



The closed caucus compromise

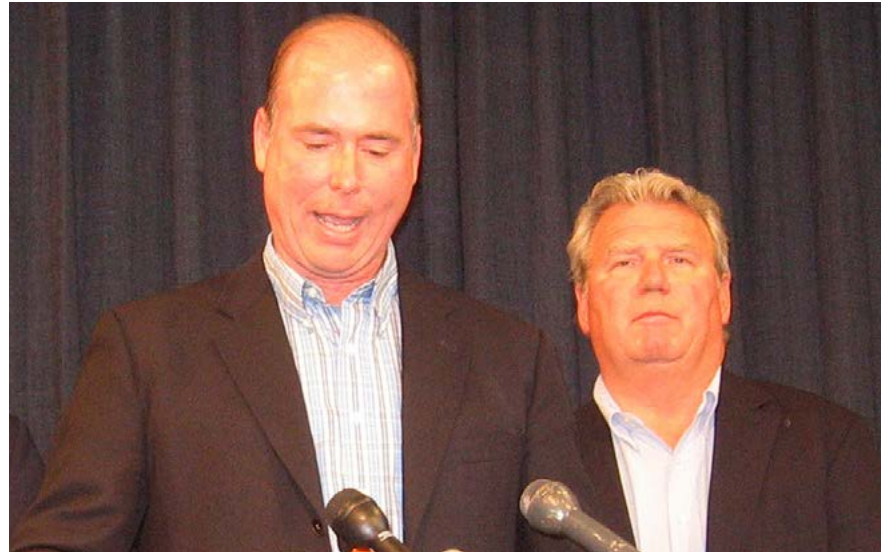
Keeping legislative caucuses private was Open Door compromise in 1977 and 1979

By **BRIAN A. HOWEY**

WEST BADEN, Ind. – That clunking sound heard within a mile radius of the Indiana Statehouse mid-day Friday was all the jaws dropping when Speaker Brian Bosma banished State Rep. Eric Turner from House GOP leadership.

As a result of the Turner case and Bosma's reaction to it, there is a growing conversation about the concept of "conflict of interest" in Indiana's parttime "citizen legislature" and the secrecy surrounding the four legislative caucuses.

After complaints emanating from the House Republican caucus, to a tortured House Ethics Committee review that absolved Turner in bipartisan fashion, Bosma sent out a press release last Friday that began, "There is no more important precept in a free democratic system than the expectation of impartial decision making by



Speaker Brian Bosma and State Rep. Eric Turner as part of a past leadership team. Bosma banished Turner from leadership last Friday. (HPI Photo by Brian A. Howey)

elected policymakers. In a parttime legislature we each carry with us our own personal conflicts and influences and we must continually be on guard to set them aside, or recuse ourselves entirely from influencing that matter. Our

Continued on page 3

Conflicts and interest

By **DAVE KITCHELL**

LOGANSPORT – It drew praise last week from both sides of the aisle in Indianapolis.

"It" was a decision to strip State Rep. Eric Turner of his Indiana House leadership position because of a

conflict of interest. Turner had worked behind the scenes on a nursing home issue before the state, which could potentially affect his own family's nursing home business.

Turner, who at one time represented a portion of southern Miami County, has been in the legislature long enough to know that his job there is not to serve as a lobbyist for the nursing home industry. That's what



"We need clarity and strength. We need to be clear that ISIS is a force of evil."

- U.S. Rep. Luke Messer, commenting to HPI on the beheadings of American journalists James Foley & Steven Sotloff



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

It is published by
WWHHowey Media, LLC
405 Massachusetts Ave.,
Suite 300 Indianapolis, IN
46204

Brian A. Howey, Publisher
Mark Schoeff Jr., Washington
Jack E. Howey, Editor
Mary Lou Howey, Editor
Maureen Hayden, Statehouse
Matthew Butler, Daily Wire

Subscriptions

HPI, HPI Daily Wire \$599
HPI Weekly, \$350
Ray Volpe, Account Manager
317.602.3620
email: HoweyInfo@gmail.com

Contact HPI

www.howeypolitics.com
bhowey2@gmail.com
Howey's Cabin: 812.988.6520
Howey's cell: 317.506.0883
Washington: 202.256.5822
Business Office: 317.602.3620

© 2014, Howey Politics Indiana. All rights reserved. Photocopying, Internet forwarding, faxing or reproducing in any form, whole or part, is a violation of federal law without permission from the publisher.

his family's nursing home should have done. Recusing himself from discussion and potentially any vote on the issue probably would have been the right thing to do.

But just exactly how do legislators from either party know what is the right thing to do?

The Turner case brings to the surface an issue that begs more consideration: How to prevent conflicts of interest from happening in the first place and identifying red-flag situations that should not have involved those with pecuniary or vested interests in the outcome of a bill, a vote, a caucus or a floor fight. How many other Eric Turners are there out there in the legislature?

Unfortunately, this issue was resolved after the fact, and there is merit to considering other potential conflicts of interest. This could potentially include cases such as those involving the very man who punished Turner, House Speaker Brian Bosma.

For those who may have missed it, including the Indianapolis media, Bosma is employed by the city of Logansport as a special counsel. Bosma, who has a background as an engineer and an attorney, is working with city officials on a proposal for the city to engage in a development agreement for a new power plant. Keep in mind, we don't know where the plant will be built or who will finance it, and city officials are moving swiftly ahead with an arrangement that is equivalent to a no-bid contract for an \$800 million construction job that will tie the city to its success for the next 25 years.

Where the potential ethics concerns come in to play with Bosma or any other legislator in this situation are maybe not as apparent with other consultants who aren't members of the legislature. For instance:

1. If Bosma has any contact with the Indiana Department of Environmental Management to seek approval for a permit to burn refuse-derived fuel or trash, would the participation carry any more weight with IDEM than say an attorney fresh out

of law school with no political affiliation? The answer has to be yes.

2. If Bosma or a member of his legislative staff or a member of his law firm's staff contacts the State Board of Accounts to advise them to give favorable audits to the city despite concerns over consulting fees for the project, is that a problem? The answer has to be yes.

3. If Bosma contacts any state financing or bonding authority to arrange financing issues for Logansport's project, is that a conflict because his clout as speaker may sway the decision of decision-makers to approve the project? The answer has to be yes.

4. If Bosma influences any decisions by the Indiana Department of Local Government Finance to approve expenditures for the project or other Logansport budget items, is it a conflict? The answer has to be yes.

5. If Bosma or his law firm aides or legislative staff places any calls, sends any e-mails or has any private conversations with Attorney General Greg Zoeller's staff urging them to look the other way in pursuing any investigation of appropriations by the city council or mayor, is it a conflict of interest? The answer has to be yes.

6. If Bosma in any way blocks potential legislation to allow his client, the city of Logansport, to build and operate the plant, is it a conflict of interest? The answer has to be yes.

7. If Bosma is a party, directly or indirectly, to a review by the Indiana Utility Regulatory Commission to encourage it to not be involved or raise fiscal or environmental concerns for the state involving this project, is it a conflict of interest? The answer has to be yes.

8. If Bosma or his law firm or legislative staffs contact the Indiana public access counselor to influence public access information and decisions that either have been made or will be made regarding this project, is it a conflict of interest? The answer has to be yes.

9. If Bosma works with

Logansport lobbyists on this project, is it a paid conflict of interest? The answer should be yes, because those lobbyists may have other clients that want favorable legislation Bosma can influence, write or sponsor.

Perhaps the overriding question for Logansport residents and Logansport Municipal Utilities ratepayers who are paying Bosma now is this: If Bosma isn't doing any of these things on the list from one to nine, why is it we're paying an Indianapolis attorney to do them? Aren't there local law firms who don't employ legislators that are up to this task?

Perhaps the overriding question for Hoosiers is

this: If we're going to have a citizen legislature where lawmakers are parttime but have fulltime jobs, shouldn't we have tougher ethics laws that prevent them from even working on projects that involve state government.

The answer, if we want a state that isn't constantly dogged by ethics complaints and the appearance that political influence is for sale, has to be yes. ❖

Kitchell is an award-winning column based in Logansport.

Caucus, from page 1

greatest concern must be the confidence of the public in their elected officials."

Thus, after Turner lobbied inside the GOP caucus on behalf of nursing home legislation, then saw his family sell his family nursing home business for \$2.3 billion (along with a personal \$1 million profit), it was too much for the speaker who had made transparency a career hallmark.

"Calls for resignation or removal at this point mean little, as the General Assembly is officially adjourned until after the November election," Bosma said. "The public can rest assured that I made the decision many weeks ago that Rep. Turner will not be part of our leadership team come November. My greatest concern is restoring the confidence of the public in their elected officials."

