



### *Horserace Leans Republican*

## Gubernatorial race trending toward Daniels in last three independent polls

By BRIAN A. HOWEY in Indianapolis

For the first time since Gov. Joe Kernan got back into the 2004 Indiana gubernatorial race, *The Howey Political Report* is moving this showdown out of the "tossup" zone.

A SurveyUSA automated poll of 597 likely Indiana voters (+/-4.1%) taken Oct. 17-19 for WXIN-TV shows Daniels leading Kernan 51-43 percent with 5 percent undecided. An HPR/TeleResearch Poll (Oct. 11-14) had Daniels leading 46-40 percent. A *South Bend Tribune*/WSBT-TV poll (602 likely voters, Oct. 10-12, +/-4) had Daniels leading Kernan 46-43.



Republican Mitch Daniels talks with Serene Torvas (left) at the Madame Walker Theater in Indianapolis last Thursday. (HPR Photo by Brian A. Howey)

These three polls cover a sequence of nine days following Gov. Kernan's IPALCO ad campaign. It is our belief that this race is trending Daniels, with the lead steadily increasing from 3 to 8 percent and outside the margin of error. This comes after several Indiana newspapers -- the Republican-leaning *Indianapolis Star* and Democratic-leaning *Portland Commercial-Review*, *Muncie Star Press* and *Post-Tribune* -- panned the IPALCO ads.

Because there is multiple independent polling data that presents a clear trending in this race, we are moving it into a "Leans Daniels" status, the first time that it has not been in the tossup category.

During these polls, there has been mixed economic news. The Oct. 8 national jobs report did little to bolster the re-election efforts of Gov. Kernan and President Bush. We had long observed that both Kernan and Bush fates would be fueled by the same forces. While Gov. Kernan had good economic news last week with the 400 jobs coming to Magna International in Muncie, that news was tempered by the 200



"I would not be surprised. Look at what happened in Spain. I'd say there is a 50/50 chance. Some parts of the intelligence community think there's an imminent risk."

— Sen. Evan Bayh, on a possible terror attack in the U.S.

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jobs cut at ATA, another 400 layoffs at Eli Lilly, and the news that Guidant would build its new stent plant in either California or Ireland. You can hardly blame Kernan for the ATA problems that have hit the entire airline industry, but Hoosier voters are probably not going to make the distinction. In the HPR/TeleResearch Poll, the right track/wrong track numbers were 33/49 percent. Those types of numbers have kept the Kernan-Davis campaign from moving beyond the 38 to 42 percent range in the polls in 2004.



Gov Joe Kernan (center) campaigned with (from left) Lt. Gov. Kathy Davis, First Lady Maggie Kernan, U.S. Rep. Baron Hill and Democratic Chairman Kip Tew at the Scott County Courthouse in Scottsburg last Friday. (HPR Photo by Brian A. Howey)

### *Critical Lilly sequence*

But the critical sequence occurred when the Kernan-Davis campaign shifted from its IPALCO attack ads to an issue the Democratic braintrust thought would resonate with voters: prescription drugs. When the campaign attacked Daniels as a big executive at Eli Lilly, it provided Daniels with his most jarring retort that he used in both a response ad and in his Oct. 17 debate at New Albany: "I never thought I'd hear an Indiana governor bash Eli Lilly Company."

The fact that it occurred as Lilly was announcing two separate job reductions may have hit a nerve with Hoosier voters, who have witnessed the state bleeding corporate headquarters over the last decade.

More painful to Kernan was that he had attempted to portray his role in the development of the life sciences industry as one of his key successes. But what came to the forefront was an attack on one of the most important figures at Lilly over the last decade. In Sunday's *Indianapolis Star*, the

newspaper reported, "At its peak in 2001, Prozac made Lilly \$2.6 billion a year, or one-fourth of Lilly's total sales. That's why the 2001 loss of patent protection required four years of planning. Enter Daniels again, who led more than a dozen top managers in strategy planning for when Prozac went generic. After all, no pharmaceutical company

had ever lost patent protection on its flagship drug and survived without being bought or merging."

It quoted Daniels as saying, "If Lilly had lost Prozac, Indiana would have lost Lilly."

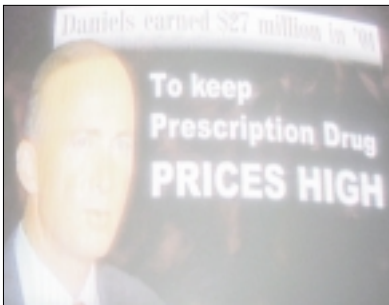
A Democratic worker at Lilly explained to HPR in an e-mail late last week, "I figured Mitch would probably prevail in the election, but now I'm certain of it. What with Kernan's stance on drug reimportation and this apparent indirect jab at Lilly, he has just alienated about the entire Lilly workforce. I'm not sure he can stand that in a race this tight." That Indiana Lilly workforce numbers 30,000.

