



Waterman faces fight from Bassler

Redrawn district, sheriff races in Daviess, Sullivan counties could brew Senate upset

By **BRIAN A. HOWEY**
and **MATTHEW BUTLER**

INDIANAPOLIS – It's called the "MR340" - a kayaking competition on the Missouri River between Kansas City and St. Louis. In 2011, Eric Bassler paddled the 340 miles in 56 hours.

That's 56 straight hours.

The Washington city councilman has now trained that brand of tenacity against State Sen. John Waterman, having commenced a door-to-door campaign, visiting around 1,000 homes. One recent Saturday, he was out in 10 degree

weather with a half of foot of new fallen snow. "All of the people are home," he observed. His campaign has what he calls a "core group of supporters" which have expanded the door-to-door campaign. "We have a robust



State Sen. John Waterman (left) and Washington Councilman Eric Bassler are engaged in an intense primary battle in SD29. (HPI Photos by Matthew Butler and Brian A. Howey)

plan in place between now and May 6. No one will work harder. I never do anything half baked."

For Waterman, the Republican primary challenge



Continued on page 3

Risks for Mayor Buttigieg

By **JACK COLWELL**

SOUTH BEND – Deployment to active duty in Afghanistan carries risks for South Bend Mayor Pete Buttigieg. We hear of more casualties and Taliban attacks

even in places thought safe in Kabul. Buttigieg downplays the danger, saying he will be there with the best military in the world.

For the mayor there are other risks, not as serious as physical danger in a war-torn country, but risks involving the city government he leaves behind for half a year and his political future.

Buttigieg would seem to have a bright political future



"I warned him. I said, 'Now this is going to be part of the problem here, doing this in a non-budget year' and he understood that."

*- Senate Appropriations
Chairman Luke Kenley,
on Gov. Pence's Pre-K
legislation*





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after election as mayor in 2011 at age 29. He ran away with the Democratic mayoral nomination in what was supposed to be a close race. He won by a landslide in the fall election, actually attracting more Republican voters than did the Republican nominee.

Political future?

Congress? Well, not now. Buttigieg could have had the Democratic nomination for Congress this year for the asking. He said "no" to the Democratic Congressional Campaign Committee. He says there is "no doubt at all" about his intention to seek re-election as mayor in 2015 to continue projects he has launched.

State office? Maybe, eventually. Or in the administration of a Democratic president? Possible. If not the House, the U.S. Senate?

It's difficult to predict when an opportunity might arise.

Also, his diverse interests and background as a Rhodes Scholar could lead him into the private sector or other endeavors outside government and politics.

But how Buttigieg does as mayor, including necessity of winning approval of his constituents for a second term, will be significant in determining his future, especially if it's to be a political future. Defeat in 2015 would diminish chances for any future elective office.

If fundraising is an indication, as often it is, Buttigieg is positioned to win again. He raised a quarter million dollars last year and had \$241,482 in cash on hand on Dec. 31. His finance report shows contributions big and small, including from some usual contributors to Republican candidates. Nor did he just hoard money. He spent in 2013 for campaign

software and a polling firm. He is ready to go, to Afghanistan and into the 2015 city election.

But there are political risks in being away. With the Internet and other modern means of communication, the mayor can be in frequent contact. Still, that's not like everyday, hands-on control of the city's administration and services.

City Controller Mark Neal, Buttigieg's choice as deputy mayor during his absence, is viewed as a capable choice. But Buttigieg came into office with a city council, including some members of his own party, who have been hostile to the young mayor and his governmental initiatives. Some have their own political ambitions. So, will they seek to take advantage



of the mayor's absence to create mischief and test Neal, who lacks the clout of being elected?

Buttigieg also inherited a police department with conflict in top ranks, resulting in charges and counter-charges about snooping on telephone conversations and racial disharmony. While the department may be operating more smoothly now, will the mayor's absence encourage renewed police strife?

A potential pitfall for a mayor, as seen in other cities this winter, is ineffective response to snowstorms. South Bend street crews thus far have earned high marks for snow removal. But street budgets have taken a hit, and the mayor could hear complaining

all the way to Afghanistan if there isn't also an effective program to fix the potholes as the snow melts.

Or there could be something else, perhaps something totally unexpected. Will the mayor's commitment as a Navy Reserve intelligence officer be looked upon in a negative way, especially if a serious problem arises locally? Should he have pulled strings or pleaded he was essential as mayor to get out of the deployment?

Well, if he had dodged military duty through political clout or by pleading that he needed to stay in his 14th floor mayoral offices rather than go to a war area, there no doubt would have been a strong negative reaction.

Mike Schmuhl, who was the mayor's campaign manager and first chief of staff, says Buttigieg always made clear he had two serious and related commitments to service, to his hometown as mayor and to the military as an officer.

"He has always said that he's no different than other reservists when called to serve their communities and country," said Schmuhl. Willingness to serve in the military is probably a plus, but what might happen while he's serving is a risk. ❖

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

Waterman/Bassler, from page 1

represents a course change in his political river. Thanks to the 2011 redistricting, he lost Vigo County where he carried with 3,890 votes and Knox County where he had 3,705. "They asked me where I wanted to stay and I said southern Vigo County and Vincennes," Waterman told the Terre Haute Tribune-Star. "I lost both of them. I should have kept my mouth shut, I guess. I hated that because I grew up in southern Vigo County in Prairieton."

Added to the district in the south were Martin County and the southern half of Daviess. "I'm not well known in those areas," Waterman acknowledged.

Bassler is, and for these geographic reasons and two other races in the district, Howey Politics Indiana forecasts a "tossup" race in Senate District 39, which at this stage is a precursor to a potential upset. When Bassler ran for an at-large Washington City Council seat in 2011, he won with 2,000 votes. He figures the turnout in May is going to be in the 8,700 vote range. Thus, something in the 4,500 to 5,000 vote range could brew the change of the guard.

Bassler observes that Daviess County accounts for about 3,500 votes.

Compounding the turnout dynamic are two sheriff races. The first is a Republican primary between Sheriff Jerry Harbstreet and challenger Jerry Maddox in Daviess County. That is likely to gin up GOP turnout in Bassler's

home county. The second is a Democratic primary in Waterman's home of Sullivan County, where four candidates are running for an open office. The impact there is that Waterman will lose some potential crossover Democratic support.

That Waterman put in his district requests that were ultimately rebuffed is an indicator that the former Sullivan County sheriff wasn't much of a priority. It comes after his 2006 reelection campaign where he defeated

Democrat Steve Thais 19,367 to 17,301. And that campaign preceded one of the more bizarre chapters in Waterman's career where he briefly launched a Republican primary challenge to Gov. Mitch Daniels in 2008. In 2010, Waterman coasted to a 10,000 vote plurality over Thais after facing a primary challenge from police officer Ron Borger, who did little campaigning.



Sen. Waterman (right) with former Rep. Bruce Borders (center) honoring Lavon Yoho.

Waterman said his campaign is going well. "We've been going door to door for some time now," Waterman said Wednesday, adding that he has been "getting reintroduced to new portions of the district that were within his district in the 1990s, portions of Owen, southern Davies, Martin, southern Greene."

Matt Zapfe of the SMCC told HPI, "I'm of the belief if John wins the primary he will run unopposed." If Bassler wins, "That invites a challenger," Zapfe said. "We're still

dealing with a lot of people who don't yet know that John is even opposed. So as you look at Greene County, Sullivan County, into Clay, this makes it a tough on the campaign side. We've got a field manager who is running a strong grassroots campaign. Our guy splits time between here and down in the district."

In Bassler, Republicans find a pro-life, pro-2nd Amendment, economic conservative who runs the local Edward R. Jones financial office in Washington.

"The biggest issues here are economic," Bassler explained. "And he's somewhat out of step on right to work and occupational issues."

Waterman has a 94% score from the Indiana Manufacturers Association, an A+ rating from the National Rifle Association and has been endorsed by the American Family Association, Gun Owners of America, Hoosier Gun Owners PAC and the Indiana Family Action PAC, as well as by Sullivan County Republican Chairman Bill Springer. Waterman says he has the "full backing of the Senate Majority Campaign Committee."

In an era of anti-incumbency, for 20 years, Waterman has pretty much been a back bencher. He's never chaired a committee, usually the coveted plum when it comes to the General Assembly. He's not in Senate leadership despite ranking high in seniority. "The concern is he's been there too long and he's coasting," Bassler said.