It prompted Democratic state auditor candidate Mike Claytor to open the conflict-of-interest issue. "I think third-graders understand what a conflict of interest is," Claytor said on the steps of the Statehouse. "And if we could get some third-graders in to educate some of the state officials, it might help a lot. Maybe that ought to be the next proposal, that we take this to the third-grade level."

But perhaps even more profound are the seeds for the conflict of interest scenario that happened in the House Republican caucus, where Turner lobbied for nursing home legislation. Various media reports had Republican

caucus members privately and then in off-the-record mode complaining about the conflict. That prompted Bosma to open an ethics probe. It also put him in the crosshairs of the debate over conducting the people's business behind closed doors.

The issue came up last February when State Sen. Mike Delph violated what Senate President David Long called "our golden rule," which was, essentially, what happens in caucus, stays in caucus. After Delph tweeted out a caucus vote, Long gave the press corps what HPI described in the Feb. 20 edition as "perhaps, a once-in-a-generation lesson on Senate protocol."



State Sen. Mike Delph got sideways with Senate leadership after Tweeting about a majority caucus action last February. (HPI Photo by Matthew Butler)

"We have three basic rules in our caucus," Long began. "Our conversations are respectful so we can have free open-line discussions of the issues from all sides, on all perspectives. We'll take a vote on how our caucus will handle that bill and we honor that vote ... And that we never, ever talk about what happens in caucus, which protects everyone to speak freely; so the water isn't poisoned in our caucus for fear of someone saying something. It allows for them to freely speak their minds and it allows them to talk about their

constituents and things they would otherwise not speak publicly about. It is our golden rule."

In the wake of the Turner probe and Bosma leadership action, former Elkhart mayor Jim Perron was one of several voices contacting HPI about the caucus secrecy.

"Would not a long-term solution be to revisit the Sunshine laws and apply them to state legislative caucuses?" Perron, a five-term Democrat, asked. "Throughout the ordeal, I continually read of legislators on both sides of the aisle saying 'what happens in caucus stays in caucus' and references to the caucuses as private meetings. Why? These are elected officials discussing public business. Open the caucus to public scrutiny and the problems represented in the Turner matter would be resolved."

Indiana went through two episodes of opening government to the scrutiny of the press and the people. The first came in 1953 when the "Hughes Anti-Secrecy" legislation was first passed, as well as California's Brown Act.

A generation later, after the Watergate scandal rocked Washington, alerting Americans and Hoosiers of the potential for abuse of power, new Sunshine Law legislation was introduced in 1976, amended and passed in 1977 and amended again in 1979, with these laws rewritten and greatly expanded. Simultaneously, local citizens and newspapers

were growing more concerned about closed meetings and pre-meeting discussions, especially among school boards.

Jon Dilts, a former Peru Daily Tribune city editor, attorney and future Indiana University journalism instructor, wrote a 1980 analysis for the Valparaiso University Law Review that traced the movement back to President Lincoln's Gettysburg Address, when he called for a "government by the people."

"The tone, the spirit and the cadence of Lincoln's Gettysburg speech, however, are echoes of the Constitution, not of the dusty doctrines of common law. His government by the people is a constitutional government," Dilts explained. "Advocates of open meetings have often and hotly argued that the public's right to attend meetings is implicit in the first two articles of the Constitution as well as the First Amendment."

Emerging from this Indiana General Assembly debate were five sweeping areas to be subjected to Sunshine Laws: 1. Any board, commission, department, agency or authority exercising a portion of executive, administrative or legislative power of the state; 2. Any county, township, school corporation, city, town, political subdivision exercising power delegated to local government; 3. Any entity subject to budget review by the state board of tax

commissioners or audit by State Board of Accounts; 4. Any building corporation ... issuing bonds; and 5. Any advisory commission to advise the governing body of a public agency, except medical staffs or committees of such staff.

Conspicuous in its absence were the four legislative caucuses. If the four legislative caucuses had been included, there almost certainly would have been no Sunshine or Open Meeting laws in Indiana.

Dilts observed in his 1980 analysis: "In the original version of the bill, caucuses were included as meetings and were listed among those which could be closed. The House action in making a caucus a 'non-meeting' rather than an executive session took the political strategy session completely out of the reach of the statute."

"As an executive session, the caucus would have been subject to requirement that public notice and identity



Speaker Bosma asked for a public meeting with then House Minority Leader B. Patrick Bauer during the 2012 show-down over Right to Work.

of the subject matter be posted and provided to the news media," Dilts wrote. "Moreover, the act forbids a body from ordinarily conducting an executive session during the meeting, but if a caucus is not a meeting at all, there is nothing to prevent a political faction or coalition of a board from meeting privately as a caucus without notice, at any time, even if that caucus constitutes a majority of the members on a board or commission. The caucus exemption is a major potential weakness in the act, and is virtually impossible to police. Planning political strategy and preparing members to take official action, where 'official action' includes voting, provides handy camouflage for action which the statute specifically intends to prevent."

In both today's 37-13 Republican Indiana Senate, and 69-31 Republican Indiana House, body quorums exist in both majority caucuses.

"It is curious to note that there have been few problems with the caucus at the local level and few complaints by the press," Dilts wrote. "This may be, of course, either because the caucus is not being abused or because it is being used discreetly enough to avoid criticism. Whatever the reason, the legislature has provided that political groups may caucus privately, the effect of which is kind of escape valve from the pressure of open discussion. It is

a recognition that if the law is to work to keep formal processes open to the public, there must inevitably be allowance for informal interaction."

In essence, in 1976 and 1977, it was the caucus issue that threatened the entire Sunshine process. "The caucus issue was, in fact, the most volatile issue threatening defeat of the open meetings act," Dilts observed. "The state legislature in Indiana is included in the coverage of the act and the legislature uses the caucus traditionally and frequently. The caucus privilege is jealously guarded by the members of the General Assembly and practical politics makes it unlikely that any bill eliminating the private, political discussions could get enough support to pass.

"The practical political lesson was that the concept of caucus remains an untouchable and highly sensitive issue for the legislature."

The compromise taking the legislative caucuses out of the equation angered newspaper editors and their lobbyist, Dick Cardwell.

Thus, the private caucuses are still "jealously" guarded to this very day, as Sen. Long made clear last February.

Long and Bosma can hardly be described as political moles, pushing legislation underground. Under their leadership, legislative sessions and most committees are webcast, actually increasing transparency once the gavel brings sessions and hearings into order. We are the first generation where a Hoosier in Angola, East Chicago, Wheatfield or Daylight can sit at home and watch the legislature work, if they can get an Internet connection.

The two areas that remain out of sight are the four caucuses and the end-of-session conference committees.

Dilts drew these conclusions: "The state legislature chose to tailor a statute that is at once a remarkably liberal departure from the informal past patterns of Hoosier government and a remarkably conservative preservation of Hoosier politics as usual."

"The great advantage of the law is that it keeps the formal processes of government open and provides a means whereby citizens can challenge evasion quickly," Dilts continued. "However, the right of access is rendered



Speaker Brian Bosma and Senate President David Long will jealously guard the option to have closed caucus sessions during Indiana General Assembly sessions. Caucuses were exempted from Open Door laws as part of a compromise. (HPI Photo by Brian A. Howey)

substantially less meaningful by the continued protection of the private political caucuses with its attendance potential for abuse. While the caucus may have been a legitimate tradeoff to assure passage of the act and to preserve a longstanding tradition in the state legislature, it is certainly of less value at the local level where it proves a handy means for making decisions about public business under the cover of partisan political activity."

Those pondering a move in an attempt to open the caucus process are facing a political Mount Everest to scale.

Having said that, a scandal of such proportions has the potential for lighting that prairie firestorm.

The Indiana of the second decade in the 21st Century has been the scene of mostly scandal-free state government – to our knowledge – as well as a withering of the local press and the Statehouse press corps.

But such prairie firestorms have occurred within the past century. After the Ku Klux Klan won by election over half the Indiana General Assembly, the secretary of state and governor's office with Ed Jackson's election in 1924, newspapers across the state sprang into action with the goal of outing Klan members in government. The KKK was rendered politically moot within a handful of election cycles and one nationally followed murder conviction of Grand Dragon D.C. Stephenson.

Modern Indiana has yet to witness a scandal and response of that proportion, but legislators should keep in mind it's far less expensive to start a website blog than it was to print a newspaper nine decades ago. ❖

Pence goes to Dallas and becomes the 'happy warrior'

By **BRIAN A. HOWEY**

WEST BADEN, Ind. – In the most conspicuous forum where some of the earliest comparisons of the 2016 presidential field emerged, Indiana Gov. Mike Pence assumed the role of the “happy warrior” who vowed to “out work ‘em” in the months ahead.