After the Thomson plant closing in Marion late last winter, Gov. Kernan tried to trumpet offsetting economic development plums. They came last spring and early summer in places such as Warsaw, Kendallville, Delphi, Indianapolis and Bloomington, where either he or Lt. Gov. Davis went to help announce new plants or expansions. Those announcements slowed this summer.

Last Friday, Gov. Kernan went to Muncie and said, "Magna International's decision to invest in Indiana demonstrates not only that the automotive industry in the state continues to be strong, but that Indiana is at the top of its game when it comes to attracting new business investment."

Daniels told the *Star Press* that the Magna announcement was good news, but represented a "molecule in the bucket" when it came to Indiana's job losses. "Muncie has a long way to catch up," Daniels said, noting job losses in recent years at the Borg-Warner Automotive and Manual Transmissions plants and the closing of local factories such as Indiana Steel & Wire and Delphi Automotive.

Kernan laughed when asked whether Daniels, who proposed last week to abolish the Indiana Department of



This ad may have backfired on the Kernan-Davis campaign.



Commerce, could have done a better job of drawing manufacturers like Magna to Indiana. "He is the rain man," said Kernan. "Everything is wrong every day" (*Star Press*).

### *The tolling bell*

Daniels suggested Kernan look at Indianapolis newspaper headlines last Friday that reported three Indianapolis companies -- Eli Lilly, Guidant, and ATA -- were all eliminating jobs or reversing earlier plans to expand.

"He seems to be in denial of the facts," Daniels said about Kernan's optimism concerning Indiana's economy.

By the time Gov. Kernan arrived in Columbus to join the "Right Track" bus tour, he was clearly aggravated by Daniels' attacks. "My opponent was asked about Magna and his response was that he would have done it quicker," Kernan said outside the Columbus City Hall. "He's not only clueless, but he's getting up every morning and doesn't have anything good to say." As Gov. Kernan complained, the bell on the ornate clock tower in downtown Columbus slowly tolled the noon hour.

While Kernan hoped to draw blood on the drug prescription issue, Daniels was taking salvos at the incumbent over out-sourcing and the Department of Commerce. He was running ads that complained that Indiana was buying rock salt in Illinois, Kentuckians are guarding Hoosier prisoners, and state park reservations were set up by a Maryland company.

Last Tuesday at the fashionable Vera Bradley store at Carmel's trendy new West Clay Mall, Daniels called for the elimination of the Department of Commerce. "The General Assembly was right to give up on this failed bureaucracy," said Daniels. "After eight years of chances, they failed every subject on a report card the governor drew up for himself and the Department of Commerce he headed, It's clear we need both new leadership and a new operating system. The more the IEDC functions like a successful business, the better Indiana will deal with successful businesses."

Kernan campaign manager Bernie Toon responded to the Daniels proposal saying, "It's ironic that one of the most significant investments made by the Department of Commerce -- the 'failed bureaucracy' our opponents refer to -- during Joe Kernan's tenure -- was the \$100 million to Eli Lilly for a 10-year, 7,500 job expansion. It's one of many examples that clearly show the Kernan-Davis record and their plan for the future, is aimed at making it easier, not harder, for them to grow and prosper in Indiana."

The Kernan campaign was running an ad featuring First Lady Maggie Kernan, suggesting the Democrats were seeing the same thing the HPR/TeleResearch poll showed: the negative ads were turning off independents.



Skillman, Daniels and Pat Miller at the trendy Vera Bradley store in Carmel. (HPR Photo by Brian A. Howey)

Some observers wondered whether Kernan had jeopardized his most valuable asset -- his likeability. It was the dilemma the Daniels camp knew Kernan would face early last summer. Campaign adviser Mark Lubbers told HPR in Terre Haute last July that Daniels faced a seemingly structural 5- to 6-point deficit. The only way to overcome that, Lubbers said, was to go negative, but negativity could create a backlash.

### *Newspaper endorsements begin*

By late last week, the newspaper editorial endorsements began coming Daniels' way. The *Evansville Courier & Press* observed last Thursday, "He is a realist, absolutely fresh in his candor for the uphill struggle facing Indiana, but infectiously positive in his belief that he can get it done. He has run a remarkable -- and clean -- grass-roots campaign to introduce himself to Indiana over the past year."

By Sunday, the *Indianapolis Star* had also endorsed the Republican. The *Fort Wayne Journal Gazette* endorsed Kernan Sunday, saying, "The disparaging message heard endlessly over the past 16 months is that Indiana is on the decline and change is needed. That message is wrong on two counts: The state is on the upswing, and change has been the rule since Joe Kernan became governor."