Asked why he has never chaired a committee or ascended into leadership, Waterman explained, "It's important to understand that I've been offered. Just recently Senator Long came and asked me" about being whip. "The first thing I ask, 'Is do I have to vote with the caucus?' And the first answer is yes and that would constrain in my district. Our views down there and what works for us is not Indianapolis or Fort Wayne. I never did want to be chair. They know where I stand at now. I can operate more efficiently for my district."

Waterman is ranking member of the Agriculture and National Resources Committee.

Waterman has bucked his caucus several times, he said. "On the prevailing wage; I believe in a living wage. People should be able to have a job and afford to feed a family with one person working." And the senator said the key issue is jobs, explaining, "One of the things we've been really successful with is working with foreign markets, foreign countries. It took us a while to get accepted into their meetings." Waterman sees himself as an ambassador for Indiana exports and to attract foreign investment and lure out-of-state companies, something he said began in 1999.

The other precursors to upset are money, and Bassler is not only finding traction when he reported \$97,312 at the end of the 2013 reporting period, raised mostly from around 150 donors in the district, he is now well over \$100,000 and had a \$63,000 cash-on-hand balance.



Waterman raised \$39,418 in 2013, spent \$26,321 and had \$18,214 cash-on-hand at the end of the period. Waterman's fundraising comes mostly from state and Northern Indiana labor unions, rewarding him for being one of the few Republicans to oppose the historic 2011 right to work reforms.

Thus, Bassler was endorsed by the Indiana Chamber of Commerce. "Eric Bassler is just the type of energetic, dedicated and thoughtful person to be a truly effective leader for the people and communities of south-west Indiana," said Jeff Brantley, vice president of political affairs for the Indiana Chamber. "Eric understands and will make a priority of economic growth, opportunity and job creation for Hoosiers."

The Americans for Prosperity advocacy group is opposing Waterman. "Senator John Waterman has remained a steadfast opponent to workplace freedom in Indiana," AFP said in December. "He has voted against giving Hoosiers the right to choose union membership, and he even voted against protecting secret ballot union elections in our state constitution. Sen. Waterman has voted for additional occupational licenses, which can be costly and overly burdensome to obtain."

In the face of these developments, Waterman sent out a campaign mailer seeking to kindle support from 2nd Amendment groups. The mailer quoted founding father George Mason: "To disarm the people - that was the best and most effectual way to enslave them."

The Waterman mailer reference the Soviet Union "where Communist Party officials banned anyone but fellow communists from owning firearms. During their reign of terror, it is estimated at least three million human beings were murdered buy their government." And German's Adolph Hitler, "who prohibited Jews from owning guns by the 1938 German Weapons Act" resulting in "6 million human beings ruthlessly slaughtered for nothing more than their religious beliefs." **Horse Race Status:** Tossup.

SD15 Brown up on WOWO

Former Fort Wayne Councilwoman Liz Brown has begun a radio ad campaign on WOWO. She faces Allen County Sheriff Ken Fries, Allen Councilman Darren Vogt and businessman Jeffrey A. Snyder. This is the seat being vacated by State Sen. Tom Wyss. **Horse Race Status:** Tossup.

SD29: Delph district too Republican

State Sen. Mike Delph may have taken it on the chin in political circles after his rotunda presser last week. But his Senate district is very Republican.

His gay, Democratic opponent, J.D. Ford (pictured), reported a lot of activity on his campaign Facebook account. "I'm happy to report that in the past 7 days our Facebook page has reached close to 8,000 people," Ford said. "Smil-

ing from ear to ear!"

Ford responded to Delph's rotunda press conference, his no vote on HJR-3 and his discipline by Senate Republican leadership that cost him his leadership position, his ranking position on Senate Judiciary, his press secretary and found him nestled on the back bench among Democrats. "I am deeply concerned that Senator Delph is out of touch with the people in District 29," Ford said. "This is evident by him berating his own constituents, church/faith leaders, party leadership, and news media outlets. All because they have a different view than his own. Soon (maybe if not already), Sen. Delph will reside in a bubble of isolation."

Delph did cut into new territory when he tweeted angry messages at a number of churches in SD29, the first time since HPI has been publishing that a public official has done that. But Micah Clark of the American Family Association of Indiana that points to an unscientific online poll that doesn't show much erosion for Delph. Clark said in an email to supporters, "Last week I asked this question in our online poll: 'Did Senate leadership do the right thing in punishing Senator Mike Delph?' The response could not have been more clear. With over 300 votes, 97% said Senate leadership was wrong to punish Senator Delph for defending natural marriage and the right of the people to vote on its future. This small sample of AFA supporters does not seem to be an anomaly. Even over at the public television web site a similar strong showing of support emerged. By nearly three-to-one (73% to 25%) the WFYI PBS Channel 20 poll involving more than 6,000 votes approved of Senator Delph's actions. The Indiana legislature can sometimes become a dangerous bubble of groupthink, which distorts what the real views of Hoosiers actually are."

Clark told HPI, "What's the old saying about as long as they get your name right there's seldom bad press? His name ID is probably off the charts now."

Because Delph did something we've not seen before, we'll keep an eye on HD29, but for a Democrat to win in Carmel and northern Indianapolis would be an epic upset. We've seen huge upsets of Mayor Bart Peterson, Sen. Lugar, and State Sens. Borst and Garton over the past four cycles, but never BY a Democrat in a very GOP district in the most Republican county in the state. **Horse Race Status:** Likely Delph.

SD31: LaMotte runs as 'real conservative'

Crystal LaMotte, a 35-year resident of Central Indiana, is running for the Republican nomination for Indiana State Senate in District 31 because she believes that certain members of the party are not listening to and fighting

for the greatest concerns of their constituents. LaMotte states, "Oftentimes, when we have legislative leaders who have been in the same position for inappropriate lengths of time, they lose sight of their constituents' pleas in hopes of not making waves. Sometimes, this enables them to preserve the power and title they have become accustomed to; however, in trying to please everyone, one cannot really stand for anything. I believe, as a moral conservative, the principles of self-reliance, traditional family values, sanctity of life, and tougher sentencing for criminal behavior are issues worthy of rocking the boat." LaMotte is challenging State Sen. Jim Merritt. LaMotte's five-issue platform includes "entitlement reform," firmer laws protecting the sanctity of life, tougher criminal sentencing, protecting the traditional family unit, and developing job creation incentives. "All of these issues will provide the foundation for a stronger, more positive Indiana," according to LaMotte. **Horse Race Status:** Safe Merritt.

HD22: Kubacki/Nisly tightening

State Rep. Rebecca Kubacki appears to be in a fight for her political life. Challenger Curt Nisly is currently defining the second term Republican from Syracuse.

The Elkhart Truth reported earlier this week that Elkhart County Sheriff Brad Rogers is backing Nisly in his bid to unseat Kubacki in HD22. The district is no stranger to tough primaries, as Kubacki upset then State Rep. Bill Ruppel in 2010.

"Curt Nisly has a political philosophy similar to mine — one rooted in the safeguards of the Indiana and United States Constitutions," Rogers said in a statement Sunday. Rogers is a Republican, like Nisly, and he generated strong Tea Party backing in first winning election to the sheriff's post in 2010. The sheriff, himself

up for re-election this year, is also an outspoken critic of overt federal government involvement and overreach and a strong defender of personal gun rights.

"These are trying times for freedom, and we need principled leaders at the statehouse who will work to reverse the growth of government power," Rogers' statement continued. "I have every confidence Curt Nisly will be a strong voice for liberty and a responsive legislator for his constituents in House District 22."

Nisly, husband of Elkhart County Republican Party Chairwoman Mary Nisly, has cited differences on implementation of national Common Core educational standards in Indiana in his decision to run. Nisly, who lives



Curt Nisly (left) and State Rep. Rebecca Kubacki.

in Jackson Township south of Goshen, favors guidelines crafted in Indiana and has cited Kubacki's vote in the Indiana House last year against a measure delaying implementation of the national standards.

Nisly has also criticized Kubacki's vote against HJR-3, the measure to amend the Indiana Constitution to define marriage as the union of one man and one woman, prohibiting same-sex marriage. Nisly backs such change while Kubacki, who backs the institution of marriage as a male-female union, has cited a hesitancy to alter the Indiana Constitution.