Pence was on the bill for the Americans for Prosperity’s “Defending American Freedom Conference” in Dallas along with Texas Gov. Rick Perry and U.S. Sens. Ted Cruz and Rand Paul. Cruz seemed to depart with the most momentum, as delegates chanted on Saturday, “Run, Ted, run” and

others expressed doubts about Paul’s willingness to use U.S. military force abroad.

“We need a president who will stand up and use every tool at our disposal,” Cruz said to applause and repeated standing ovations, according to the Los Angeles Times. But momentum for a presidential prospect 18 months before the first caucus and primary votes are cast is as good as flotsam in the dustbin of history.

Pence articulated a state-based rationale for the next president. He received a standing ovation after saying, “There are some people who say that we need a governor as president and I’m sympathetic to that.”

Pence appeared on a panel called “Tightening the Belt on Government Spending.” Pence boasted of Indiana’s \$2 billion surplus, the largest school voucher program in the nation, the second lowest corporate tax rate in the U.S., the creation of 80,000 jobs, and an unemployment rate of 5.9%, down from over 8% when he took office. “A state government budget should not grow more quickly than the family budget,” Pence said, adding at one point, “Just 66 days until the Democrats lose Senate. Then we must restore

sovereignty to states, fiscal sanity to Washington and balance budget.”

Pence entered the conference with a splash article by Politico that suggested that the Hoosier governor could have the financial support of the affluent and powerful Koch Brothers, suggesting that support could jump-start a Pence presidential bid. It quoted Pence as saying, “I’ve met David Koch on several occasions. I’m grateful to have enjoyed his support and the support of many of the people that support Americans for Prosperity across Indiana and across this country.”

Pence acknowledged the AFP’s six-figure TV ad campaign during his first legislative session when he pushed for a 10% income tax cut, calling the group’s intervention a “critical moment.” Pence acknowledged that Republican legislative leaders balked and were peeved by the AFP ad campaign. “We went to the legislature and it got very interesting,” Pence said. “The legislature had a different idea. We worked our way through it.”

At the time, legislative leaders like House Speaker Brian Bosma, cognizant of Pence’s potential presidential aspirations, pushed for what became a phased-in, 5% tax cut, coupling it with the other tax breaks Pence mentioned. It became the proverbial “win-win” for the governor and legislative leaders.

“We put together the largest tax-cut package in state history,” Pence said, noting that it lowered the income tax rate, cut the corporate tax rate and ended the death tax. At this news, the delegates cheered.

Pence bragged of the Hoosier workforce, noting that the jobs were not created by “our administration but by hard-working people. We have one of the fastest labor forces in the state. We’re the state that works.”



It all melded into a consistent Pence theme: Being a conservative who’s “in a good mood about it.” But he delineated himself from an earlier generation of Washington conservatives. He noted one of the first bills he became involved with was No Child Left Behind, followed by the Medicare Prescription Drug Part D legislation. He parted with the administration of President George W. Bush on both. “We need new leadership,” Pence said, saying today’s GOP needs to “permanently reduce the size and scope” of the federal government.

He told delegates not to “confuse the national government with the nation.

The American people are strong, resilient and capable. We can bring the nation back.”

“Be confident, be optimistic, be happy warriors,” Pence said.

If Sen. Paul got pushback on his limited international outlook and Gov. Perry’s ability to win a general election, Pence was the target of the anti-Common Core forces. While he was in Dallas, Pence was peppered with a witter campaign. Stanford University Prof. James Milgram “floored listeners” according to a Breitbart account, “with information about the Common Core standards, how they will affect the nation’s students and, ultimately, the country itself, and what parents and citizens can do to try to stop them.”

Dr. Milgram, a mathematician and former member of the Common Core Validation Committee, began his talk by addressing why he was on the call: To let Pence know that his “rebrand” of the Common Core was a “betrayal of Indiana’s citizens.”

“The state actually paid me to evaluate new standards,” Milgram said about his involvement in the review process. According to the Breitbart article, Milgram said he was “incredibly disappointed that the drafts I was reading (of Indiana’s new standards) looked so much like the Common Core,” but was nevertheless “happy” to see that advanced math classes like pre-calculus, calculus, and trigonometry were left in the replacement standards.

“These were very well done and absolutely impossible to teach if all these kids had were Core standards,” Milgram explained. “It was a complete disaster because even the things that they added that were of high quality were added to standards that couldn’t support them.”

Anti-Common Core websites urged followers to sent Tweets at Pence. Dozens followed like these: @GovPenceIN private schools in your state #DeserveBetter than to have poor rebranded standards tied to vouchers. #Dream14 #StopCommonCore” while another read: @GovPenceIN I didn’t think it was possible but Indiana now has worse math standards than Common Core. Hoosiers #DeserveBetter #Dream14.”

The Dallas event was milepost test for Pence to gauge reaction from this conservative wing and potentially build on the confidence he has with the billionaire Kochs. He attended a Thursday dinner with David Koch, Politico reported, while pointing out that several former Pence staffers are now with either the AFP or Koch Enterprises.

This week, University of Virginia Prof. Larry Sabato was preparing to elevate Pence into his “Crystal Ball” 2016 presidential race formula. Following this scenario out, Pence can be expected to be included in upcoming national presidential polls. In 1975 and again in 1991, obscure governors like Jimmy Carter and Bill Clinton emerged, polling in single digits. Both filled a vacuum left when Kennedys, Cuomos, Bradleys and Rockefellers passed on the race.

Pence has a critical eight months coming up. He has his second biennial budget to deal with next winter, as

well as the coming U.S. Department of Health and Human Services decision on whether to accept the Health Indiana Plan 2.0. Even if the feds go along, HIP will undergo substantial changes. Pence got good news last weekend with the U.S. Department of Education extended for 10 months the No Child Left Behind waiver that had been in jeopardy.

Both the NCLB and HIP interactions with the federal government also underscore a potential national presidential race about the relationship between states and the nation.

Pence is also dealing with an out-migration from his administration, with many holdovers from the Daniels administration departing, as well as his first chief of staff, and commissioners and secretaries from BV, Workforce Development, FSSA, and Department of Health, the latter three critical areas when it comes to health policy and jobs. Governors in the second years almost always see some turnover. If this trend continues, it could be a forbearing to administration instability.

Pence left his calling cards in Dallas, on the home turf of Perry, Cruz and the Paul family patriarch, that he’s a governor (and in a good mood about it). ❖



Sabato’s Crystal Ball sees Pence ‘wild card’

By BRIAN A. HOWEY

INDIANAPOLIS – Indiana Gov. Mike Pence is now listed in Sabato’s Crystal Ball as a “wild card” 2016 presidential aspirant. The list reveals a vacuum, as no candidate is listed in the Republican “top tier.”

Also included in the “wild card” section are 2012 nominee Mitt Romney, former Arkansas Gov. Mike Huckabee, and neurosurgeon Ben Carson.



Of Pence, the Crystal Ball sees his key primary advantages as “extensive governing experience; vetted; excites conservatives, particularly social conservatives; if GOP doesn’t go South, they could go Midwest.” As for disadvantages, it shows “low name ID nationally; would have to give up governorship to run; no detectable campaign.”

In the Crystal Ball’s first tier, that category is “absolutely empty. Yes, it’s chaotic so far.”

On the second tier, listed are former Florida Gov. Jeb Bush, U.S. Sen. Rand Paul and U.S. Rep. Paul Ryan. The third tier includes U.S. Sens. Marco Rubio, Rob Portman and Ted Cruz, Wisconsin Gov. Scott Walker, New Jersey Gov. Chris Christie, Ohio Gov. John Kasich, Louisiana Gov. Bobby Jindahl, Texas Gov. Rick Perry, and former U.S. Sen. Rick Santorum.

Messer sees Pence reelect

U.S. Rep. Luke Messer believes that Gov. Pence will seek reelection. "I have every confidence he will run for governor in 2016," said Messer, who succeeded Pence in the 6th CD. "All indications are Mike is running for reelection. We need him to run."

As for Pence's potential vice presidential nomination, Messer, who is the former executive director of the Indiana Republican Party, said that Pence will draw attention, "but if history is any indication, anyone on the ballot elsewhere doesn't end up on the ticket."

As for the potential of former Democratic Gov. Evan Bayh running for his old job, Messer said, "If he announces anything this month, that means he's not going to run. He's got time. He's got \$10 million. He could wait until next year if he wanted to."

Messer recalled the time period of late 2002 and early 2003 when Republicans were urging Mitch Daniels to run for governor. Messer said that Daniels preferred to wait. "If I announce, I become a target," Daniels told Messer.

