Republicans' second-highest ranking member and Speaker Pro Tempore.

The committee plans reconvene later this month.

The complaint was initiated by State Democratic Party Chairman John Zody when he requested House Speaker Brian Bosma investigate the matter. The Speaker then referred the matter to the House Ethics Committee.

At issue is whether Turner violated conflict of interest rules and/or the Code of Ethics when he helped quash a proposed new nursing home construction moratorium during the 2014 Session. Turner's son and daughter lead a family-owned firm, Mainstreet Properties, that had several nursing homes under construction within the state. Turner and his family, according to the Associated Press, stood to gain millions if the moratorium failed.

Turner has denied any wrongdoing. He recused himself from all opportunities to vote on the measure and did not speak in committee or on the House floor against the measure. However, Turner did speak on the matter behind closed House GOP Caucus doors. This came to light when unnamed members related the incident, if not complained about it, to the Associated Press which reported the news March 17. Turner has since acknowledged he spoke on the matter to his fellow Republicans but did not violate any rules.

**Further revelations** came to light as the Indianapolis Star compared and alleged discrepancies between Turner's business investments and his official financial disclosure forms, or Statement of Economic Interest (SEI). It appears Turner's stake in holding companies gave him indirect interests in entities absent from his disclosure forms. The Committee was thus charged by Speaker Bosma with investigating if Rep. Turner broke any rules as regards improper lobbying against the nursing home moratorium proposal and his financial disclosure forms.

Ethics Committee Chairman Greg Steuerwald stressed from the outset Wednesday that the Commit-

tee was governed solely by the statutory House rules and Code of Ethics. "This committee is unlike any other we have; it's a bipartisan committee; it's also a nonpartisan committee," he said to begin the meeting. The six-member panel is evenly comprised of Republicans and Democrats. Steuerwald even referred to Ranking Minority Member Clyde Kersey as his "co-chair." The other members are Republicans Kathy Richardson and Eric Allan Koch and Democrats Earl Harris and Gail Riecken.

**Steuerwald reviewed a packet** of documents released to the public at the hearing, namely three interrogatories (under oath) between the Committee and Rep. Turner. Both Steuerwald and Kersey prepared and handled the committee's work vis-à-vis Rep. Turner.

In one of his key responses, Turner told the committee: "I never sponsored legislation or cast a vote during the 2014 legislative session on any legislative matter regarding the nursing home moratorium. Therefore, I did not violate the House Ethics or House Rules. The House Ethics Rules also provides, in part: 'Every member shall give freely of his or her particular expertise during a discussion or debate upon a given proposition.'"

As for Turner's SEI, the committee asked if these forms were completely accurate. Turner responded simply, "Yes." Asked if he intends to amend his 2013 SEI, Turner responded that it was "accurate and consistent with what is required for disclosure."

The Ethics Committee appears ready to clear Rep. Turner of any wrongdoing as defined by the rules and Code of Ethics. Every member but Rep. Koch spoke, indicating they were pleased with what the committee had accomplished. It was voiced that the committee addressed the issue promptly but did not hurry its investigation. Rep. Kersey attested to the fact that Rep. Turner answered all of the committee's interrogatories in a timely manner.

Before adjourning, the Committee scheduled another meeting for 2 p.m. April 30. Rep. Kersey said he believes one final meeting is probably needed to "wind this thing up." Steuerwald told the committee a draft report would be circulated before reconvening and, if agreed upon, would be sent to Speaker Bosma.

**After the hearing both** Steuerwald and Kersey were surrounded by the Statehouse Press Corps. "I can't comment on what everybody is thinking," the committee chair said. "I just wanted to make sure everybody got the facts and understood exactly what Rep. Kersey and I have done so they understood where we are and the process that we followed." Kersey echoed his House colleague from across the aisle: "Today was just an opportunity for us to



House Ethics Chairman Greg Steuerwald speaking at Wednesday's hearing. (HPI Photo by Matthew Butler)

present the facts that we gathered during the last three weeks, the interrogatives, and voting record and so on so the others can look at those and make a decision.”

Though Turner was not present at the hearing, his attorney Toby McClamroch, of Bingham Greenbaum Doll, was. Asked for his impressions of the committee meeting and findings, he said, “We’re pleased with the direction.” McClamroch tried to dissuade reporters of the idea that the Code of Ethics was antiquated, saying it was up-to-date and only recently adopted by the House four months ago. “He [Turner] operated under that Code of Ethics and the facts stated in there were certainly consistent with the Code of Ethics,” the attorney remarked.



**House Ethics Committee Co-Chair Clyde Kersey, D-Terre Haute, indicated Rep. Eric Turner will likely be exonerated. (HPI**

### Turner’s Caucus Statements

In an interrogatory Turner was asked if he spoke on the moratorium during Caucus. “Yes,” responded Turner. “Specifically, before I shared my expertise in caucus, I communicated to the caucus the following: 1.) My wife and I are investors in an entity that invests in Mainstreet Property Group. 2.) Our son is President of Mainstreet Property Group, a developer of senior transitional care facilities.” Asked to be more specific in the interrogatory, Turner stressed that he was within his rights to share and offer his “expertise.”