A letter to the editor in the Warsaw Times-Union by John Elliott, who has joined the Nisly campaign, is an example: "Several have asked why I agreed to serve as treasurer for Curt Nisly candidate for Indiana District 22 House seat. They know I have previously supported and financially contributed to his opponent. In accepting this role, I reflected back on many conversations I had with my longtime friend, our state's beloved governor, Doc Bowen. He repeatedly told me that he learned early on to be a good listener, respecting each person's opinions even if he believed differently. When attending the January Common Core meeting at the Warsaw Schools, I appreciated the opportunity to learn about the standards included in Common Core. During this meeting I heard Representative Kubacki say when she needed to learn something about educating our children, she would go to the educational expert. She went on to say if I as a parent had a concern, I should not contact her but rather make my concerns known to the educators responsible for educating our children. This statement was made publicly as she interrupted the time between two invited presenters. During the question time, an individual asked Kubacki if she heard correctly that one should not contact Kubacki with concerns. Affirming her stated position, Kubacki started responding in a very loud voice and verbally attacked the questioner. As a lifelong Republican and former Kubacki supporter I was embarrassed."

Elliott is a political ally of former Sen. Kent Adams, State Rep. Dave Wolkins and Advance America's Eric Miller, who is stirring up support for Nisly in his church network. Wolkins' ties to this race stem not only from his alliance with Elliott and Adams, but, perhaps, his displeasure that his district shifted during the 2011 reapportionment.

Political reporters covering the HD22 race tell HPI they believe this race has tightened up. One told HPI, "Kubacki's HJR-3 vote seems out of step with the area, for one, and the Common Core issue seems to have lit the fire of some in Kosciusko County, Tea Party types." Kosciusko County is home to Monica Boyer, the Tea Party advocate who spearheaded the Tea Party rebellion against U.S. Sen. Dick Lugar in 2012. This past week, she tweeted, "2010 Rebecca Kubacki wanted your vote... 2014 she betrayed you. #inlegis Vote @Curt4Rep Principles are not for sale."

HPI political sources also note: She's gotten some pretty harsh letters to the editor on Common Core issue. On the flip side, the district is more Kosciusko County than

Elkhart County, and there is a progressive GOP wing there centered around the orthopedic industry there. The criticism lobbed at Kubacki seems to come from the Tea Party/hard right side of things.

This race has the potential to move, though it is too early to move it from "Leans" Kubacki to tossup. Nisly hasn't had time to build name ID up to date. As one observer told HPI, "Building name ID by ground game is a long march." **Horse Race Status:** Leans Kubacki.

Grimes leads McConnell in Bluegrass Poll

Senate Minority Leader Mitch McConnell trails Secretary of State Alison Lundergan Grimes by 4 percentage points in this year's U.S. Senate race, 46-42, according to the latest Bluegrass Poll of registered statewide voters (Louisville Courier-Journal). And, according to the poll, McConnell's biggest problem may be himself — only 27 percent of Kentuckians hold a favorable opinion of the five-term incumbent, while 50 percent said they had an unfavorable view. And only 43 percent of conservatives, who McConnell is courting heavily, said they had a favorable opinion of him. Moreover, McConnell's job-approval rating in Kentucky is worse than President Barack Obama's, despite the fact that the president is wildly unpopular here, losing the state overwhelmingly in 2008 and 2012. Sixty percent of Kentuckians said they disapprove of the jobs Obama and McConnell are doing, but they gave Obama a slightly higher approval rating — 34 percent to 32 percent for McConnell. Meanwhile, Republican Matt Bevin, who trails McConnell by a 55 percent to 29 percent margin in the primary race among registered Republicans.

Obama, Congress down in NYT/CBS Poll

Amid continued pessimism about the economy and direction of the country, 59 percent of Americans say they are disappointed in Mr. Obama's presidency (including 37 percent who are very disappointed); 40 percent are satisfied. Much of this discontent comes from Republicans and independents, but a quarter of Democrats express at least some disappointment. Disappointment with Barack Obama's presidency has grown since the summer of 2012, and much of that rise has been among independents. Forty percent of independents say they are very disappointed today, up from 27 percent in August 2012. President Obama's overall approval rating is now 41 percent, a dip of five points from last month and similar to what it was in December. Fifty-one percent disapprove of the job he is doing, up four points from last month. Seventy-nine percent are unhappy about the way things are going in the nation's capital, including three in 10 who are angry. Majorities of all partisan stripes are displeased. Still, dissatisfaction and anger have lessened somewhat since the federal government shutdown last fall. Congress remains unpopular with the American public -- just 13 percent approve of the job it is doing, and 80 percent disapprove.

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Pence does the 2016 presidential dance

By **BRIAN A. HOWEY**

NASHVILLE, Ind. – Seated a few feet away from President Obama in the White House East Room Sunday evening, Indiana Gov. Mike Pence presumably didn't have a tape measure in his pocket or want to measure the curtains.

But the term-limited president was willing to take a different sort of measure. "Tonight, we want to make sure all of you make yourselves at home. To which some of you are thinking, 'That's been the plan all along,'" Obama said to laughs, according to CNN. Beyond Pence sat Texas Gov. Rick Perry, Maryland's

Martin O'Malley, Louisiana's Bobby Jindal, Wisconsin's Scott Walker, Deval Patrick of Massachusetts and, of course, Vice President Joe Biden. New Jersey Gov. Chris Christie wasn't there, celebrating his daughter's birthday instead.

"Keep in mind, a wise man once wrote, 'I'm more than contented to be governor and shall not care if I never hold another office,'" Obama said in his toast, according to CNN. He was quoting President Teddy Roosevelt.

Just two days before, Pence fueled up the 2016 presidential talk once again on MSNBC's Morning Rundown with Chuck Todd. Asked about a presidential bid, Pence offered up familiar schtick and danced around the notion. "I am absolutely committed to all that I can to make sure Indiana continues to grow," Pence responded. "We have the lowest unemployment rate in the Midwest."

"**You are not ruling it out?**" Todd asked. "Staying focused at home," was the governor's response. "Fair enough, we are not ruling it out," Todd concluded.

But it's hard to project Pence as a serious presidential candidate when HPI looked into his 2013 fundraising. There sat \$1.3 million in his Indiana campaign finance report (including \$250,000 from hotel magnate Dean White), with \$1.357 million cash in hand. His two federal accounts – his old congressional committee and his Win Back America PAC – had less than \$10,000 combined. Last year, senior Pence administration sources told HPI that his

2013 campaign finance reports would make clear what his political intentions are for 2016, saying he was concentrating on a reelection campaign. Pence backtracked a bit a few days later, telling the Washington Post that he wasn't ruling out a 2016 presidential run.

But if that's the case, when the Indiana General Assembly comes to an end on in mid-March, we will see a distinct transformation in Gov. Pence. He will have to add financiers to his federal accounts, and start booking speeches in Iowa, New Hampshire and South Carolina. Anyone entering the presidential derby will have to stop dancing around the question fairly quickly this year.

Pence perhaps could have been a U.S. senator, but he opted not to challenge U.S. Sen. Evan Bayh in 2010, then watched the Democrat retire in bombshell fashion. He flirted with a presidential bid in late 2010 and 2011,



Gov. Mike Pence with First Lady Michelle Obama as the President poked fun at the potential 2016 presidential field Sunday night.

but that dalliance collided with the prospects of then-Gov. Mitch Daniels, who helped clear the way for Pence to run for Indiana governor so he could bone up on his administrative skills.

It's been a work in progress. Team Pence at the Indiana Statehouse has struggled on the top legislative priorities in his two General Assembly sessions. Both came from the Tax Cut Playbook. In 2013, he had to accept half an income tax cut. This year, he faces an open rebellion from Republican-heavy legions of mayors, county commissioners and councilmen and women over a business personal property tax repeal. That's not a killer when it comes to national politics. Nor are the Statehouse hallway whispers that Team Pence has not been prepared for either legislative session. This year, his priorities are getting hung up the unwillingness of legislative Republican leaders to reopen the biennial budget to fund his wishes. Ever present in their minds is the notion that a presidentially ambitious governor might be willing to use the state checkbook to score national political points.

More damaging was the derailing of the consti-

tutional marriage amendment, which social conservatives had hoped to be on the ballot this November with Pence's imprimatur. Now it's poised for 2016, when Pence is up for reelection. He faces an entirely new dance, running with and owning the marriage amendment at a time when it is losing support from voters.

An even bigger issue facing Pence is the Medicaid expansion. On Friday after his rundown with Chuck Todd, Pence had what may be the most important meeting of his first term, with Health and Human Service Secretary Kathleen Sebelius. Pence wants to use the Healthy Indiana Plan to expand Medicaid in what he describes as a more fiscally prudent approach and he needs to convince the former Kansas governor this is best for Hoosiers. Without it, somewhere between 200,000 and 400,000 people in a state that ranks 42nd in overall health will be left in the cold. "It's an ongoing negotiation," said Pence. "We are exploring ways that we could do this in a fiscally responsible way in Indiana in the long term."