New Walorski ad blasts Bock on taxes

U.S. Rep. Jackie Walorski, a Republican, unveiled a new television ad last week attacking her Democratic challenger, Joe Bock,

for a pair of votes during his time as a member of the Missouri House of Representatives in the late 1980s and early 1990s (Vandenack, Elkhart Truth). her new ad, Walorski attacks Bock for what her ad says were votes in 1989 and 1990 to increase the pay and retirement benefits of Missouri lawmakers. Bock served

three terms in the Missouri House and moved to South Bend in 2007. "Bock had a proven record there, of, well, looking out for himself," the ad narrator says. The narrator goes on: "Higher taxes for you, more benefits for himself. That's the real Joe Bock." "The incumbent wants to define the challenger in a negative way," said Savage. It's not enough to keep a cheery tone and ignore a challenger, no matter the perceived edge in a contest. Bock is running his second TV ad beginning on Wednesday. "Joe Bock has always run toward the fire, to save lives, organize the chaos and manage the crises all over the world. Now career politicians in Washington have created a homegrown crisis, a broken system, rigged for insiders at the expense



of seniors, the middle class and the economy. Joe Bock is running toward the fire." Bock then concludes, "Washington isn't getting the job done. You deserve a member of Congress who will." **Horse Race Status:** Leans Walorski.

Mitchell 'shocked' at Mourdock resignation

Republican State Treasurer candidate Kelly Mitchell issued the following statement regarding the resignation of Treasurer Richard Mourdock. "I was shocked and surprised by the news of Treasurer Mourdock's resignation Friday. Since I learned of this, people have approached me asking if I would be interested in being appointed by Governor Pence to finish the current term. I gave this serious thought. Because I care deeply about the office and state, the prospect of joining the office immediately and helping Hoosiers in that new role is exciting. "However, for nearly a year, I have been making my case to voters that I have the experience and vision required to be voted the next state treasurer. I'm confident I can earn their trust, so I have called Governor Pence and asked not to be considered to be appointed at this time.

"Given that the next 60 days are the most intense days on the campaign trail, my focus right now is to be sure that the voters of Indiana get to know me and my values, and that I work hard to earn their vote on Election Day. I look forward to continuing to share my vision for the office and earning your trust between now and Nov, 4. I would be humbled to be elected your next Indiana state treasurer and to begin my service to our great state then." Mitchell faces Democrat Mike Boland. **Horse Race Status:** Likely Mitchell

Marriage issue in statewides

Indiana voters who'd hoped to decide whether to place the state's gay marriage ban in the constitution won't find the issue on the November ballot. But same-sex marriage is still playing a role in

many political races, giving Democrats hopes of gaining a critical foothold in the heavily Republican state (Evansville Courier & Press).

From Marion County Clerk Beth White, who's running for secretary of state, to two challengers for legislative seats, Democratic candidates are using the issue to raise money and support in their fight to unseat GOP incumbents. "It has been a boost for fundraising," said White, who performed more than 300 same-sex weddings over a handful of days in May after a federal judge found the state's ban unconstitutional. "There have been a number of people, people I know in particular, who have said

"I saw you on the TV and I saw you doing that important thing and we want people like you in our government." Gay marriage supporters are bullish on the issue for the first time in Indiana, saying they've been able to make an aggressive push on the issue following a surprising victory during the Indiana General Assembly's 2014 session that kept the constitutional amendment off the November ballot. Workers and volunteers with the umbrella group that fought the ban, Freedom Indiana, went to work on other campaigns and, in one case, even entered a state House race. It's a stark shift from the May primary, when social conservatives successfully ousted a pair of House Republicans who voted against letting voters decide on the ban. They also supported the author of the marriage ban, House Speaker Pro Tem Eric Turner, who faced a surprisingly strong challenge after ethics questions surrounding his family's nursing home business were raised. Republicans aren't trumpeting the gay marriage issue as loudly as in past elections, but conservative activists say it's a powerful tool for them at the ballot box. Connie Mackey, president of the Family Research Council's political arm, said conservative voters will stay home if they don't feel like Republicans align with them on social issues. She pointed to a congressional primary in New York where incumbent U.S. Rep. Richard Hanna faced a tougher-than-usual primary challenge because he backed gay marriage. "I think it was a lesson that changing marriage is not an issue that really is going to help Republicans," Mackey said.

HD22: Kolbe files complaint

Even if Curt Nisly's role in developing the Elkhart County Election Board website is legit, it leaves a bad taste in the mouth of David Kolbe (Vandenack, Elkhart Truth). Nisly is vying as a Republican for the District 22 Indiana House seat, which covers part of southern Elkhart County, Kolbe is running as a Democrat and the website features general information about their race, along with all other contests in Elkhart County. "It just seems to me a candidate should not have a government contract with an election board," said Kolbe, a lawyer from Warsaw. C-Tech Solutions designed the county website, www.elkhartcountyclerk.com, and Nisly's role as president and owner of the Elkhart-based firm prompted Kolbe to lodge a complaint last week

with the Indiana Election Division. Particularly bothersome to Kolbe were web links in the county page, since removed, to the C-Tech website, www.ctech.bz, where information on Nisly's candidacy is featured. Nisly, as web designer, "could delve into all sorts of voter data," Kolbe, from Warsaw, further charged in a letter to the editor Wednesday, Aug. 27, meant for area publications. "It just looks terribly bad and alarms us."

Nisly, from Jackson Township south of Goshen, declined comment, pending review of Kolbe's complaint by Indiana election officials. Pam Galloway, a volunteer campaign staffer, echoed that, but also said, "We're not worried." "We're just going to wait and see what the Indiana Election Commission says before we give any more details," Nisly said. County Clerk Wendy Hudson, who oversees Elkhart County elections and serves on the three-person election board, deflected some of Kolbe's concern. In an email response Wednesday, Aug. 27, to a series of Elkhart Truth queries, she said Kolbe, as a candidate, has access to the same sort of voter information that Nisly does, not via the election board website, though, but the Elkhart County Voter Registration Office.

"This information is NOT available through our website, but is rather information obtained from voter registration," Hudson wrote. "Said information is pulled from the statewide voter registration system, which is not accessible from our website." She didn't address questions related to Kolbe's concerns about the propriety of a candidate designing an election body's website. But she noted that C-Tech was tabbed to do the website work before Nisly, who launched his Indiana House bid last January, became a candidate. "C-Tech met with us in September 2013 to discuss our current website and to get an idea of what we were wanting from the new website," Hudson said. "We hired them in October of 2013, and paid them

in December, after receiving a mockup of the new website." The cost to Elkhart County was \$7,550, which came from the election board budget. Leading to selection of C-Tech, Hudson's office had reached out, looking for web design companies interested in revamping the election board site, but only two responded, including a Michigan firm that recommended working with a local firm.

U.S. Senate battle 'at knife's edge'

Some \$400 million has already been spent in the battle for the Senate. Yet the record-shattering early money has hardly budged the half-dozen

REAL CLEAR POLITICS ELECTION 2014	
Battle for Senate	RCP Averages
45 Dems 9 GOP 46	GOP +7 Pick-Ups
Top Senate Races	RCP Average
Kentucky	McConnell (R) +3.0 ▲
Colorado	Udall (D) +1.0
Iowa	Ernst (R) +0.2
North Carolina	Tillis (R) +1.0
Alaska	Begich (D) +4.6
Louisiana	Cassidy (R) +1.0
Arkansas	Cotton (R) +1.7
Michigan	Peters (D) +3.8
New Hampshire	Shaheen (D) +6.6
Georgia	Perdue (R) +2.6

rices that will decide the fate of the upper chamber, and two months out from Election Day, top officials from both parties say the election truly could go either way. Politico interviewed two dozen party operatives and campaign aides about their outlook for November. Most said the GOP has a slight edge because the playing field tilts conservative. But the overwhelming sentiment was uncertainty about what will happen. "There are probably five states where there's a statistical tie right now," said Rob Portman, vice chairman of the National Republican Senatorial Committee. "Many of them are right on the knife's edge." Ty Matsdorf, the campaigns and communications director at Senate Majority PAC, the biggest outside Democratic group, said, "You have six races that you could conceivably call a coin flip." Republicans believe President Barack Obama's unpopularity will ultimately sink some of the most endangered Senate Democrats, but it hasn't happened yet. The deep homestate roots of Democratic incumbents like Sens. Mark Pryor of Arkansas, Mary Landrieu of Louisiana and Mark Begich of Alaska have helped insulate them from the president so far. "Given his unpopularity today, we can win. If Obama becomes more unpopular, then we can't win," a top Democratic strategist said. "That's what we think about." Sources say Republicans assume that an ambitious Democratic turnout initiative will give the party a potentially significant 1- or 2-percentage-point boost in some key states. Both parties' turnout operations could be critical because the avalanche of TV ads is fueling concern that voters will simply tune them out.