Reporters pressed the committee leaders on Turner’s comments in Caucus, to which Rep. Kersey responded, “We looked at those things about whether he lobbied people and we found none because allegedly this happened in Caucus and we are not privy to Caucus, perhaps he did perhaps he didn’t. The Committee didn’t have any information and any evidence that he did. There are a lot of things we don’t know everything about, of course. What happens in caucus stays in caucus. As far as everything else, he followed the rules.”

McClamroch argued everything was above board in Caucus as well, telling reporters, “The interrogatory answers clearly establish that Rep. Turner, before he made his statements in caucus, preceded those comments by advising the caucus of his interest in nursing homes and advising him that his son is involved in the business and he had ownership interests. So he was very careful how he addressed the caucus.”

Howey Politics asked the committee leaders whether Rep. Turner was prompted to comment on the nursing home moratorium or volunteered unsolicited commentary on the issue. They stressed, again, they were not privy to any Caucus happenings except for Turner’s

own responses to the committee. One of our sources indicated Turner’s “expertise” on the matter was volunteered and unsolicited—even if predicated by a disclaimer regarding his ties and his family’s ties to directly interested nursing home companies.

“There is a whole lot of difference between offering one’s expertise and lobbying,” Julia Vaughn, Policy Director for Common Cause Indiana, told Howey Politics. “I’m a lobbyist and I know the difference. When you offer your expertise is in a direct hearing. I recognize it and everyone in this building knows the difference between offering expertise and lobbying and that is where I think he [Turner] crossed the line.”

What Vaughn thought was noteworthy was that Turner’s Republican House colleagues apparently thought he overstepped. “What’s disappointing is that he obviously offended members of his caucus so much that they went and talked to the press,” said Vaughn. “That’s almost precedent-setting;

it almost never happens. I had hoped that those people would have been so offended that they would have been here today, but I knew they wouldn’t.”

Asked by Howey Politics if she had heard of any movement on the Turner allegations from the Marion County Prosecutor’s Office, Vaughn simply said, “I know there is law enforcement interested in this issue, whether it’s the prosecutor’s office, I don’t know. The FBI could choose to investigate this if they wanted.”

### Potential Ethics Reforms

In addition to allegations leveled at Rep. Turner, Speaker Bosma had asked the Ethics Committee to “consider whether revisions to our Code of Ethics or statute regarding our Statement of Economic Interest are warranted to give further transparency and openness to the legislative process.” Asked what could be in offing, Steuerwald felt it was too early to comment. However, he did say, “I’m fully invested in having a meeting this summer just like we have done with other issues over the past. The summer meetings will be open to the public; we’ll take public testimony.”

“I think everything is open,” Kersey remarked on possible ethics reforms. “We’ll be looking at the entire House ethics and rules and look for changes and more transparency and making government more open. I don’t know if there are any specific rules; we need to tighten them up somehow and make it more transparent.”

“I am very pleased to see the committee seems to recognize the weakness of the process that is in place,” said Vaughn after the hearing. “Clearly those folks were not comfortable sitting there in judgment of another legislator. They recognize that’s a process fraught with problems.” ❖



# The coming Pence presidential bid

By **BRIAN A. HOWEY**

ISLAMORADA, Fla. - Gov. Pence, you're busted! For a man who has not spent one minute thinking about running for president in 2016, the milepost flash came last Thursday afternoon when Fox News First revealed an exclusive advance copy of remarks the Indiana governor would be making at the historic Adlon Hotel near Berlin's Brandenburg Gate. This was a national advance that eluded the Hoosier press.

This would be no economic development announcement creating German jobs for Hoosiers in LaPorte, South Bend and Columbia City. We'll let Fox News pick up the narrative: He will decry "Russian aggression" and call on President Obama to resurrect a planned missile-defense shield

for Eastern Europe that Obama scrapped in 2009. Pence, who said he will make a decision on a potential 2016 presidential run in the coming months, is in Germany on a privately funded trade mission. But touting his decade on the House Foreign Affairs Committee, Pence will strike a hawkish tone. From the prepared remarks provided to Fox **News First**: "With Russian aggression on the rise, clearly conciliatory diplomacy has failed. While sanctions are of some value, in the interest of our alliance, I believe the United States and the EU must respond with deeds more than words to strengthen our economic and strategic defenses." **Missile shield**: "And, with continued instability in the Middle East, Iran's ongoing effort to develop long-range missiles and nuclear technology, and Putin's annexation of Crimea and aggression in Ukraine, I believe we must take immediate steps to deploy a robust missile defense in Europe - especially Poland and the Czech Republic - to protect the interests of our NATO allies and the United States in the region."

**You can debate** the notion that Pence's assessment may have problems (both the New York Times and Economic Times portray the pre-sanction Russian economy as one in contraction, with an alarming flight of capital and talent well underway) just as you could when he compared a pre-surge Iraq market bazaar to one in Bargsville.

The key line in the Fox report is that Team Pence is conveying that a presidential decision will be made "in the coming months," which differs from the official line to

Indiana press that all systems are "go" for a 2016 reelection; that the governor is simply politely listening to national overtures. The signals from the Pence administration have been mixed and confusing for six months now. Last fall, senior Pence administration officials indicated to HPI he was a sure bet for reelection advising a "follow the money" script, but a couple days later he contradicted that assessment in an interview with the Washington Post.