An HHS opt-in here would be a real victory for Pence. A rejection means that not only is Indiana leaving more than \$10 billion of federal funds on the table, but his state becomes an un-Medicaid island while Republican governors in neighboring Ohio, Michigan and Wisconsin have all gotten with the program in some form.

Larry Sabato, director of the Center for Politics at the University of Virginia, told the Indianapolis Business Journal it's unlikely that Pence's name will crop up as a serious contender for 2016. With only a year into his first term as governor, Sabato said it's difficult to see Pence giving up the governorship so early to pursue presidential aspirations. "That's why I don't take it seriously," Sabato said. "I could see him running after two terms as governor."

The veepstakes at this point seems a more likely path for Pence, but that's a game-time decision based on the needs of the nominee, which is the most compelling Republican mystery at this point.

Dems support Hillary in NYT/CBS Poll

More than 8 in 10 Democrats say they want Hillary Rodham Clinton to run for president in 2016, showing a level of interest in her that no other potential candidates – Democrat or Republican – come close to matching among their party's voters, according to a New York Times/CBS News Poll. As for Gov. Chris Christie of New Jersey — the man who many had once thought to be an early Republican favorite, but who is struggling with the George Washington Bridge traffic scandal — more in his party say they do not want him to seek the presidency (41 percent) than say they do (31 percent). From a list of five high profile Republican Party leaders, former Florida Gov. Jeb Bush and Kentucky Sen. Rand Paul capture the most interest among self-identified Republicans; 41 percent of Republicans say they would like to see Bush run (27 percent say no to a Bush bid) while 39 percent say yes to a Paul candidacy (21 percent say no). ❖

Young applauds Camp tax proposal

WASHINGTON – The House's top tax writer rolled out a broad tax reform plan on Wednesday that would pare back tax breaks once thought untouchable and affect practically every part of American life (The Hill). The nearly 1,000-page plan unveiled by Ways and Means Chairman Dave Camp (R-Mich.) would pull back on the deduction for home mortgage interest used by tens of millions of home owners, and embraces some ideas touted by Democrats, like scrapping the "carried interest" tax break used by hedge fund managers.

Camp said a discussion on making the tax code fairer and a more positive force for the economy was long overdue in Washington, but the discussion draft, which included a summary that along ran almost 200 pages, quickly found detractors both on and off Capitol Hill, as trade groups and lobbyists found out who were the losers in the chairman's outline.

Even before it was released, the top Republicans in both chambers had distanced themselves from the effort, with Speaker John Boehner (R-Ohio) scoffing at the possibility of a vote this year and Senate GOP Leader Mitch McConnell (Ky.) saying it would be better to do tax reform next year.

But Camp was defiant. "You're going to hear a lot about one provision or another," Camp told reporters at a news conference introducing his long-awaited draft. "The truth is people want a simpler, fairer and flatter tax code."

U.S. Rep. Todd Young (R-IN9), a member of the House Ways and Means Committee, reacted, saying, "For the first time in nearly three decades, we have draft legislation that would make our tax code simpler, flatter, and fairer. Since the last substantial reforms in 1986, our tax code has become larded up with narrowly-tailored provisions that make it increasingly complicated for American families and businesses to prepare their taxes. Not only would compliance be easier, but the Joint Committee on Taxation score makes clear this bill would spur hiring, increase personal incomes, and promote economic growth."

U.S. Rep. Luke Messer said, "Our tax code is broken, and I applaud Chairman Camp's efforts to fix it. The details will matter."

U.S. Sen. Dan Coats said, "I am still reviewing the specifics of his proposal, but I applaud Chairman Camp's effort to move the ball forward on reforming a tax code that is too costly, complex and uncompetitive. Reforming and simplifying our nation's burdensome tax system will encourage economic growth, create more American jobs and make our country stronger in the global marketplace." ❖



Nunn, Lugar survey a dangerous world they made safer

By BRIAN A. HOWEY

INDIANAPOLIS – There will never be a movie about the Nunn-Lugar Cooperative Threat Reduction Program.

Leonard Nimoy will not play Dick Lugar in a Hollywood motion picture.

The reason is that over the course of the program that has been in place for two decades, arguably one of the greatest legislative achievements ever, no one died.

There were no mushroom clouds over American cities or London. Tens of thousands of people were not stricken with sarin gas at Wrigley Field. We didn't watch images of scores of bodies being removed from the Metro. Weaponized smallpox did not sweep over a continent. We don't have a radius of thousands of miles of American land unusable due to radiation as seen around Chernobyl.

To the masses, the TV news directors and even Hoosier Republican primary voters, Nunn-Lugar is boring. That's because the "action" was nuanced and played out in obscure places deep in Siberia and in invisible Soviet cities that only appeared to the masses with the advent of Google Earth. The average Joe can now find the Soviet nuclear cluster at Mayak or Vozrozhdeniya Island in the middle of the shrinking Aral Sea where five-story-tall vats brewed up enough weaponized anthrax to kill the entire Earthling population four times over.

Those attending the talk by Lugar and his Senate partner Sam Nunn – "Diplomacy in a Dangerous World" moderated by NPR's Steve Inskeep – Tuesday evening at the University of Indianapolis were able to witness and sense the depth of their legislative achievement.

"You could sense a higher purpose and a seriousness of purpose," said Inskeep, the Carmel native who hosts NPR's Morning Edition. Inskeep called it the "most successful disarmament program" that rid the world of tens of thousands of weapons of mass destruction.

"Nunn-Lugar is being applied world wide," Nunn said. "It was applied in Libya. It is being applied in Syria right now on the chemical weapons with the U.S. and

Russia. The Nunn-Lugar program was for our security." Literally, the technicians on the ground amid the vicious Syrian civil war, removing to date about 20 percent of the chemicals thus far, are Russians trained with Nunn-Lugar funding.

If you seek an "Exhibit A" in its contemporary application, look no further than Kiev, Ukraine. As Russian President Vladimir Putin projected a benign and friendly facade of dancing Olympic bears and a mechanized Soviet history with no hint of the gulags and man-made famines, the corrupt Ukrainian regime collapsed several hundred miles away from Sochi. At this writing, it is unclear who is running the country, who will run it or even whether it will survive intact. What is missing from the equation is the third largest nuclear arsenal in the world – a thousand warheads and bigger than Britain's and France's – when



Ukraine gained independence in 1991 with the Soviet collapse.

"That is how different, how that situation might be," Lugar observed.

It wasn't quite the same as Texas U.S. Rep. Charlie Wilson wheeling from cocaine parties with naked bimbos to House conferences where he figured out how to steer millions in appropriations to fund the mujahedin. That was the story in the movie "Charlie Wilson's War" starring Tom Hanks and Julia Roberts.

In the beginning, Nunn had reached out to Lugar, who he believed could convince President Bush and Senate Republicans what was at stake. The first \$400 million appropriation for Nunn-Lugar (Sen. Robert Byrd sliced away \$100 million) was "shoehorned" as an amendment into an appropriation conference report on the final two days of the 1991 session. There is no way it would have survived a

straight up-or-down vote. "What had been wildly opposed in September 1991 was passed in December 1991," Nunn said.

Nunn and Lugar had spent years developing relationships not only in Congress, but with the Soviets. Around a round table in Nunn's Capitol Hill office, the two found themselves with Soviet military leaders who told them, "You need to know that security is breaking down around nuclear weapons aimed at you. Our troops are not getting paid and that's why they are deserting," Lugar recalled. "This is a pretty awesome thought, that all of these weapons numbering in the thousands are aimed at us."

"What do you want?" Lugar asked them. The response was, "We're going to need a lot of your money. We're going to need your personnel who know about security. We might need your troops, though we hope it doesn't come to that."

The Indiana Republican and the Georgia Democrat found themselves in Moscow as it careened into financial crisis with unpaid military and weapon researchers overseeing an array of loose nukes, chemicals and biological weapons stored behind chainlink fences with padlocks and in chicken coops.

"We went to see Boris Yeltsin and he told us in no uncertain terms" that Ukraine would have to give up its arsenal. Lugar and Nunn subsequently met with Ukraine President Leonid Kravchuk. The Indiana Republican suggested that divesting the arsenal might bring a \$150 million check from the U.S. "At a press conference with two reporters, one radio, one print, Kravchuk said he had just been offered \$175 million," Lugar said.

"I came to see President Bush and he was very sad over his election defeat to President Clinton but he wrote a letter to Kravchuk offering \$175 million. Every single one of those weapons went to Russia," Lugar said, with much of the highly enriched uranium recovered shipped to the U.S. to fuel nuclear power plants. "It made a huge difference."

At one point, President Bush said, "Senators don't do this."

Pointing to Lugar, Nunn added, "This man is a remarkable leader."