Kentucky: McConnell lead increases

Republican U.S. Sen. Mitch McConnell has put a little more distance between him and his Democratic opponent, Alison Lundergan Grimes, but the race remains within the margin of error, according to the latest Bluegrass Poll. The poll, conducted by SurveyUSA for The Courier-Journal and three other news outlets, found that McConnell holds a 46- to 42% lead among likely voters over Grimes. Libertarian David Patterson gets 5 percent of the vote, and 8% remain undecided. McConnell 50% to 46%, a new CNN/ORC poll released today shows.

Kansas: Dem pulls out of Senate race

A Democratic candidate for the Senate seat in Kansas has withdrawn from the race, paving the way for a serious third-party contender against longtime Republican Sen. Pat Roberts — and jolting Republicans' calculus for retaking the Senate (Politico). Chad Taylor, a little-known and underfunded candidate who won the Democratic nomination last month, told the Kansas secretary of state's office Wednesday afternoon that he is withdrawing from the race, a spokeswoman for the office said. That move could present Roberts with a strong reelection challenge from businessman Greg Orman, an independent candidate who, according to one recent poll, led Roberts in a head-to-head matchup. Orman, 45, has shown some fundrais-

ing prowess throughout the campaign, raising more than \$670,000 through mid-July.

Short drops out of Indy mayoral race

Washington Township Trustee Frank Short announced Wednesday that he's dropped out of the running (Fox59). Short spent time on the City-County Council and as Washington Township trustee. He was the first Democrat to announce plans to run for the nomination. Since then, State Rep. Ed DeLaney has announced his candidacy and former U.S. attorney Joe Hogsett has formed an exploratory committee and is expected to officially enter the race soon. Short said he endorses Hogsett as the party's candidate. Hogsett reacted by saying, "I would like to join others around our city in thanking my good friend Frank Short for all he has done over the last six months to spark important discussions about the future of Indianapolis. I am also honored that he has announced his support for me to make a concerted mayoral effort."

Hogsett opens Indy mayoral office

In the next few weeks former U.S. attorney Joe Hogsett will do everything a candidate for mayor would do — except formally declare he is a candidate (Tuohy, Indianapolis Star). One step in that direction came Tuesday night as Hogsett opened a downtown campaign office and thanked supporters who came to volunteer for his likely campaign. "I need you if you believe this city can do better," Hogsett said in a small 3rd floor office at 445 N. Pennsylvania St. "But it will take everyone in this room and thousands more like us." Step two will come in the next couple of weeks when Hogsett meets people and groups with a stake in law enforcement, schools, neighborhoods and the workplace, said Hogsett spokesman Thomas Cook.

Ballard radio ad for crime plan

Indianapolis Mayor Greg Ballard is launching a radio ad on Thursday to support his comprehensive anti-crime plan. The Indianapolis City-County Council is considering the plan, which must be approved by Sept. 22. Ballard's proposal was unveiled in a speech on July 30 and contains components aimed at prevention, protection and punishment. The plan includes increased funding to hire 280 new police officers, urging the state legislature to enact a 20-year mandatory minimum sentence for criminals who use a gun in the commission of a crime, and a significant expansion of pre-K opportunities for low-income children. "Hiring more police officers and adding tougher penalties are part of the solution, but we must address the root causes of crime, poverty and lack of education," said Ballard. The mayor proposed a \$50 million public-private investment to make quality pre-K available to thousands of children in low-income families. ❖

Bayh's 2016 decision could have big impact

By **BRIAN A. HOWEY**

INDIANAPOLIS – Sometime between Labor Day and Sept. 10 when he appears at a Northwest Indiana One Region event, Evan Bayh could make a decision that will have emphatic political ramifications for Indiana over the next decade.

The decision is whether he will seek a third term as governor. It will be as important as the 2002 decision

Mitch Daniels made to enter the 2004 gubernatorial race, or Bayh's 1987 decision to run for the first time. Both those decisions ushered in more than a decade of political dominance, with Bayh igniting a 16-year Democratic gubernatorial dynasty that included terms by Frank O'Bannon and Joe Kernan, and Daniels' decision that cued up a 12-year run for the GOP.

The current conventional wisdom that dominated the

Indiana Democratic Editorial Association convention last weekend in French Lick was that Bayh won't run. In a July interview with CNHI's Maureen Hayden, Bayh called a run "unlikely," and repeated that assertion on WFYI's "No Limits" program last week. The calculus running through Bayh's mind is the two super majority legislative chambers where Republicans hold a 69-31 House advantage and 37-13 in the Senate that would make governing tough. He cited "polarization" in questioning whether he could effectively govern. It is a far cry from the 50/50 House chamber that greeted his first year in office in 1989 and the slim Democratic majorities thereafter.

Reacting to a potential bid have been Republicans who assert with dogged determination that Bayh won't run, essentially asking, "Why would he want to do that?" The profound wishing in GOP camps that Bayh won't run is pronounced whistling past the graveyard. If Bayh were to run, the GOP's 12-year hold on the governor's office would be in real jeopardy. Bayh is the one Democrat who could clear the field, raise mega bucks, and make a credible appeal to moderates and independents who decide Indiana elections.

However, other influential Democratic sources tell HPI they are not sure Bayh has made a decision. "I would hope that is the case," said Hammond Mayor Thomas McDermott Jr., who along with John Gregg is planning 2016 run, but have seen money hard to raise as long as Bayh is potentially in the equation. "Otherwise why wouldn't he have announced he wasn't running by now?"

Another influential Democrat, speaking on back-

ground, told HPI, "I'm not sure he knows." This Democrat makes the case that Bayh's doubts about his effectiveness in the face of daunting Republican majorities doesn't take into account the former governor's own track record of igniting what he called the "white hot heat of public opinion" when seeking policy initiatives often opposed by a hostile Senate Republican majority during his eight years in office. "He has had the ability to go to the public and get support in places like Rochester," this Democrat said. "He consistently talked about the need for consensus. He has the unique ability to build that consensus with moderates and independents."

With Bayh on the ticket, his long coattails pulled in between three and five new House seats when he ran. At that pace, Indiana Democrats wouldn't seize a House majority in four election cycles. But Indiana Republicans have presided with monolithic power in an era where the Hoosier middle class has been hammered, with per capita income declining 13% at a time when the GOP majorities have achieved a series of tax cuts for corporations, financial institutions, and wealthy farmers and ranchers. The Indiana middle class endured almost five years of a jobless rate over 8%, and saw their home values drop precipitously after generations of watching them consistently rise. Adult children are living with their parents, while Baby Boomers take care of their elderly parents, student debt now exceeds that of credit card holders, and Indiana's health metrics are consistently in the last national quintile.

While the jobless rate under Gov. Mike Pence has descended below 6%, the job gains have been mostly at much lower wages than the bleeding of higher paying manufacturing jobs over the past six years. While the GOP controls 69 House seats, there is a sizable economic conservative faction in the lower chamber that would be open to the kind of consensus Bayh was able to achieve in the 1990s when he forged a record excise tax cut, reformed the safety net, and made education funding and attainment a top priority. Those fissures became evident during the constitutional marriage amendment debate last winter, with 23 House Republicans breaking against the controversial second sentence in that amendment. With the courts likely to decide that issue once and for all, the most divisive social issue in a generation will not likely be on the table in the next gubernatorial term.

With congressional approval at an anemic 14% and the Republican brand, according to a July CBS News poll, sagging to a historic low 28% (compared to 41% for Democrats), a case can be made that 2016 will offer Indiana Democrats a chance to make inroads into the emphatic GOP power that exists now.

Democrats like John Gregg say Bayh is really angling for a cabinet post in a Hillary Clinton presidency, believing that Bayh will expend his efforts to help get his longtime friend and ally elected. But another side of that is a Bayh gubernatorial candidacy has the potential of pulling Indiana's 12 Electoral College votes into her column.



Then there is the scenario of a Pence presidential (or vice presidential) nomination in 2016, creating an open seat. While Bayh is under considerable pressure to make a decision in early September, Pence is actually under a more arduous deadline if he is serious about a run for the national ticket in 2016.

Will Bayh run? The conventional wisdom is "no." But Bayh has shocked us before, the last time in 2010, abruptly abandoning his U.S. Senate reelection bid at the 11th hour that only slickened Indiana Democrats two-cycle descension into super minority status. In the minds of many Hoosier Democrats, while Bayh revived the Demo-

cratic Party a generation ago, he left it beached and dying in 2010, preceding a gutting of the party's power stanchions of education and labor.