All of this should be enough for Lt. Gov. Sue Ellspermann, Speaker Brian Bosma and Senate President David Long to rethink their 2016 political plans.

What is obvious here is that Team Pence is doing everything they can to stoke what appears to be a "draft Mike" campaign aimed at the current GOP presidential vacuum.

**Key components of the "Mike in '16" movement** are still in limbo. Will Jeb run? Will Chris Christie self-destruct? Those two are already stirring fierce resistance in the conservative wing that adores Our Governor. And there's the trio of U.S. senators, Rand Paul, Ted Cruz and Marco Rubio, who conjure up the upper chamber political shortcomings (see John McCain, Bob Dole) more than the Nixons, Reagans, Eisenhowers and Bushes who arrived at the White House from the Naval Observatory, statehouses and armies.

Among much of the Hoosier Republican political elite, the wanton thinking is for Gov. Pence to become a more engaged, forceful governor. They fret that a challenge from Evan Bayh could end the first GOP dynasty of the 21st Century at 12 years.

Pence has been happily checking off key presidential resume boxes. He's cut taxes for corporations and financial institutions. There was a small tax cut for the middle class. He ended Common Core.

In Sunday's New York Times, Pence came into stark contrast with former Florida Gov. Jeb Bush over Common Core. He was the first governor to rid his state of the evil "Obamacare" saying, "When I arrived on Capitol Hill in 2001, not only was the Republican administration not devolving power to the states, the No. 1 priority of the administration was a massive expansion of the federal Department of Education," recalled Mr. Pence, who, as a congressman, opposed No Child Left Behind.

It was that act that has not been forgotten by the Pence national cheerleading squad of Bill Kristol, Gary Bauer and the Koch Brothers, who couldn't care less about how Gov. Pence operates in the Indiana Statehouse. For them, the Indiana Statehouse is simply a domed stepping



**Gov. Mike Pence criticizing the Obama administration on its Russian policy in Berlin near the Brandenburg Gate last week.**

stone.

The New York Times then threw to Jeb, who said "the pivot seemed more like pandering." Bush affirmed his support for the Common Core. "I guess I've been out of office for a while, so the idea that something that I support — because people are opposed to it means that I have to stop supporting it if there's not any reason based on fact to do that?" he said. "I just don't feel compelled to run for cover when I think this is the right thing to do for our country."

**So let's assume that Jeb** doesn't run, Chris jumps off the bridge, and the young senators veer into their own extremes. Here is Mike Pence, with 12 years in Congress, a leadership post, and a happy warrior conservative who took principled stands on issues that endear him to economic purists like the Kochs and Chris Chocola, and the social conservatives who have no interest in a "truce" of any kind.

How might a Pence presidential bid work?

It could be tricky, because new Republican National Committee rules push the first set of presidential primaries and caucuses in Iowa, New Hampshire, South Carolina and Nevada to February 2016.

In 2008 and 2012, Pence could have conceivably mounted a presidential campaign, tested his luck in Iowa and New Hampshire in January, and if he didn't cut it, retreated back to an Indiana reelection bid by filing deadline.

Now that window collides with the mid-February filing deadline. In this scenario, Pence would likely be forced to go all in and give up the Indiana nomination. He would face pressure from Hoosier Republicans who might fret about a gubernatorial nominee whose heart really is with the Potomac and not the Flat Rock.

We're seeing Speaker Bosma lining up Lincoln Day speeches in a handful of counties (this is not atypical). Lt. Gov. Ellspermann conducted a 92-county tour last year and added former Democratic legislator Peggy Welch to her staff, perhaps eliminating a very attractive Democratic LG nominee from the picture. If I were Sue Ellspermann, I would be thinking about taking a tour redux. And as you've read in the opening pages of this edition, President Long is working on a constitutional end-around Congress. His approval rating is about 50 points higher than that of Congress, so he will benefit mightily from any contrast.

**If Pence's real goal** is the veepstakes, this may all be the kind of strategy Dan and Marilyn Quayle executed in 1988 when they adroitly positioned for the ticket. But there are so many moving parts to any vice presidential scenario that it would be tough to make a money bet on.

Mike Pence for president? It reminds one of the days when Gov. Mitch Daniels refuted such notion ("No, no, no, no, no ...") while his staff was lining up conspicuous speaking ops and pushing out press clips to the national punditry. The biggest difference, from my view point, is that Pence has an "all in" from the "framily." ❖

## Indy spurns 2016 national conventions

By **BRIAN A. HOWEY**

KEY WEST, Fla. - Former Indiana Republican chairman Mike McDaniel has always envisioned a national political convention - even a Democratic one - for Indianapolis.

But during the state's 2016 bicentennial year, it's not going to happen.

Earlier this week, the Democratic National Committee included Indianapolis in a list of 15 cities that it is inviting to submit a bid. But Republican Indianapolis Mayor Greg Ballard said the city is "unlikely" to make a bid. "Given our previously scheduled major events such as the NCAA Men's Final Four in 2015, NCAA Women's Final Four in 2016, 2016 Olympic trials and other conventions; it is highly unlikely Indy could provide the space and private funds needed to host either major party national convention in 2016," Ballard spokesman Mac Lotter said.