To Nunn, this transition has almost biblical implications, the proverbial "swords to plough shares."

"Dick Lugar had an advantage over me," Nunn wryly observed, describing himself as a career legislator. "He had been mayor, writing checks. Every time I went on a trip with him since then, and there have been many, I always asked if he had the checkbook."

The senators got a glimpse of the huge stakes. "I visited a silo in Ukraine," Lugar explained. "This is where a missile had been pulled out. I went down an elevator 13 floors where the guards stayed and on the walls around the table were pictures, beautiful pictures of American

cities. These were identified as targets. I thought all the time I was mayor of Indianapolis from '68 to '75 we were targeted and could have been obliterated. There were enough warheads to knock out all of our major cities, plus the military installations. It was called mutually assured destruction. We were mighty lucky to make it through to that point where these Russians ended up around Sam's table and they wanted our money, our people."

The lessons raised Tuesday night by Nunn and Lugar paint a collage of leaders who studied the world around them, reached out to forge relationships from the U.S. Capitol to the enemies of America, convinced enough people on both sides to change the course of history – and no one died.

Both view the current events with some alarm. Inskip asked them, "What scares you?"

Nunn responded that for the first time in history, weapons of mass destruction are becoming cheaper to make. Cyber war is a distinct possibility. "For the first time in history, we don't have a state monopoly" in weapons of mass destruction. A 17-year-old in a basement in Belarus can launch a cyber attack. "We're in a new era," Nunn said. "We haven't quite realized it yet."

Lugar recalled the 2001 anthrax attack on the Hart Senate Office Building, where he and other senators and staff had their throats swabbed, were told to take Cipro and informed of the possibility they would all be dead in 48 hours. The crime has never been solved, but it may have been perpetrated by "a small group of people" or a lone terrorist.

Could a Nunn/Lugar partnership happen today?

Nunn said at a press conference prior to the event this might be the greatest danger of all. Not al Qaeda or al Shabab or narco terrorism. He noted the remarks of retiring Michigan U.S. Rep. John Dingell this week, who wondered if Republicans and Democrats would ever be able to work together. "The voters are going to have to determine this," Nunn said. "The voters are going to have to tell both the Republicans and Democrats they are going to have to find solutions."

"Common sense," Nunn continued. "Not let ideology blind them to their obligation. You can't do that without compromise. We are a diverse country. We have to have common-sense solutions. Right now, the word compromise has become somewhat of a dirty word in American politics for some groups. I think the answer is the voters have to understand if they send people to Washington that are basically saying they are not going to yield, you're asking for dysfunction. Compromise is essential."

Conflict and ideologies make for great movies. Nunn and Lugar forged a much more gratifying story. ❖



Judge discretion may be reality by summer

By MAUREEN HAYDEN
CNHI Statehouse Bureau

INDIANAPOLIS – Judges who've been clamoring for more control over prison sentences may be exercising some of that discretion this summer.

A long-in-the-making rewrite of Indiana's felony criminal code removes some mandatory sentences added during decades of tough-on-crime policies, which led to higher prison costs. The updates, passed last year, take effect July 1 and give judges more leeway by removing the binding, "non-suspendable" sentences for many low-level drug and property crimes.



"If somebody deserves to go to prison for 80 years for the crime they've committed, we'll still be sending them there," said Superior Court Judge Robert Freese, of Hendricks County. "But sending

people to prison when it's not appropriate isn't justice."

Like many of his colleagues, Freese says minimum sentences handcuff judges from doling out appropriate punishment, such as assignments to community-based treatment programs. Someone charged with theft for stealing a Slurpee from a convenience store, for example, would face a mandatory sentence to state prison of no less than 180 days if he has a felony on his record within the past three years.

"Is sending someone to jail for stealing a \$1.49 Slurpee the right punishment and the right use of our limited criminal justice resources?" Freese said.

The example may seem extreme, but a 2010 study commissioned by judges, legislators and former Gov. Mitch Daniels found the state's prison population had grown by more than 40 percent in a decade. Annual prison costs were projected to reach \$1 billion a year by 2017. The average sentence for non-violent crimes was 96 months, according to the study, while the average sentence for sexual assault was only 65 months.

The study's authors blamed the discrepancy in part on mandatory minimum sentences that elevate penalties for drug offenders and repeat low-level offenders. They suggested returning some discretion to local judges as a partial remedy. The criminal code reform passed last year repealed many of mandatory minimum sentences.

As legislators revised the bill this year, adding new sentencing guidelines, they kept mandatory sentences for high-level crimes such as murder, rape and drug dealing. But they left intact language that eliminated mandatory terms for lower-level crimes including theft and drug offenses.

John M. Marnocha, a St. Joseph County judge who spent three years on the commission that helped rewrite

the criminal code, said increasing judges' discretion can reduce recidivism and bring down the prison population. Judges may dole out alternative sentences to low-risk defendants who'd benefit, for example, from drug or alcohol treatment, he said. They could also start using options such as house arrest or work release.

But, Marnocha cautions, multiple factors are at play. Prosecutors and judges may risk being seen as "soft on crime" if they opt for prison alternatives. All of Indiana's county prosecutors and most state judges are elected.

"It's almost too early to tell what's ultimately going to happen," Marnocha said. "It's still a work in progress."

Larry Landis, head of the Indiana Public Defender Council, worries the increased judicial discretion will be offset by other changes made to the criminal code this year. Under pressure from prosecutors, legislators increased advisory sentences for some crimes, mandated minimum sentences for some habitual offenders and jacked up penalties for gun-related crimes.

"You can't call this criminal code 'reform' anymore," Landis said.

The impact all of the changes will have on the prison population remains in dispute. Last summer the state Department of Correction predicted an increase in the prison population while the Legislative Services Agency, the research arm of the General Assembly, forecast an eventual drop.

The biggest unresolved issue remains funding. The General Assembly has yet to allocate money for communities to expand local programs that judges would use as part of new sentences.

The Senate Appropriations Committee is expected to take up the issue Thursday. Reps. Greg Steuerwald, R-Avon, and Jud McMillin, R-Brookville, are expected to argue for local funding. Both may cite a recent study that says the new criminal code, once in effect, will drive down the projected state prison population. They'll argue that the resulting savings should be passed on to communities for programs that offer sentencing alternatives.

"We're so close to getting this done," Steuerwald said. "We know there are too many people in prison who don't need to be there."

Pence legislative agenda on the rocks

With his top legislative priorities on the rocks, Gov. Mike Pence has his work cut out for him if he wants to rescue them before the end of the 2014 General Assembly (Cook and Berggoetz, Indianapolis Star). With just two weeks left in the session, his preschool voucher program could be headed for a summer study committee, his efforts to phase out a key business tax have received only token support, and Senate Republicans have cut in half his request for \$400 million in highway funding. Other Pence proposals also have encountered problems. He wanted to offer stipends to teachers willing to work at low-performing schools, but a Senate committee stripped funding from that proposal. He wanted to increase family income

tax exemptions with inflation, but that idea is stalled in another Senate committee. And he wanted to create a fund to reward innovative teachers, a proposal that didn't even get an initial hearing. The reason for most of the opposition can be summed up in one word — money — and attributed largely to one man: Senate Appropriations Committee Chairman Luke Kenley. In even-numbered years, legislators typically don't open up the state's biennial budget. Yet nearly every one of Pence's priorities would have a significant effect on the budget. That has created tension between those charged with watching out for the state's fiscal health and those who want to be able to point to a list of accomplishments. It's a point of contention that goes back at least to early December, when Pence announced his goals for the 2014 session.

"I warned him," said Kenley, R-Noblesville. "I said, 'Now this is going to be part of the problem here, doing this in a nonbudget year,' and he understood that, but he thought the issues were important enough that we should begin the discussion."

Despite concerns such as Kenley's, Pence has forged ahead.

He took his pitch on the road in December, making his case to crowds across the state. A few weeks ago, he made a rare personal appearance before a skeptical Senate Education Committee to testify on behalf of his pre-school proposal. And when a coalition of local government officials objected to his proposal to cut the state's business equipment tax — which provides \$1 billion a year for cities, towns, counties, schools and libraries — he agreed to replace some of the lost revenue with state money. So far, those efforts have yielded only qualified successes.

Pence seeks to salvage Pre-K

Indiana Gov. Mike Pence visited a pre-kindergarten classroom on Indianapolis' east side Wednesday to renew his call for the state's General Assembly to create a pilot program to offer early education vouchers (Schneider, Evansville Courier & Press). Sitting in the classroom as students read books and colored worksheets, Pence made the case for one of his legislative priorities — a proposal that was nixed by an Indiana Senate committee after passing the House by a wide margin. Pence said programs like Shepherd Community Center make a difference in the lives of some of Indiana's most challenged families.