In his two terms as governor, the perception was that most policy initiatives came through the prism of a future presidential bid. Hoosier voters are watching Gov. Pence govern in similar style. Now that Bayh is back on his meds, the most intriguing question that may never be answered is how Evan Bayh would rule outside that realm if he did, indeed, decide to come back home again. ❖

Fluffing the plummage for voters with data

By **MORTON MARCUS**

INDIANAPOLIS - Now that Labor Day is past, the season of hunting for voters is fully open. In these weeks before the 2014 election, while a few candidates discuss serious and important matters, like low voter participation in elections, most seeking office will fluff their plumage over their supposed contributions to Indiana's economic well-being.



The prime evidence the happy partisans will put forward is Indiana's high ranking in the latest data release from the U.S. Bureau of Economic Analysis (BEA). Indiana ranked eighth in the nation in percent growth of the state's real gross domestic product (GDP) for the last quarter of 2013.

Remember, these are preliminary data for a new series of numbers BEA just cranked out. They are subject to revision and updating.

Perhaps it would be better to widen our horizon and consider the full year of 2013. Then Indiana's rate of progress in the output of goods and services falls to 19th among the 50 states. This is still a respectable position, but without that single digit WOW so appealing to the chest-thumpers of the statehouse.

For a longer time, one too long to be relevant for those who live by the two-year election cycles of the Indiana General Assembly, Indiana's economic performance is like a yo-yo or a rollercoaster. Our ups and our downs are more spectacular than those of the nation as a whole.

When the nation was in recession from the end of 2007 to mid-2009, Indiana's GDP fell twice as fast as

did that of the U.S. (-9.8 percent for the Hoosier state compared to -4.3 percent for the nation). In the recovery, (mid-2009 to the end of 2013), Indiana advanced by 15 percent and the entire country by 10 percent.

So how did we do over the entire business cycle (the recession plus the recovery)? Those results are not pleasing to our state political leadership. We won't hear too much about our 3.7 percent rise compared to the nation's overall 5.3 percent gain.

Likewise, we won't hear that our state's share of the nation's economic output fell from 1.92 percent to 1.89 percent over the course of this latest business cycle. After all, we'll be told, if anyone does bring that up, the difference is too small to bother about. Nonetheless, it does equal \$87 million. As a good friend used to say, "That ain't chopped liver."

Yes, fellow Hoosiers, we may expect to hear about all the good news and very little of that same news in perspective as we move through the election season that lies before us. All that good news should cheer up those 191,000 Hoosiers who are out looking for work. ❖

Mr. Marcus is an economist, writer, and speaker who may be reached at mortonjmarcus@yahoo.com.

Messer discusses ACA, import/export, and education issues

By **MATTHEW BUTLER**

INDIANAPOLIS — Talking the nuances and “in the weeds” details of public policy comes naturally to U.S. Rep. Luke Messer. During our latest in-depth sit down with a member of Indiana’s congressional delegation Wednesday, Messer regularly referred to policy theorists and reformers by name, like Jack Kemp, “one of my inspirations,” as he put it.



His policy mind is fixated, on expanding and easing opportunity, citing his being raised by a single mother who worked in a factory in small town Indiana. “These are the issues that drive me to the process,” he said with conviction.

“I grew up in a community where I never had a doubt in my life that if I worked hard I had a chance in America. I want a country and a state where that continues to be true.”

His enthusiasm for and experience with policy has him planning to seek the chairmanship of the Republican Study Committee. He will make a final decision in the coming weeks but is confident of his chances.

Messer makes the case that the makeup of Congress is changing—after this election cycle over half of the members will have been in office less than five years—but the leadership remains largely unchanged. “We need to make sure those newer members have a voice,” he said. “I have seen a model that works in Indiana. Indiana has proven over the last decade that we can take conservative principles and come up with real-world solutions.”

In Washington, “We’re falling short of that,” he acknowledged.

A special emphasis on policy formulation over rebranding is paramount in Messer’s opinion. “Some in our party believe the problem is not product but

a problem in messaging,” he said. “I think it’s more than just messaging; we have got to come up with real-world answers to the problems folks face every day.”

The perennial topic of health care, namely the Affordable Care Act, is one area where Messer sees much room for improvement. In Greenfield today Messer has organized the Committee on Education and Workforce to host a field hearing on how the ACA is affecting school corporations and small businesses. Reps. Susan Brooks, Larry Bucshon, and Todd Rokita are scheduled to attend.

Messer said Indiana schools struggle with the ACA’s 30-hour rule especially. School support staffs such as bus drivers, cafeteria workers, and teachers’ aides are usually not fulltime employees. “The President’s health care law is not popular in Indiana’s 6th Congressional District,” he told HPI. “I’ve heard complaints from local schools. Folks are being laid off; hours are being cut back.”

If part-time employees did not receive health benefits through their primary employer, such as a school, would the system still not incur their health care costs anyway? “It’s not my preference to tax schools and small businesses to pay for the President’s health care law,” answered Messer. “Essentially what you’re doing is taxing schools, universities, and small businesses to provide health care for a whole subset of folks who haven’t been provided health care before. In a time where school systems are already strapped for cash, this is a large expense and one I see as unnecessary. Many of these folks are married. Ultimately, they can get insurance through their spouse or pay privately. There is no free lunch.”

Recently Messer has drawn attention to Hoosiers suffering sticker shock as the state has experienced an increase in insurance premiums via the Health Insurance Marketplace. Price-Waterhouse Cooper recently found the average monthly rate for the state is \$457, amounting to a median increase of 13.2%, which is among the highest of the 29 states they profiled.

Messer said much of it could be traced to what individual states mandated from health insurance policies before the ACA.

Indiana’s pre-ACA health insurance rules



were not as stringent as states with more comprehensive plan requirements, such as California and New York. "States like Indiana with fewer [policy] mandates now have an increase in mandates in the health care law. Indiana has historically been a state where you're free to craft an insurance policy with your provider that best meets your needs. I believe in a free-market approach where you have an ability to put yourself in a pool with folks who meet your needs." Critics would argue that Indiana's pre-ACA policy requirements were bare bones.

Messer echoes others in the Republican congressional delegation in touting consumer-driven reforms as essential to improving access and cutting costs. He applauds, for example, Gov. Mike Pence's Medicaid expansion alternative, HIP 2.0, because it expands access while trying to control costs through consumer-driven elements, like copays and savings accounts.

Since many Hoosiers have only a handful of major hospital systems and physicians groups to choose from, especially in rural areas, the ability to shop around is difficult. "That's one of the complaints about the President's health care law out in my district," Messer said. "There was a point this year where people in Wayne County had to go to Newcastle and people from Newcastle had to go Rushville because they couldn't get health care."

Asked about the political feasibility and desirability of fully repealing the ACA, Messer emphasized it is impossible to return everything to the previous status quo. "The health insurance market, the health care markets have been forever changed by the events of the last 18 months," he explained. "I would certainly still like to see repeal, but we cannot just simply repeal and do nothing else. We're going to have to look at health care solutions based on conservative principles and the very real problem of increasing health care costs."

Should the very popular pre-existing condition rule should remain? Messer replied, "I think that's right, but we need to have an answer for it. Something like Eric Cantor's plan where you create a government pool where folks can buy into with some guarantee of a premium rate that's no more than one or three times the average rate is something we need to look at."

"I certainly read your stuff every day," Messer added, "and Republicans bear some responsibility for where we are. Over the course of the last decade the health insurance costs have continued to spike and unfortunately we didn't come forward with solutions that are consistent with our principles. The President was out campaigning on

the right issue but with the wrong solutions."

"The problem with the President's approach," Messer elaborated, "is that it took a rickety system, where the actuarial foundation wasn't working, and we expanded it."

As for specific reforms to the new health care landscape, "one big idea" Messer supports is allowing everyone to pay for their health insurance with pre-tax income. This aims to level the playing field between those receiving health benefits through their employer (tax free) and those buying policies individually (after tax). He also supports malpractice reform across the country along the lines Indiana already has as well as encouraging health savings accounts and medical graduates beginning their careers in underserved areas. "Ultimately, we need a policy that mom and dad at the dinner table can understand," he said.



Though by no means as high profile as the ACA, another issue that has become, as Messer phrased it, "a bit of political hot potato" is reauthorizing the charter of the Export-Import Bank, which will likely be decided in the next few weeks. "Frankly, I haven't decided how I'm going to vote yet," he explained. He acknowledged there is a strong case to be made in eliminating the bank as "corporate welfare" as well as sustaining the bank to promote American exports and protect American jobs in a highly competitive world economy.