McDaniel said that with the city seeking to host a second NFL Super Bowl in 2018, there simply aren't enough resources for the city to pursue both. He added that with the conventions no longer getting federal funding to help defray costs, the city might have to come up with \$30 million.

The cities under consideration are Atlanta; Chicago; Cleveland; Columbus, Ohio; Detroit; Indianapolis; Las Vegas; Miami; Nashville; New York; Orlando; Philadelphia; Phoenix; Pittsburgh and Salt Lake City. Democrats' decision is not expected until late this year or early in 2015. Most cities expect the convention to cost between \$55 million and \$60 million.

Indianapolis Democratic Party Chairman Joel Miller lashed out at the Ballard administration's explanation, telling the Indianapolis Business Journal that the move was "blatantly political."

"The excuse that we don't have enough hotel space and private funding to attract a political convention is simply ludicrous," Miller said.

The RNC said earlier this month it would choose from between Cincinnati, Cleveland, Dallas, Denver, Kansas City and Las Vegas (Washington Post). Officials from the RNC have already visited three of those cities to assess their technical capabilities, ahead of formal site selection committee visits later this month.

McDaniel would favor the RNC following the Olympic system, where the host city for a following convention is announced at a current one.

### Huckabee, Priebus at GOP convention

The Indiana State Republican Convention is being



held in Fort Wayne this year – the first time the convention will be outside Indianapolis (Martin, WPTA-TV). Allen County GOP organizers are making some big plans for their shot at hosting the Republican State Convention. The Indiana Republican Party announced at the Allen County Republican Headquarters in downtown Fort Wayne Monday that former Arkansas Governor Mike Huckabee and Republican National Committee Chair Reince Priebus will be the keynote speakers at the convention this summer.



The convention will take place Friday, June 6 and Saturday, June 7, but Allen County GOP organizers are taking the normally day and half convention and stretching it out an extra day.

Organizers are expecting approximately 2,000 – 2,500

people in town that weekend. During the day on Saturday free shuttles will be offered to various tourist destinations around the city like Jefferson Pointe, Glenbrook Mall, Science Central and the Fort Wayne Children's Zoo. For Saturday night convention organizers are planning "Fort Fun Night" at Parkview Field featuring the "Taste of Fort Wayne" with six or seven local restaurants providing the food. Kenny Loggins will perform Saturday night (Howey Politics Indiana). Convention Host Committee Chair Bill Bean says with GOP conventions in the past, people would just show up and leave, but with a \$250,000 – \$300,000 budget, they're hoping to showcase Fort Wayne and entice people to stay. "This extra element of family-oriented entertainment, with a national keynote speaker, with a national music group on Saturday night, enhances substantially the previous format for the State Convention," said Steve Shine, Allen County GOP Chair.

### Farm Bureau endorses 3 Republicans

Indiana Farm Bureau ELECT, the political action committee of Indiana Farm Bureau, has endorsed Rep. Susan Brooks, Larry Buchson and Todd Young.

### SD27: 3 candidates to debate

The four Republican candidates for the Indiana Senate District 27 seat answered questions about taxes and spending, educational freedoms and workplace freedoms Wednesday during a forum sponsored by the Indiana Chapter of Americans for Prosperity (Richmond Palladium-Item). Chase Downham, Indiana state director for Americans for Prosperity, posed questions on the three topics to candidates Eric Atkinson, Jeff Raatz, Doug Williamson and Bruce Wissel. On the topic of the Indiana General Assembly's tax policies, candidates were asked under what circumstances they would support a tax increase.

• Wissel: "I'm not afraid of investment," he said. In the areas of education, roads and quality of life issues, Wissel said he could see possible needs for tax increases.

"I think we need to have an honest debate about what government should be doing," Wissel said.

• Williamson: "I'm not for any new taxes," he said. He said government shouldn't be grabbing people's money. He added government should only grow if the economy grows, and the more money the government takes, the more it slows economic growth. "It's time to stop that cycle," Williamson said.

• Raatz: "There's never enough money. If you have more money, the more you spend," he said. He said the answer to increased government spending should be increased economic activity. Raatz said he would never say he'd never see a need for increased taxes, but that it is the role of legislators and government to "do the very best we can with what we've got."

• Atkinson: "We're taxing ourselves into poverty," he said.

### HD85: Morris faces challenge

In the May 6th primary election, State Rep. Bob Morris faces opposition from a Fort Wayne attorney who believes the incumbent is ripe for defeat (Neumeyer, WPTA-TV). It's one of the more high profile local races on Election Day. 84th District Representative Morris is out canvassing neighbors getting no free pass in the primary in two weeks. "It's going really well, you know. We just got home from the capital March 15th, knocking on doors and getting a good response from people," Morris said. Morris has the backing of Congressman Marlin Stutzman. The pro-Second Amendment legislator also has the backing of endorsement of the Indiana Chamber of Commerce, the Indiana Manufacturers Association, and Allen County Right To Life. "I strongly believe in our community and believe that we can do better in that position and I felt I was the right person to do it," said primary challenger Michael Barranda, an attorney. Barranda, a Catholic, like Morris, and professed conservative, has his sites set the incumbent's seat. He has been on the Chamber of Commerce Board of Directors and has volunteered with a number of non-profit organizations. He has endorsements from county leader Nelson Peters and city councilman John Crawford. One of few issues the two differ on is school choice. Barranda argues for some on vouchers to guard against the loss of too many tax dollars for public schools.