Pence, who in a rare move testified in front of the Senate Education and Career Development Committee, said he supports the study commission that's now the main thrust of the legislation. However, he said a pilot program, contained in the original measure that passed out of the House, is "an idea whose time has come."

"I do believe that to act and to study is the right step this year for the people of Indiana and for the state of Indiana," Pence said.

Pence said that he's meeting with lawmakers to hopefully arrive to a compromise in the final weeks of the

legislative session scheduled to end by March 14. Senate Appropriations Chairman Sen. Luke Kenley, who successfully moved to strip the pilot program from the legislation, said he met with Pence on Tuesday regarding early childhood education. The Noblesville Republican said Pence is working hard to make his point of view known. But Kenley said he doesn't think the state is ready for the pilot program outlined in the House's version, which he said wasn't well-structured enough yet. Along with fiscal concerns, Kenley, who is the Senate's chief budget writer, said Pence also faces philosophical differences on providing vouchers for pre-kindergarten. "We have a number of people in our caucus who frankly they're not convinced that we need to disrupt the family or that the state needs to take these things over yet," Kenley said.

State Fair alcohol bill heads to Pence

The Indiana State Fair is one step closer to selling alcohol (WTHR-TV). The Indiana House of Representatives voted 75-20 in favor of the bill. It now heads to Gov. Mike Pence for his signature. On Monday, the bill cleared the second of its three required readings in the House. The state Senate already passed the bill 33-13. Fair organizers say they want to showcase beer, wine, and distilled spirits just like other products of Indiana agriculture. Opponents worry it could threaten the fair's family atmosphere. Indiana and North Carolina are the only two states that do not allow drinking during their state fairs, although North Carolina does allow fairgoers to sample wine and buy bottles of wine to take home. Pence said he is leaning toward signing the bill but had not made a final decision.

Technical bill heads to House

A bill that would create a career and technical diploma for high school students passed the Senate Education Committee on Wednesday and now heads to the full Indiana Senate for consideration (Indianapolis Business Journal). The bill passed 5-4 with no amendments. The committee had heard testimony on the proposal at an earlier meeting. Supporters say it would give students who are not headed for four-year degree programs more opportunities to prepare for the types of technical jobs that will be available in the next five years. Jarred Howard, an assistant principal at Forest Park High School, told senators last week that an enormous change in the state's work force now calls for an enormous change in how Hoosiers view education. "CEOs have said they don't care if a student has taken algebra 2 or chemistry," he said. "They want skilled workers."



Drastic turn for daycare bill

BY MATTHEW BUTLER

INDIANAPOLIS — An ambitious attempt to require certain standards for daycare ministries accepting federal Child Care Development Fund (CCDF) vouchers in Indiana appears to have taken a drastic turn in direction.

Though registered, such facilities are not required to be licensed and are exempted from much of the state's daycare regulations. Rep. Kevin Mahan's HB 1036 passed the House in January with provisions setting child-to-staff ratios, requirements for reporting child injuries, and a list of basic standards (hand-washing facilities, motor vehicle safety, nutrition, daily activities, etc.) which FSSA



would enforce.

Not anymore.

On Wednesday the bill left the Senate Health and Provider Services Committee with a considerable overhaul. Asked about the amendments, State Sen. Greg Taylor, a cosponsor of HB 1036 and proponent of similar legislative efforts, like 2013's SB 305, told Howey Politics, "I am disappointed. I knew they were coming." He attributes the drastic changes to the efforts of Advance America's Eric Miller.

Two weeks ago the church advocate took issue with the bill's new basic standards for daycare ministries, telling the committee, "The language in HB 1036 gives massive rule-making authority to FSSA that they have never had and, in my opinion, should not have." In response, cosponsor State Sen. Greg Walker said amendments he was already drafting would likely address those concerns. Presented Wednesday, the FSSA rulemaking powers are removed and instead daycare ministries would now be required to formulate their own written policy as to the originally enumerated basic standards. A key caveat in the new language reads, "The written policy required...is not subject to approval by the division."

Asked by Howey Politics if Eric Miller influenced his amendments, Sen. Walker responded, "Oh absolutely."

"We've talked significantly and, in fact, the final version you see today is the result of those many conversations. You see the amendment in the Senate scales back significantly where the House began and that was in response to those who oppose the bill and I suspect they will continue to oppose the bill," Walker said. "But, I have done everything I know to do." Though present, Miller did not speak against the amended bill Wednesday.

Before the committee voted, an apparently new dimension entered the legislators' considerations: Looming federal regulations for CCDF vouchers. The Depart-

ment of Health and Human Services announced roughly nine months ago it was seeking "to strengthen CCDF regulations by requiring child care providers that accept CCDF funds to receive health and safety training; comply with state and local fire, health, and building codes; pass comprehensive background checks; and receive on-site monitoring." Sen. Walker circulated a PowerPoint presentation by that federal office dated May 2013. The new rules are expected in October 2015.

"It was a light bulb moment on my part," Walker explained. "I just felt we were getting a little to ahead of ourselves if we use the effective date of July 1, 2015 in the bill to begin writing rules for a four-month period and then receive the federal guidelines on the rulemaking requirements. I thought that was superfluous."

Asked why there was no mention of these looming federal rules at previous hearings, Sen. Walker said he had not finished his amendments that took them into consideration and wanted to discuss the issues together.

The uncertain regulatory horizon had a noticeable effect on the committee before it advanced the amended bill 10 to 2. In light of the new information, State Sen. Ryan Mishler felt the bill a moot point until the promulgation of the federal rules and voted no. Sen. Frank Mrvan also voted against it.

Another interesting facet has been the role of the FSSA. When the committee first heard HB 1036 two weeks ago, Chairwoman Pat Miller commented she would like more input and clarification by FSSA as to its existing role vis-à-vis daycare ministries. FSSA did not testify before the committee. Howey Politics asked Sen. Miller after Wednesday's hearing if FSSA had provided the necessary information to the committee in the interim. She said the agency had been in contact during the amendment making process and an FSSA official also confirmed it had since provided requested information.

As to the appearance of being relatively silent on HB 1036, Sen. Taylor said, "It's kind of interesting, isn't? FSSA has become neutral on this bill."

Citing their greater involvement in the 2013 attempt to regulate daycare ministries (SB 305), Taylor believes the agency has since been pressured to stay quiet on the issue but he could not identify the exact source of influence. "FSSA wasn't part of these [amendment] negotiations with Walker and [Eric] Miller, they weren't even around," he added. "They haven't approved these because they were told to stand down."

For proponents of greater regulation of daycare ministries accepting CCDF vouchers, HB 1036 is still something. It retains requirements for staff ratios, injury reporting, and training. Sen. Walker sees this as a good compromise that begins to establish and circulate best practices without overplaying the state's hand before the new federal rules.

Seeing it differently, Sen. Taylor said, "I think we're in the same position we were before. They [daycare ministries] get to write their own policies. For a whole year

they get to sit down and decide what policies they want inside their facilities. Then, at the same time, they're going to accept CCDF funding from the state. It is unfair. It's the most vulnerable community we have—children—and they get to write their own policies for basic things. It's absurd."

Taylor stressed the new federal regulations would likely depend upon existing state codes. Since daycare ministries are largely exempted in Indiana, he predicted,

"It's only logical we'll exempt them [again]."

Sen. Walker felt it was much better than nothing. "Taking into consideration all the voices in the room, I feel this is the right way to go forward," the Indianapolis Democrat said. He foresees second reading as early as Monday. As to the prospect of any further amendments, he said, "We'll have to see, I might have one myself." ❖



Zoeller vows to defend Indiana marriage laws

By MAUREEN HAYDEN

INDIANAPOLIS – Supporters of same-sex marriage hailed Virginia Attorney General Mark Herring when he announced that he wouldn't defend his state's prohibition against gay marriage. Indiana Attorney General Greg Zoeller calls Herring's decision a "dereliction of duty."



Zoeller prefers another model, that of North Carolina Attorney General Roy Cooper. Like Herring, Cooper is a Democrat and personally supports same-sex unions. But when North Carolina's ban was challenged in court last fall, Cooper said his job as the state's chief lawyer trumped his personal views. He vowed to vigorously defend the law.

"That's the job," Zoeller told the Indianapolis chapter of The Federalist Society this week. "... This has nothing to do with partisanship or your personal views."

It's not hard to envision Zoeller, a devout Catholic with traditional views when it comes to marriage, embracing his job to defend Indiana's current law against same-sex marriage if – more likely when – it's challenged in court.