Though he supports reauthorization in the short term, he would support a long-term model in which the bank supports exports in special cases, such as to the developing world, and that loan applications demonstrate private funding was unattainable. "I have not heard a large outpouring from Indiana businesses about how this is important to their future," he does admit.

Speaking to competitive pressures of an ever-globalizing economy, Messer said during his recent travels around the Indian and Pacific Ocean rims he found entrepreneurs, firms, governments, and students more than ready to compete with America. "Our leadership needs to step up to that challenge," he said, highlighting the importance of workforce development and human capital.

"One of the most successful federal government programs in history," Messer asserted, "is our student loan-student aid program." However, with the increasing costs of tuition and shifting demands in skills and qualifications, the paradigm has shifted from assisting access to improving educational outcomes. "Now we need to focus on results," he explained, "on degrees and training and

skills that add value in the marketplace. Frankly, I think Ivy Tech has an opportunity to become a national model." In many cases, he has found, employers are seeking specialized training rather than traditional four-year degrees. Overall, he is confident America can maintain its world-class universities and develop a world-class community college and technical training system.

One education reform that is drawing national accolades was a priority of Messer during his days as a state representative: School vouchers.

A major advocacy group recently ranked Indiana's school voucher program best in the country. "I was very excited in the leadership role I was able to play



in those innovations over the last decade," Messer remarked. "I authored the school voucher legislation way before it was cool in 2004. I think its one more example of how we provide opportunity. I believe it's the civil rights issue of our generation and we cannot rest until every child has access to a high-quality education."

As for the recent spate of Indiana charter schools being closed over cheating scandals and poor results, Messer said, "It's an example of the system working. When a school fails it should be closed. Frankly, we're far tougher on failing charter schools than failing public schools." ❖

A victory for Lake County Democrats

By **RICH JAMES**

MERRILLVILLE – Lake County Democrats have a long and proud tradition of beating Republicans on the local and county levels. And the Democratic vote often is so great that statewide Republican candidates fear the impact of the Lake County vote.



The Lake Democrats won again this week, not only beating statewide Republicans but a local GOP elected official as well.

Lake Circuit Judge George Paras declared Senate Bill 385 unconstitutional, which was a blow to the Republican-controlled General Assembly. Paras ruled the law unconstitutional because it was special legis-

lation. Paras' ruling also left state Rep. Hal Slager, R-Schererville, the bill's author, with egg on his face. The bill would have required Lake County to eliminate the majority of its precincts that have fewer than 500 registered voters.

Lake Democratic Chairman John Buncich, who also is county sheriff, led the fight against the new law, arguing that it was designed to suppress the Democratic vote by eliminating precinct committeemen in urban black and Hispanic neighborhoods.

Slager and fellow Republicans argued at the time of the bill's adoption that it was a money-saving proposal. The argument was that the bill would reduce the cost

of having to pay five poll workers as well as the cost of equipment in unneeded precincts.

Democrats also argued that merging precincts also could lead to long lines at the polls and discourage voters. That was the case in Lake County in 2008 when a heavy turnout, both in the primary and general elections, caused long lines. That Democratic primary featured Barack Obama and Hillary Clinton.

Buncich is correct in contending that fewer precincts will make it more difficult to turn out the vote in heavily Democratic areas. Voter turnout has been something Lake County Democrats take pride in. For example, Democrats check poll books at 3 or 4 in the afternoon and then drive to the homes of those who haven't voted. That job would be more difficult with larger precincts.

Democratic Party lawyer Clay Patton argued that the new law could lead to the elimination of 80 precincts, and that Lake County was being unfairly singled out because 89 of the state's 92 counties have precincts of fewer than 500 voters. Only Lake County, however, is targeted in the new law.

Lake County is used to being singled out by the state. County officials pointed that out when the legislature and Gov. Mitch Daniels froze the levies of local government units because the county refused to adopt an income tax.

And county officials also contend that the county was being mistreated because the state has refused to replace the Cline Avenue bridge and maintain it as a freeway. The existing plan is to convert it to a toll road. ❖

Rich James has been writing about state and local government and politics for more than 30 years. He is a columnist for The Times of Northwest Indiana.

Golf and the President

By **CRAIG DUNN**

KOKOMO – Last Thursday I played golf. I played hooky from work and played golf. I played terribly but I had fun playing with friends at a charity golf tournament. It was my fifth round of golf this year. I took a couple of phone calls while playing and sent a few text messages that were work-related. I am a financial advisor and I am reasonably sure that no crisis will arise while I am golfing that can't wait until the next day.

Recently, President Barack Obama played his eighth round of golf in 11 days. It takes a lot of balls to play as much golf as President Obama has played. He has now played nearly 200 rounds since becoming President. I don't begrudge him slipping away occasionally to play



a few holes. If approached reasonably, golf can be quite relaxing. However, in life, timing is everything and the volume of the President's golfing, coupled with his tone-deaf timing, is just an abomination.

Let's look at some of the reasons that the visuals of a golfing Barack Obama merrily playing golf nearly every day just might not be the image that he wants to portray:

First, virtually 90 percent of all women who have golfing husbands believe that golf is a terrible waste of time. "I'd rather be doing yoga or something productive" they proudly proclaim. "How can you spend so much time chasing a little white ball?" This is not the image that President wants to portray to a critical demographic that represents over 50 percent of the American public.

Golf is an expensive game. The equipment, clothing, shoes, greens fees and cart rentals cost a bundle and the average Joe just can't afford to play. The type of courses that open their arms to President Obama charge greens fees that exceed what many of the President's supporters make in a week of work. I'm just guessing that Joe Sixpack gets a little miffed when his \$15-an-hour wage doesn't allow him to pay greens fees of \$350 for a round of golf.

Let's face it. It's very difficult to act solemn and presidential at 12:57 p.m. when you have a tee time of 1:05 p.m. Unless Alonzo Mourning is giving you unlimited mulligans on the first tee, you need to hit a few balls on the range. No one, not even Phil Mickelson, can talk about a reporter who has had their head sawed off on national television and then tee it up and hit it straight 10 minutes later. Heck, Phil Mickelson sometimes withdraws from big money tournaments because of mental fatigue. Just how can the President casually flow from a beheaded journalist

to worrying about his grip? Have you ever tried hitting a golf ball off a tee while being appalled about a beheading?

While thousands of protesters rioted and looted in Ferguson, Mo., over the police-action shooting death of Michael Brown, President Obama gleefully continued to play golf. Now I'm not saying that the President could have done anything to help matters in Ferguson, but the image of outraged poor black people marching down the street, trying to have their voices heard by the nation was in sharp contrast to a fist-bumping Obama strolling down the fairway calling "Is that my ball in the trap?"

Major generals just don't get killed every day. They have risen to their rank because of exemplary service to their country. When they do get killed, their country justifiably honors them. Unless you have a round of golf scheduled. President Obama paid his respects, not by attending the solemn funeral services off Maj. Gen. Harold Greene on the green hills of Arlington Cemetery, but on the rolling greens of Farm Neck Country Club on Martha's Vineyard. This is not the kind of respect for the military that makes the average soldier want to storm the enemy lines at risk to life and limb.

A compare and contrast exercise might be beneficial at this point. Abu Bakr al-Baghdadi, the leader of the ISIS terrorist group does not play golf. Perhaps it is because Iraq is one big sand trap or maybe it is because Baghdadi has devoted his life, 24/7/365 to killing Americans. He is what I would call a focused leader! He is determined to establish an Islamic caliphate in the Middle East and, by gee and by golly, he's not going to let a round of golf delay his ultimate goal by a measly five hours.

Contrast this with President Obama making a hasty appearance at a press conference long enough to say he was appalled and that he had unsuccessfully tried to rescue James Foley. "Excuse me, I am so appalled that I must deal with my pain and anguish on the golf course." Is it any wonder why so few countries and world leaders respect the United States? Be honest here. Could you see Ronald Reagan behaving like this?

It is beginning to appear as though President Obama has decided to get a jump start on being a lame duck. He has no current legislative agenda and it seems that his sole presidential efforts may be done with executive orders from here on out. He's got nearly two and a half years to soak in as much of the fun presidential trappings as he can before he gets to replace Jimmy Carter as the worst United States president.

By the time he completes his term of office, at his current rate of play, Barack Obama will have golfed his way to nearly 350 rounds. At five hours per round, that is nearly 218 days of his presidency spent golfing. Only Nero spent more time fiddling around than our temporary occupant of the White House. Fore! ❖

Dunn is chairman of the Howard County Republicans.