### Fadness leads in Fishers money hunt

Town Manager Scott Fadness raised a little more than \$46,000 from Jan. 1 to April 11. The other five candidates raised a little more than \$25,000 combined during that same period. Walt Kelly, a former Town Council president, had the second-highest total, raising about \$22,450.

### 2015: Lewis ponders Indy mayoral run

A new potential candidate is emerging in the race for Indianapolis mayor (WTHR-TV). City-County Council President Maggie Lewis tells Eyewitness News she may run



# Past 'House of Cards' stands McCarthy

By CRAIG DUNN

KOKOMO – A packed house at the Howard County Lincoln/Reagan dinner was treated to a visit by U.S. House Majority Whip Kevin McCarthy.

After a busy day touring the 4th and 5th Congressional districts with Reps. Todd Rokita and Susan Brooks, McCarthy joined Howard County Republicans for their annual tribute to two of our greatest presidents.

Considering that I am a devotee of the Netflix series "House of Cards," a program featuring a fictional Democratic Majority Whip Frank Underwood who is the walking definition of ruthlessness, I was very interested



to see if Kevin McCarthy was anything like the fictional Underwood.

McCarthy was engaging, personable and seemed to genuinely enjoy rubbing elbows with the locals. This son of a Democrat firefighter from Bakersfield, Calif., fit in well with the Howard County Republicans and they warmly received him. McCarthy's rise to political power would be grist for a

Damon Runyon novel.

Starting from his humble Democratic roots, McCarthy started working at an early age. He stumbled on a way to profitably sell used cars and used the money to pay for college. When California first introduced the Lotto, McCarthy was one of its first winners. He parlayed the \$5,000 into a sandwich shop and became a full-fledged businessman at age 19. Along the way he applied for a congressional internship with his local representative but was rejected. In the only hint that there might be a little Frank Underwood in him, McCarthy grins when he acknowledges that he now occupies the seat of the congressman who rejected him.

**The focus of Kevin McCarthy's** speech was what he believed that President Lincoln might impart to President Obama in the way of advice.

McCarthy thinks Lincoln would encourage Obama to believe in American exceptionalism. He noted that Lincoln, in his Gettysburg Address, said that if we fail then "government of the people, by the people, for the people shall perish from the earth." Lincoln didn't say if we fail, Europe will do it. He said that democracy "will perish from

the earth." We are unique, we are exceptional and only we can do it.

Defending the free enterprise system and the concept of upward mobility is another tenet that McCarthy believes Lincoln would encourage Obama to adopt. Lincoln said, "Property is the fruit of labor. Property is desirable, a positive good in the world. Some shall be rich shows that others may become rich, and hence an encouragement to industry and enterprise. Let not him who is homeless pull down the house of another, but let him labor diligently and build one for himself and thus by example assuring that his shall be safe from violence."

**In a definite shot at** Obama's tendency to blame everything on George Bush, McCarthy believes that Lincoln would encourage Obama to not look back and to not measure success by the failure of others. Even though, before Lincoln's inauguration in March of 1861, seven states had already seceded from the Union, there is not one example of Lincoln mentioning James Buchanan.

McCarthy thinks that Lincoln would advise Obama to make decisions and expect results. When the regulars, the favorites and those in power failed to get results, Lincoln fired them. He didn't care who was in charge as long as the job was done. Expect subordinates to succeed, replace them if they don't and reach beyond the typical to find success.

In the face of the reality of a president who seemed to make every decision in his first term with an eye on his re-election and every decision in his second term with an eye on the midterm elections, McCarthy holds Lincoln out as a contrasting example. In August, 1864, the country was tired, ready for peace. The Democrats wanted a negotiated peace and their candidate



George McClellan seemed to be a sure winner. Lincoln had a choice. He could also work toward a negotiated peace, outflank the Democrats and possibly win. Lincoln, without regard to his re-election, chose to continue the fight. That was his choice in August of 1864. Sure defeat at the polls.

But Lincoln's forthright decision paid off. Atlanta fell in early September and in November the American people re-elected Abraham Lincoln.

**McCarthy, with an eye** on our staggering national debt, believes that Lincoln would challenge Obama to govern for the next generation. Lincoln, in a speech to an Ohio regiment said, "There is more in this contest than is realized by everyone. There is involved in the question whether your children or my grandchildren enjoy the privileges we enjoyed." Previous generations had not faced up to the issue of slavery, passing the issue to their children and grandchildren. What a terrible cost it was for their grandchildren!

Finally, McCarthy points to Lincoln's desire to unite the country and not further divide it. As the war was com-

ing to a close and Lincoln was raising his hand to take the oath of office for the second time he said, "with malice toward none, charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation's wounds..." Stop the finger pointing. Stop the class warfare. Stop the incessant harping on wedge issues. Unite our country.