But his job also requires him to veer from his Catholic tenets at times. He described a deep moral conviction against the death penalty, yet it doesn't stop him from instructing his staff to defend challenges to Indiana's death penalty law.

As he told a sympathetic audience of conservatives and libertarians who share his disdain of federal control over states' regulatory and civil rights, "It's not my personal views that I am defending. It's the obligation to defend the authority of our state and the decision of the men and women you all elect have made."

The two-term Republican wins friends with talk like that. He picks up enemies, though, when he goes beyond defender of state law and starts playing offense.

Zoeller is an ardent advocate of the position that state attorneys general are a last line of defense against federal overreach. It's an area where he has stepped into some of the hottest legal and political debates being waged across the nation.

Zoeller has played a key role in state-driven lawsuits challenging the Affordable Care Act. He's joined a multi-state challenge to the U.S. Environmental Protection Agency's authority to regulate greenhouse gases, and another that challenges the EPA's authority in the cleanup of the Chesapeake Bay. Last year Zoeller wrote a "friend of the court" brief on behalf of a group of state attorneys general that urged the U.S. Supreme Court to allow prayer at government meetings. (The Indiana General Assembly starts its daily sessions with a prayer.)

He was the primary author of briefs submitted by states last year to the U.S. Supreme Court that supported California's gay marriage ban as well as the federal law, later struck down, defining marriage as the union between a man and a woman. Last month, he led 11 state attorneys general who argued to a federal appeals court that allowing gay and lesbian couples to marry would lead to the "tragic deconstruction" of marriage.

Zoeller's critics say these are political challenges disguised as legal ones. The accusation makes him bristle.

To the discomfort of some members of the Federalist Society, he praised the EPA for implementing the Clean Water Act of 1972, which forced states to dramatically curb pollution. The New Albany native said it made his beloved Ohio River fishable and swimmable again.

Zoeller emphasized his independence with another story, this one about meeting then-presidential Republican candidate Mitt Romney at a political fund-raiser two years ago. Romney, on hearing of Zoeller's reputation for suing the Democratic administration, joked that he wouldn't be so busy if Romney were elected.

"Oh no," Zoeller responded. "I'll sue you, too. You're federal. I'm state. This has nothing to do with politics." ❖

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How to end the imperial presidency

By LEE HAMILTON

BLOOMINGTON – The march toward presidential unilateralism, whether the president is a Democrat or a Republican, dangerously undercuts our constitutional system.

In his State of the Union speech to Congress last month, President Obama drew widespread attention for pledging to use his executive authority to advance his priorities. He insisted he intends to act with or without



Congress, and listed well over a dozen actions he plans to take by executive order. “Wherever and whenever I can take steps without legislation to expand opportunity for more American families,” he said, “that’s what I’m going to do.”

Plenty of people were happy about this. The speech was applauded by pundits who have given up on Congress and believe the only way to move forward is by strengthening the

presidency. Our political system, they say, is weighed down by too many interest groups, too many checks and balances, and too few avenues for circumventing a Congress that is both polarized and highly susceptible to the wishes of its donors. The present government is paralyzed, they believe. A stronger presidency would get Washington moving again.

As you’d expect, others are alarmed by this approach. The President, they say, is trampling on the constitutional separation of powers, grabbing powers for himself that were meant to be shared with Congress. They point out that the Constitution gives Congress a primary role in making policy. The problem with this debate is that it’s missing a key part of the equation. Yes, our system needs a strong presidency. But it also needs a strong Congress. We are best off as a nation when the two consult, interact, and work together as powerful branches.

In truth, every president in recent memory has expanded the power of his office and been accused of a power grab. They’ve had plenty of motivation to do so. The modern world demands quick, decisive action. Americans tend to support presidents who act forcefully. Congress is complex, convoluted, and hard to work with; it is far easier for an administration to act on its own. Even members of Congress often defer to the President, counting on him to address issues they don’t want to tackle or can’t agree upon.

And presidents have wielded executive orders to great effect. Abraham Lincoln’s Emancipation Proclama-

tion, FDR’s Works Progress Administration, John Kennedy’s Peace Corps, affirmative action under Kennedy, Lyndon Johnson and Richard Nixon, Ronald Reagan’s enshrining of cost-benefit analysis as the key to regulatory review, all came about through executive orders.

Yet there are limits to this approach, because in the end there is no substitute for legislation. Presidents cannot write a budget, raise the minimum wage, or reform entitlements by themselves. Because executive orders lack the permanence and force of law, they can be hard to implement and can be summarily cancelled by a later president. They are more subject to legal challenge than legislation. And most important, executive orders are a unilateral exercise of power and do not benefit from a process of consensus-building and consultation with voices independent of the President’s.

Consensus-building can’t happen in a vacuum, however. Without a strong Congress able to find its way effectively through the thickets of lawmaking, this President and his successors will surely continue to address the nation’s challenges on their own. The question is, how far down that road can we go before Congress becomes irrelevant, with too much power – and too much potential for the abuse of power – in presidential hands? Like our founding fathers, we should be skeptical of the concentration of power.

Politico recently detailed a spate of executive orders planned by this administration, which would affect everything from how power plants operate to how we commute to how the environment will be regulated. Taken together, they will “push deeply into everyday life” for Americans, the article noted.

Whether a president oversteps his authority with these and other executive orders is inevitably colored by whether you agree with the proposed order. But my point is different. It is that the march toward presidential unilateralism, whether the president is a Democrat or a Republican, dangerously undercuts our constitutional system. Before we give up on the separation of powers, let’s try strengthening Congress. This may not be the easy route, but if we don’t take it, representative democracy itself is in doubt. ❖

Lee Hamilton is director of the Center on Congress at Indiana University. He was a member of the U.S. House of Representatives for 34 years.

A deserved tribute to Newland and Graham

By **MORTON MARCUS**

INDIANAPOLIS – Recently I had the honor of addressing the Indiana House Committee on Roads and Transportation. One would think such a distinguished group would not want to hear from a long-term critic of the General Assembly. But they merely laughed when I was introduced.

My purpose on this rare occasion was to support the naming of a bridge on I-69 for David Graham and James Newland. Both men were leaders in the long struggle to build I-69, not just from Indianapolis, via Bloomington, to Evansville, but from Canada to Mexico.

Jim Newland, in particular, was a friend who taught me much about civility and persistence in the pursuit of desirable objectives. He and David Graham, with many others from southwest Indiana, patiently and persuasively lobbied



for I-69. They recognized its importance and feasibility long before it was politically popular. Despite often irrational opposition, they pressed to bring facts and cogent argument to the heated discussion that still smolders today.

As I waited for my turn to speak, I reflected on the name of the committee: Roads and Transportation. Why not just Transportation? Alas, in Indiana, all forms of transportation, other than roads, are not taken seriously.

Most Hoosiers don't know we have ports on the Ohio River and Lake Michigan. Most Hoosiers think of Indianapolis as having an airport and forget about the 60-plus other airfields in the state. Except when stopped at or jarred by a rough rail crossing, Hoosiers are indifferent to the tracks crossing our state. Pipelines? Here? Where and why?

Roads.

That's what we think about and that's what we complain about as the snow falls and as it melts. We have regular fantasies that we experience congestion because most of us have never been in truly congested traffic. Some of us consider speed limits, traffic lights, parking regulations and stop signs as examples of unconstitutional infringements by government on our liberties.

Next, I thought about the \$200 million the state Senate cut from the highways appro-

priation for the coming fiscal year. As ever, fear of insufficient revenues shades the judgment of several legislative leaders. They have so little confidence in our state's economy, and the tax structure they have developed, that they anticipate fiscal collapse at any moment.

Then my thoughts turned to the room itself and the misconceptions many Hoosiers have about state government. There was no sense of grandeur or power in this room. Many meeting rooms in city and town halls across the state are more impressive.

Here, not a penny was spent to suggest the dignity of democratic processes. The people's representatives asked meaningful questions when appropriate, and were at ease with each other.