Leslie Weidenbener, Louisville Courier-

Journal: State Treasurer Richard Mourdock twice asked voters to send him to the capitol to watch over the state's investment portfolio. In the end, though, Mourdock was more interested in his own. The Republican resigned his office on Friday, four months before his second term was to expire. He left on the last day he could be in office and still annuitize a portion of his retirement savings at a higher rate. It's not clear how much that will save him. But for the average government worker, retiring now, rather than next month, will mean about \$1,000 more in earnings per year. That's because for years now, the state has been paying out a higher rate to workers than the money actually earns. Recently, the board that controls the Indiana Public Retirement System decided that couldn't go on. The huge group of Baby Boomers now retiring could bankrupt the system. And so the rate is now scheduled to drop — from 7.5 percent for retirees before the end of August to 5.75 percent for those who retire starting in September. The rate will continue then to drop until it reaches the market rate. Mourdock told the Evansville Courier & Press that he learned what that change would mean to him when he went to a counseling session on retirement changes recently and "it caused me to think about it differently." And so within days, Mourdock decided to give up the job that voters had elected him to do and to let Gov. Mike Pence choose his replacement. That shouldn't be OK. Mourdock didn't leave because he was ill or because he had issues to attend to with his family. Instead, he wanted to save some money. Of course, Mourdock's political career was all but over. An ill-timed remark he made about rape and pregnancy back in 2012 ruined his chance of becoming a U.S. senator. And with that went an otherwise fairly promising political career.

So when Mourdock left the treasurer's office at the end of this year, he probably wasn't coming back. So maybe he wasn't that concerned about what voters thought. But that's too bad, because Mourdock has made a career out of lecturing voters about the importance of being a good citizen. He's used history and public policy and fiery rhetoric to tell Hoosiers why they should vote, why they should be concerned about the state and the nation's spending and debt, and why they should hold their political leaders accountable. And along the way he's made controversial decisions in the name of doing what's right for Indiana.

Most notably, he sued to stop the Obama administration from bailing out Chrysler, a move he said cheated the state, which had invested in the company. He took the case to the U.S. Supreme Court — where he lost — even as his critics complained that the state had to spend millions on the suit and that winning could have cost Indiana even more, thousands of jobs if Chrysler had gone under. Mourdock maintained throughout the situation that he was simply trying to do what was right, and doing so was more important than doing what was popular. This week,

Murdock did the opposite. Rather than doing what's right — finishing a job voters elected him to do — Mourdock made a selfish decision for his own economic future. ❖

Dave Bangert, Lafayette Journal & Courier:

Maybe it's just as well that Richard Mourdock took an early exit, opting for the cash over commitment. His position as state treasurer is — or, more accurately in his case, was — one most Hoosiers would be hard-pressed to describe in much detail. It's an administrative job that, for reasons that date to the 19th century, requires an election rather than an appointment — as if qualification for dealing with ledger sheets is best left to the R and the D at a ballot box. One day, that might change. But for now, state treasurer is a stepping stone to bigger things. Or in Mourdock's case, to lesser moments. That was the case even in the way he stepped aside last week, four months before his term was up. For one, he knew he'd run out of whatever political capital he had left to squeeze from the position. He also knew he had one last shot to game the system, knowing new state rules mean his retirement benefits wouldn't be as good by the end of his second four-year term as they were if he got out by Sept. 1. Mourdock didn't give much in the way of explanation in his press release sign-off. (A press release? That's it? For real?) ❖

David Rutter, Post-Tribune: Pull up a chair. I'm afraid I have bad news. In between burgers on the grill and fireworks this Labor Day weekend, try to remember when you aspired to a middle-class life. Are you there yet? Probably not. If you are like a million other Hoosiers, it's been a Lost Decade. You might have missed the event, and state politicians won't 'fess up to their complicity. Indiana's commonly shared delusion suggests that we are one, giant middle class. We get what we earn honestly, and our toil produces safety and prosperity for our families. Indiana is the American Dream. We're drinking that Prosperity Kool-Aid. If you divide Indiana income-earners into three components, the top 20 percent stood still during the decade, which means the Great Recession mostly did not touch them. The middle 40 percent lost nearly 5 percent in income. And the bottom 40 percent of households, mostly working folks? They lost 23.5 percent of their income. Gone. Poof. After 2 1/2 terms of fiscal management from governors Mitch Daniels and Mike Pence, how are you doing? Sorry to break the news. You're probably doing lousy, that's how. Indiana's average worker pay ranks 42nd in the nation at \$776 per week. That does not sound like much because it isn't much. Indiana's spokesmodels have a different, pithy marketing campaign every month to prove how lousy it would be if you worked in Illinois. But the average worker there earns \$971 a week, just short of \$10,000 more a year than his Indiana counterpart. There are 2.2 million residents who are officially "low income," earning less than 200 percent of federal poverty level. ❖



New teacher permit passed

FORT WAYNE - The Indiana Board of Education on Wednesday passed a controversial new teaching permit and tweaked its board procedures (Kelly, Fort Wayne Journal Gazette). The board met in Fort Wayne and a final vote was taken on the third iteration of the Rules for Education Preparation and Accountability, or REPA III. The rules include a new "career specialist permit" that would allow college graduates with a B average in any subject to teach high school students after passing one content exam. In addition, these teacher hopefuls need professional experience in the subject they will teach and must begin a teacher-training program. It passed 7-3. Supporters say it allows professionals a new, less-cumbersome avenue to become a teacher. Board member Andrea Neal said the permit is not intended to draw large numbers of people into teaching, but instead is for unique situations where a professional can bring their experience to the classroom. Phyllis Bush, of Northeast Indiana Friends of Public Education, said it is "a solution in search of a problem," and noted there are other ways for professionals to transition into teaching. And John O'Neal, of the Indiana State Teachers' Association, said removing pedagogy requirements is wrong. Pedagogy is the method or practice of teaching. "Content mastery alone is not enough to ensure quality instruction in the classroom," he said, calling the rule "reckless experimentation."



agreed to pay about \$16,000 in attorney fees and court costs to settle a lawsuit over whether it violated open door law via private email communication (Fort Wayne Journal Gazette). "Given the length of time since the actions in question occurred and the costs involved in continuing to pursue the lawsuit, the plaintiffs agreed to abandon further legal action," a news release said. "Although the board made no admission of improper conduct, the plaintiffs believe that the board's agreement to pay attorney fees and court costs speaks for itself." Four Hoosiers, including a Fort Wayne Community Schools board member, filed suit last year over an alleged Open Door violation by the board.

Evansville's Rick Davis dies

EVANSVILLE - Rick Davis — a former journalist who later in his young life became a leading political figure in Evansville — died Wednesday evening of complications following recent surgery for Crohn's disease. Vanderburgh County Coroner Annie Groves said Davis died at 6:15 p.m. (Evansville Courier & Press). Davis's family had been preparing for his passing after his condition turned grave after the recent surgery and he was admitted Monday to Deaconess Hospital. The 45-year-old Davis wished to be an organ donor, and a statement issued by his family earlier Wednesday indicated matches for his organs were being sought. He was to remain on life support until matches were found. The 2011 Democratic nominee for Evansville mayor and a former Vanderburgh County treasurer was remembered fondly by friends and former political foes on Wednesday. "He loved Evansville," City Council President John Friend said. "This was his home, and I think everything he did was for the good of us all. I never believed he had an agenda that

was opposite of that. He'll be sorely missed."

Pence appoints Huston to IURC

INDIANAPOLIS - Gov. Mike Pence has appointed the Indiana State Department of Health's chief of staff to the five-member commission that oversees Indiana's utilities. Pence cited James Huston's unmatched "lifetime of public service" in naming him Wednesday as a member of the Indiana Utility Regulatory Commission. Huston fills a vacancy on the IURC created in May when James Atterholt, who had been the panel's chairman, stepped down to become Pence's chief of staff. Pence later appointed Carol Stephan the IURC's new chair. Huston will serve the remainder of Atterholt's term, which expires on March 31, 2017.

U.S. Labor sues Indiana CEO

INDIANAPOLIS - The U.S. Department of Labor has sued one of Central Indiana's charitable big-givers, Michael Evans, accusing him of improperly coming into a major source of his wealth (Indianapolis Star). The labor department lawsuit accuses the founder and former owner of AIT Laboratories of selling the Indianapolis company to employees in 2009 at a price that he knew was vastly inflated. Evans should return millions of dollars in "unjust" gains from the sale because it violated federal laws governing employee stock ownership plans, according to the lawsuit. A former Indiana University School of Medicine professor, Evans is the major donor to Marian University's new Indianapolis medical school, with a pledge of \$52 million. He's also donated \$10 million to his alma mater, St. Joseph's College in Rensselaer. Evans, 70, intends to fight the government's charges.

SBOE settles open meeting suit

INDIANAPOLIS - The State Board of Education on Wednesday