Kevin McCarthy had the Howard County Republicans riveted to their seats with a great message. I get the feeling that Majority Whip McCarthy is destined for bigger things before his career is done. He has lived the American Dream and believes it should be for everyone. ❖

**Dunn is chairman of the Howard County Republicans.**

## Finding Hoosier joy amongst the Suckers

By **MORTON J. MARCUS**

INDIANAPOLIS - From the email this week, I sensed a profound need by Hoosiers to find joy in the problems of Illinois. Our neighbors to the west are fighting their way through a mess of their own making. They have forced themselves to raise taxes and cut services to correct, in part, their failure to fund their state and local pension plans.



Illinois' difficulties prompted Indiana's leaders to hunt like vultures for carrion on the other side of the border. We celebrate every family or firm that moves from the Land of Lincoln to the Hoosier state. Are

there no Hoosiers moving to Illinois?

Readers of this column urged me to compare the economic records of the two states and thereby prove that our policies are superior to those of our embarrassed neighbors.

**When it comes to** private sector jobs, Indiana has out-performed Illinois. We had a 1.7 percent decline in jobs from 2007 to 2013; Illinois fell by 3.2 percent over that period. We ranked 24th among the states in private job growth, while Illinois ranked 35th in the nation.

Neglected, however, by those who would clog dance to this news, is that the nation saw a decline in private sector jobs of just 1 percent during those six years. Yes, Indiana did better than Illinois, but we did not do well.

We didn't go down in manufacturing jobs as much as Illinois (14.2 percent) or the U.S. (13.5 percent); our fall was limited to 10.6 percent. Whereas, Illinois fell by 30 percent in the construction sector and the U.S. fell by 24 percent, Indiana managed a drop of "only" 18 percent.

**Everybody wants** to see more jobs in professional, scientific, and technical areas. Across the nation, the number of such jobs grew by 6.1 percent; Indiana by 5.3 percent and Illinois by 3 percent. Should the Hoosier heart be warmed by out-pacing Illinois while failing to exceed mediocrity?

Now let's look at what people were paid for working in these two states. In 2007, private sector workers in Illinois averaged \$856 per week, \$31 more than the average American worker. That same year, Hoosier workers averaged \$766 per week, \$90 short of the Illinois average worker, and \$59 below the U.S. average.

Yes, earnings improved. Hoosier workers saw average weekly earnings climb by \$58 over six years (8.2 percent), but Illinois had a \$67 increase (8.5 percent) and, for the country, average earnings advanced by \$101 per week (nearly 14 percent). In manufacturing, touted as the engine of our state's economy, average weekly earnings rose by 16 percent nationally, 12 percent in Illinois and a measly 5 percent in Indiana.

**Since inflation totaled** 12 percent in this period, neither Hoosiers nor Illini had real gains in buying power.

Thus, we did less poorly than Illinois in job growth. But workers in Indiana did worse than workers in Illinois in the money paid for their labors. Are our state's policies responsible for this. ❖

**Marcus is an economist and former educator.**

# Explaining the Dyngus Day tradition

By JACK COLWELL

SOUTH BEND – This past Monday was Dyngus Day.

Well, maybe not everybody knows.

Thus, for newcomers who never heard of such a thing - also for others who never go Dyngusing or go and don't quite understand why - I again fulfill my obligation to explain this event.

**Q.** Where did Dyngus Day come from?

**A.** Poland. It's traced back to a spring observance there, where dousing maidens with water was a feature. The splashing is said to have been inspired by the mass baptisms when Christianity was embraced by Poland in 966. That's 1,048 years ago, just before the Cubs last won the World Series.

**Q.** Is Dyngus Day a religious observance?

**A.** No, but it has a link with religious observances. It comes on the Monday after



Easter. And in the old country it was a festive day of transition from the fasting and sacrifices during the 40 days of Lent.

**Q.** Is it named after Saint Dyngus?

**A.** No. It's named after Polish President Stanislaus Dyngus, who successfully implemented affordable health care that initially was derided as Dynguscare.

**Q.** Really?

**A.** Of course not. There's disagreement over the exact meaning of Dyngus - even the spelling - and it's sort of like figuring out the definition and origin of "Hoosier."

**Q.** How is Dyngus Day celebrated in South Bend?

**A.** With kielbasa. That's Polish for Polish sausage. Most clubs, bars and restaurants observing Dyngus Day feature kielbasa sandwiches along with liquid refreshments at lunch and dinner. Polka music and dancing are part of Dyngusing after dark. The observance here, which began many decades ago in the Polish-American neighborhoods on South Bend's West Side, has spread throughout the city, throughout St. Joseph County and into neighboring counties.

**Q.** Do only folks with Polish ancestry Dyngus?

**A.** No. The day is observed in Italian restaurants, Irish bars and other establishments that normally don't have kielbasa on the menu or polka music in the background. Just as they say that everybody is Irish on St. Patrick's Day, so it is that everybody is Polish on Dyngus Day.

**Q.** How did Dyngus Day become so big in South Bend?

**A.** The city has a large Polish-American population. And folks coming from the old country continued some Monday-after-Easter traditions, including initially a custom of boys lashing girls' legs with pussy willow branches. What was looked upon as flirting then is neither welcomed nor practiced today. Dyngus Day here also gained attention as a political event.