Finally, I contemplated the real business of legislation as conducted away from view by the press and the public. An opaque film covers what is really happening. Powerful men (this is still Indiana), acting on behalf of powerful interests, manipulate the legislative process to produce results that amaze us if they correspond to the public's well-being. ❖

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THE HPI APP IS COMING



Mark Bennett, Terre Haute Tribune-Star: If pictures truly say a thousand words, a photo from Gary Mayor Karen Freeman-Wilson's State of the City address last week should generate enough verbiage to fill this column — and region political reform advocates — with hope. Some of you probably saw it on Thursday's front page: Lake County Councilman Jerome Prince, a staunch Gary Democrat, in a near embrace with Portage Mayor James Snyder, an equally staunch Porter County Republican. It all happened without the opening of fiery chasms or the planet reversing rotation. The grip-and-grin moment carries more meaning than casual observers might surmise. It's a sign of real efforts to remove false barricades throughout our region and nation. Snyder was honored Wednesday at Freeman-Wilson's annual State of the City address. He was toasted for his neighborly lending of Portage snowplows to help dig out Gary in last month's deluge of snow. I previously wrote about that act — and the considerable sour flavor some Portage City Council critics of the mayor's generosity created by chastising Snyder for dedicating Portage resources to help out neighboring Gary. On Wednesday, Snyder was rightfully greeted with applause at Gary's Genesis Center. The ensuing photo of Prince embracing and thanking Snyder is now an icon we all should put on wooden stick signs and hold up when partisan and geographical boundaries obstruct region progress. ❖



Chelsea Schneider, Evansville Courier & Press: There's growing political will in Indiana's government to help families afford preschool. But a key lawmaker is telling Gov. Mike Pence that he hasn't yet found the right way to pay for it. Both Pence and Republican House Speaker Brian Bosma are throwing political support behind a pilot of a voucher program to send low-income children to prekindergarten. But the Indiana General Assembly's chief budget writer is giving a dose of reality in questioning whether Indiana should look to federal dollars to pay for it. Sen. Luke Kenley, R-Noblesville, appealed to fellow committee members in recommending that the state study how to pay for early childhood education before agreeing to a pilot program. The committee followed his reasoning. If the study is ultimately what passes this session — though a blow to early education advocates who saw the pilot program as a concrete step — it does confirm a shift in sentiment from preschool being akin to state-funded baby-sitting to a legitimate educational endeavor. Bosma in speaking with reporters Thursday said he was "not sure" if the General Assembly would get the pilot program accomplished this year. "Wish we could get pre-k, but if we can get everyone at the table to take a very thorough look at it — and that's what's anticipated — perhaps we can make the case to those that don't think it's the right thing for the state," Bosma said. The stumbling block is in the price tag that Kenley estimated at \$270 million in the event the pilot

program is eventually rolled out across the state. Kenley told the committee he hopes Indiana can look to the White House and Washington D.C. in its endeavor to pay for the vouchers. "President Obama has said he's in favor of prekindergarten education, in fact he's in favor of universal prekindergarten," Kenley said, "which is easy to say but expensive to provide." ❖

Larry Riley, Muncie Star Press: While the dissident wing of the frequently fractured Delaware County Democratic Party is looking at a year in which they have more candidates running than does the party Headquarters, one goal from a year ago fell by the wayside. Team Democrat, a political action committee, gained no ground in recruiting more candidates for party precinct committee positions. Precinct committee officials are elected as the unpaid, grass-roots level partisan workforce — and the people who select their party's chairman every four years. Two years ago, Republicans elected precinct officials. Democrats do so in May's primary. A slightly fractured GOP last year saw an unsuccessful attempt to oust a sitting chairman. In 2010, a split Democratic Party saw a similarly unsuccessful attempt. Overthrowing a party chairman is all but impossible in Indiana. The sitting chairman can appoint vacancies in the voting positions. One year ago at its annual meeting, Team Democrat announced plans to recruit committee people candidates less in lockstep with Headquarters. A look at the list of Democrats who filed to run in May for precinct spots shows filings in 76 of the county's 78 precincts, but only eight contested. Most uncontested precinct candidates appear to be Headquarters supporters. At least three precinct leaders who would be considered in the dissident wing opted out of re-election, so Team Democrat may be moving backward. One dissident is challenging longtime Muncie City Council member Mary Jo Barton for precinct leader. In 2011, Barton survived a primary opponent in her council re-election spot by just 100 votes. ❖

John Kass, Chicago Tribune: You probably won't believe this, but I aim to help Hillary Clinton fulfill her destiny and rule the world. But the thing is, she has a problem. You wouldn't know it from reading or watching the news. That's because in most newsrooms across America — and perhaps even in some place called "real life" — the inevitability of Hillary Clinton as president is a given. Yet even as the great tide of her inevitability swells and rises to 2016, there is an issue. Sadly, it remains hidden to most of her champions, since they're blind to her faults. But it's out there. And I'm asking you to open your eyes to see the problem, so you can help me help Hillary. What is this problem? It's Bill. Call it the Bill Problem, or the Creepo Index, or the Randy Spouse in the Henhouse Conundrum. I'd rather simply call it the First Laddie Issue. And we must confront it without a moment's delay. ❖

Coats presses Obama on jobs

INDIANAPOLIS - U.S. Sen. Dan Coats (R-Ind.), co-chair of the Senate Medical Technology Caucus, today responded to President Obama's speech in St. Paul, Minnesota during which he discussed a new White House initiative intended create jobs and stimulate economic growth. "How ironic is it that the president is promoting a jobs initiative today in Minnesota, a state that like Indiana is negatively impacted by the tax on medical devices included in Obamacare," said Coats. "If President Obama is serious about job creation, he will call for a repeal of the medical device tax." Coats also spoke about Obama Administration's recently proposed cuts to Medicare Advantage, a popular health care plan that provides coverage to more than 230,000 seniors in Indiana. According to an estimate by the Kaiser Family Foundation, over half a million Medicare Advantage enrollees will lose their existing coverage in 2014 because of these proposed cuts. "The administration is cutting billions of dollars from Medicare Advantage, an extremely popular program, to pay for Obamacare, and last Friday the administration announced it proposes to make additional cuts," Coats said. "One of the goals we all share is to expand health care coverage, yet these additional cuts will make it even harder for millions of America's seniors to keep the benefits, plan and doctors of their choosing."



tives that would have allowed people with sincerely held religious beliefs to refuse to serve gays. The conservative governor said she could not sign a bill that was not only unneeded but would damage the state's improving business environment and divide its citizens (Associated Press). Senate Bill 1062 had set off a national debate over gay rights, religion and discrimination and subjected Arizona to blistering criticism from major corporations and political leaders from both parties. Loud cheers erupted outside the Capitol building immediately after Brewer made her announcement Wednesday night. "I have not heard one example in Arizona where a business owner's religious liberty has been violated," Brewer said. "The bill is broadly worded and could result in unintended and negative consequences."

BSU prepares master plan

MUNCIE — Ball State University expects stable enrollment on campus and more emphasis on STEM and health professions education/research in the next 15 to 20 years, says a campus master plan consultant. But "nothing is set in stone yet," BSU Treasurer Randy Howard said during a presentation of an early draft of the 10-year master plan to faculty, staff, students and Muncie residents this week. Ideas and data are still being generated, refined and presented publicly for feedback, he said. A consulting firm will complete its work by the end of this academic year and a final plan will be released over the summer.

The plan will address campus parking; physical links between the campus and the city; conflicts between skateboarders, bicyclists, pedestrians, cars and buses; how to replace 1,900 beds when the gigantic LaFollette complex is torn down; and other growth issues. Traditional on-campus BSU enrollment looks promising — an

increase of 500 students over the next decade, said consultant Douglas Kozma, co-leader of Ann Arbor-based SmithGroupJJR's campus planning practice.

Purdue to merge NW campuses

WEST LAFAYETTE - Purdue University officials are moving ahead on a plan that would unify the administration of the university's two northwest Indiana campuses. The plan will preserve the two existing campuses, only 35 miles apart, but administrative and academic oversight functions would be consolidated into one central office (Indiana Public Media). Purdue Calumet Chancellor Thomas Keon says some physical changes with a central administration, like IT, can be easily done, but don't expect functions like Admissions to change. "We still will have to have an admissions person on each campus, but whether we centralize admission is yet to be determined." Purdue North Central Chancellor James Dworkin says he and Keon are keeping both campus' students in mind.

Harper responds to Mayor Henry

FORT WAYNE – Things in Fort Wayne are good, Mitch Harper says, but they could be better (Fort Wayne Journal Gazette). Harper on Wednesday offered a Republican response to Mayor Tom Henry's State of the City address, which the mayor delivered two weeks ago. Harper gave his version to the Downtown GOP Club. Henry said the city had a great year in 2013 and is in a good position. Harper said that is true, but it will not stay that way without a change in philosophy. Harper announced in August 2012 that he would run for mayor in the 2015 election. "Fort Wayne's future in the long term is bright," Harper said. "It's not that things are bad; it's

Gov. Brewer vetoes gay legislation

PHOENIX — Republican Arizona Gov. Jan Brewer slapped down the right wing of her own party, vetoing a bill pushed by social conserva-