**Q.** Why political?

**A.** It comes shortly before Indiana's May primary elections. So candidates and their backers seek support in the Dyngusing crowds. When Bobby Kennedy came on Dyngus Day in campaigning for president in 1968, it drew huge crowds and national publicity.

**Q.** Even though Dyngusing has spread all over the place, is there a center for the event?

**A.** Yes. The West Side Democratic & Civic Club, where Kennedy and Bill Clinton and other nationally known politicians have campaigned and where celebrities from other fields, including a genuine Polish prince, have visited. Candidate introductions there come at noon.

**Q.** Who's coming this year?

**A.** Hillary Clinton, Justin Bieber, Taylor Swift and Harry Truman.

**Q.** Are you kidding?

**A.** Sure. But there's always somebody who doesn't get satire or a joke. So, somebody will complain when Hillary, Justin, Taylor and Harry don't show up. With no election for president, governor or senator this year, the number of visiting candidates will be down.

**Q.** Are maidens still doused with water?

**A.** No. In fact that became controversial in the old country. The bishop of Poznan in 1420 - closer to when the Cubs last won the World Series - issued a "Dyngus Prohibetur." It prohibited conduct to "pester or plague others" in ways such as tossing maidens in the icy water of a pond. With spring weather around here, that old custom would lead to a whole bunch of maidens catching pneumonia.

**Q.** Is there really what they call a friendly spirit of Dyngus?

**A.** Yes, at least before the sun goes down and the liquid refreshment consumption goes up. Go Dyngus! ❖

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



**Dave Bangert, Lafayette Journal & Courier:**

Things keep getting deeper for state Rep. Eric Turner, a high-ranking Republican from Cicero who faces a House Ethics Committee hearing into whether he broke rules by lobbying to kill a bill calling for a nursing home construction moratorium. Turner has claimed he was in bounds because he recused himself from voting on the bill, given his son's ties to the Mainstreet Property Group, which puts up nursing homes. If the company sounds familiar, Mainstreet is behind the redevelopment plans for the former Home Hospital site at South and 26th streets. New documents uncovered and reported in recent weeks by The Indianapolis Star and The Associated Press paint a more involved picture for Turner, who apparently had millions of dollars personally riding on nursing home deals. But the General Assembly's practices will be on trial during Wednesday's hearing, too. By giving cover of unspeakable privacy to the times when party members meet behind closed doors — a sort of Statehouse version of Vegas, where what happens in caucus, stays in caucus — the legislature leaves itself open to accusations of back-scratching deals. That, of course, is nothing new. The fact that a handful of legislators ratted him out on the nursing home deal hints at just how far Turner was willing to go to twist arms to save his investments. (Your citizen legislature, ladies and gentlemen.) Party leaders might exonerate Turner, saying that the traditional shroud of caucus is worth saving. But they have only themselves to blame for enabling Turner and anyone else wheeling and dealing out of the public eye. The caucus — used to deliberate matters huge and minor — is a privilege reserved for the General Assembly and isn't extended to city councils or county commissioners or school boards. That's for good reason. Open meeting laws are meant to defend against the sort of self-serving antics Turner is accused of, by making the conversation as much of the legislative process as the votes are. House leaders will have a lot of explaining to do no matter which way this falls. Say Turner is guilty, and the question falls to why he was allowed to do it. Say Turner is innocent, and the question will be how the public can be sure that stuff isn't happening on every bill.



**Marc Chase, NWI Times:** It's sad when public officials must show their willingness to do the right thing by signing toothless documents promising they won't act like conniving, entitled thieves and will train their underlings to avoid such behaviors. That's how I view the Shared Ethics Advisory Commission and what its leaders are trying to do for region government. Though noble and well-intentioned, they're fighting an epidemic with pledges, ethics club membership and training for behaviors government leaders should have learned were improper as children. I understand and agree with the principles the commission seeks to impart. Northwest Indiana is home to Lake County, after all, in which elected officials often

are stricken with the self-serving plague of greed and entitlement garnering criminal convictions. The feds have been probing and seizing evidence in neighboring Porter County as well, showing the plague may be either spreading or was present there all along. Since 1985, more than 60 Lake County public officials, most of them Democrats, have been convicted of crimes against the taxpayer, and the hits keep coming. One county official hobbles into a federal courtroom in shackles, and less than a year later the story repeats itself with a municipal official performing a very similar dance. So I respect the goal of the ethics commission, which seeks the participation of local government councils, boards and individual elected officials in its drafted pledges of doing the right thing. I'm just not sure it will make any difference. Lake County Councilman Eldon Strong made a salient point recently on the potential effectiveness of the ethics pledges. Though Strong signed a commission pledge, he noted he learned proper ethics and morals as a child. You know, the lessons about not taking things that aren't yours -- about putting the needs of those you promise to serve ahead of your own. Learning to do the right thing starts early, and it becomes nearly impossible to teach to adults.

**Matt Tully, Indianapolis Star:** State Sen. Luke Kenley, the masterful chairman of the Senate Appropriations Committee, wrote a letter to the editor this week that both shrugged off valid criticism of the legislature and neglected to acknowledge its lead role in an unfortunate piece of recent history. Let me explain. Recently, I wrote a column about the concerns of local government officials and advocates who have seen their budgets slashed and services threatened in part because of the actions of state lawmakers. Already stretched painfully thin by property tax caps enacted a few years ago, mayors and other local leaders were forced to spend recent months fighting off a Statehouse plan to eliminate a tax on business equipment that could have cost Indiana communities roughly \$1 billion a year. That's money that is spent on things such as snowplows, police salaries, schools and libraries. Kenley, in response to the criticism, wrote that local governments are to blame for cuts to basic services because they have not exhausted every tax increase at their disposal. He's right that they haven't done so, though there are good reasons in many cities and towns for not further raising the rates on the main source of untapped revenue: income taxes. After all, if Indianapolis raises its income tax again, it creates yet another reason for people to flee for the suburbs. Moreover, the political realities in many cases block tax hikes. And instead of talking about tax increases, here is a better idea: Perhaps the state legislature could put the brakes on all the talk about further cuts to local government revenue. That idea, it's important to note, was at the heart of the complaints from local leaders. ❖

## ZimmerUSA buys Biomet

WARSAW - Two of what have been called Warsaw's "big three" orthopedic companies announced today plans to become one in a more than \$13 billion deal that would have Zimmer Holdings Inc. acquiring Biomet (Fort Wayne Journal Gazette). The boards of directors of the two companies have approved a definitive agreement for a cash and stock deal expected to be completed in the first quarter of 2015 valued at \$13.35 billion, according to a news release this morning. DePuy Synthes, part of Johnson & Johnson, is the other Warsaw-based company that has part of the "big three." "The merger of Zimmer and Biomet will position the combined company as a leader in the \$45 billion musculoskeletal industry and is aligned with Zimmer's strategic framework, which focuses on growth, operational excellence and prudent capital allocation," the news release said. "The combined company is expected to deliver attractive growth by offering a more comprehensive and scalable portfolio of solutions with enhanced cross-selling opportunities." As a combined company, Zimmer and Biomet expect to be able to accelerate innovation and have a more diversified and predictable revenue mix consistent with a broader portfolio, the news release said. "This combination is about achieving growth and cultivating best-in-class solutions," David Dvorak, Zimmer President and CEO, said in a statement.



## Elkhart sheriff goes to Nevada standoff

ELKHART - Is Elkhart County Sheriff Brad Rogers a hero for wading into the Bunkerville, Nev., controversy over access to federal land? Or, since it's not directly related to

Elkhart County, should he butt out? The debate is raging on Facebook and among Elkhart Truth readers in response to Rogers' weekend visit to Bunkerville, ground zero in a dispute between rancher Cliven Bundy and U.S. Bureau of Land Management officials (Elkhart Truth). The feds sought to enforce a prohibition on letting cattle graze on federally owned land in the area while Bundy asserted what he said was his right to let them roam the tract. The situation turned into an armed showdown between federal officials, on the one hand, and a group of state's rights advocates and critics of federal government overreach. Rogers, a Republican and himself a foe of federal government overreach, went, in part, out of concern that such a scenario could feasibly unfold here in Elkhart County. "Why do I get involved, on my vacation, even though this situation has no immediate impact on Elkhart County? Because I love people. I love my country. I love the Republic for which our flag stands," Rogers said in an extensive Facebook post on the visit. "I left my family over the Easter weekend, missed a niece's birthday party, missed a church service celebrating the resurrection of Jesus Christ, my Lord, because I love my family and do not want to see them live in a country where our freedom and liberties are eroded."

## Camm speaks on his conviction

TERRE HAUTE - In his first public speaking appearance since he was acquitted of murdering his wife and two children last October, David Camm said he's trying to rebuild his life — despite the 13 years he spent behind bars (Associated Press). The former Indiana State Police trooper spoke to a wrongful convictions criminology class at Indiana State University Wednesday. He looked trimmer, having lost 40 pounds since

his release, and said he's trying to stay focused on regaining his health, physically and emotionally. At night, if he wakes from a haunting dream, his wife Kim and children Brad and Jill are fresh in his mind, and that's crushing, he said. "Time doesn't heal anything," Camm told The Courier-Journal. But "I can't dwell on those things or it would tear me apart." The crime scene reconstruction industry, he said, is largely "junk science...these people are paid \$300 to \$400 to give their opinion" for the side that's paying them. Before his second trial, new DNA evidence linked former convict Charles Boney of New Albany to the crimes. The 44-year-old man ultimately was convicted of the murders and is serving 225 years in prison. Camm said he believes that if his first conviction had not been overturned, Boney may still be a free man. None of the evidence would have been scrutinized — including a gray prison-issue sweatshirt that eventually tied Boney to the murders. Camm said Wednesday that Boney fabricated the story to try to pin the murders on him — and it amazed him that police and Floyd County Prosecutor Keith Henderson bought the story and still pursued charges against him. He said police and prosecutors are competitive and often unwilling to admit when they've arrested the wrong person. "It becomes about winning, and winning at any cost," Camm said.

## Obama says Russ sanctions 'teed up'

TOKYO - President Barack Obama traveled nearly 7,000 miles around the globe to Tokyo but returned to domestic political troubles with a new trade agreement and to the situation in Ukraine on Thursday, suggesting that another round of sanctions against Russia are "teed up" and ready to go should President Vladimir Putin prove unwilling to work through diplomatic means (Politico).