Meeting with African-American Coalition members in Indianapolis last Thursday night, there was the air of inevitability surrounding Daniels, even with the setting among minorities, where he was polling 20 percent support in the HPR/TeleResearch poll and 15 percent with SurveyUSA. The audience asked Daniels if he would cross legislative Republican leaders. "I've told them to buckle up, get ready, I'm serious," describing his "Roadmap" by saying, "These aren't throw-away ideas." He was asked about future members of his administration. "Daniels said there will be "three tests: total integrity, change agents and faithful to the reforms we've called for." ❖



## Will Pastrick follow Borst's political demise?

### *Power wanes for 76-year-old lions*

By BRIAN A. HOWEY

When 2004 dawned, Indiana Republicans and Democrats each had a 76-year-old lion who commanded extreme power and influence, albeit both had vastly different methods.

The Republican was Senate Finance Chairman Larry Borst of Greenwood, who was arguably the most powerful legislator in Indiana history. He was narrowly defeated in the May Republican primary. The Democrat is East Chicago Mayor Robert A. Pastrick, who is arguably the last of America's old-time machine mayors and who wielded tremendous influence in Hoosier Democratic circles. His political fate will be determined by voters in the next 36 hours.

Borst, who had a hand in virtually every budget and tax bill since the early 1970s, was squeaky clean when it came to ethics. But he had a brutal command of the state's finances and public policy. To cross him was as dangerous as going against any of the six governors he ruled with, under and over for three decades.

**Pastrick's influence** was on the political side of the equation. He ruled the Lake County Democratic machine and routinely delivered the huge pluralities that enabled Govs. Evan Bayh and Frank O'Bannon to triumph in this, a nominally Republican, state. Pastrick served on the Democratic National Committee. He was so utterly powerful that even when the ethical taint became thoroughly conspicuous, Hoosier Democrats couldn't sever the connection. On the night of Gov. Joe Kernan's first State of the State address, he attended the Robert Pastrick reception at the Skyline Club in Indianapolis.

But as profoundly as Borst's era ended in May, Tuesday could spell the end of the Pastrick reign.

The past several weeks have seen a steady erosion of support from Mayor Pastrick. In the past week, endorsements for challenger Geoge Pabey (*pronounced Pa-BAY*) included City Clerk Mary Morris Leonard and City Councilman Randall "Blue" Artis, who joined the growing chorus of Pabey backers that include Lake County Sheriff Roy Dominguez, former judge Lonnie Randolph, and Surveyor George Van Til.

On Sunday, the *Post-Tribune* endorsed Pabey. "We recommend the nomination of Pabey -- for the good of East

Chicago, as well as Lake County as a whole," the newspaper editorialized. "Pastrick has done many fine things for the city over the years. The many structures that bear his name are testament to his numerous accomplishments. But, in recent years, the many negatives have overshadowed the good Pastrick has done for the city. The absentee-ballot fraud that benefited Pastrick in May 2003 was simply the latest in an ongoing series of problems within the city. Pastrick, as mayor, has to shoulder the responsibility, even though he has served lately more as a figurehead while others ran the city."

**On its news pages** this weekend, the *Post-Tribune* reported, "With only three days until his showdown with rival George Pabey, Pastrick finds himself in the unprecedented role of underdog. His administration and many of his closest political allies are all but immobilized by federal indictments stemming from three different scandals. Soaring property tax bills have residents in near revolt. For the first time in memory, civic, union and political leaders are aligning themselves with his opponent.

"And still," the *Post-Tribune* reported, "even his rivals admit, you can't count him out."

But the signs are aligning against the mayor. Only 551 absentee ballots were requested, down from the 1,950 cast during the 2003 election that the Indiana Supreme Court threw out due to rampant fraud.

**As this last hurrah election** plays out, testimony in federal court in South Bend during the "sidewalk scandal" trial shows Pastrick was involved. Renate Cerven testified at the trial that she paid \$2,600 to pave her own driveway in 1998, only to begin seeing free driveways popping up in her neighborhood on Hidalgo Street. As the May 1999 primary neared, Cerven said she confronted Pastrick at a political rally to complain. "He says, 'Well, give the bill to the city and we'll reimburse you,'" Cerven said (Steve Walsh, *Post-Tribune*).

On Friday, Judge Stephen King of LaPorte rejected Pastrick's claims that an emergency hearing was necessary to set the rules for how to challenge and tally votes that Pastrick's supporters may claim to be fraudulent (*Times of Northwest Indiana*). King said both sides in the race have long known that large numbers of ineligible voters remain on the rolls, despite the so-called "emergency" motion filed five days before the election. "Today, no 'emergency' exists," King wrote.

The only emergency may be in Pastrick's political fate.

**HPR Horse Race Status:** *Likely Pabey* ❖





## Indiana 2004 Statewides

**Governor 2004:** Republican: Mitch Daniels. Democrat: Gov. Joe Kernan. Libertarian: Kenn Gividen. **1996 Results:** O'Bannon (D) 1,075,342, Goldsmith (R) 997,505, Dillon (L) 35,261. **2000 Results:** O'Bannon (D) 1,230,345, McIntosh (R) 906,492, Horning (L) 38,686. **2004 Forecast:** As our lead story says, we're moving this race into a "Leans Daniels" status for the first time since Gov. Kernan re-entered in November 2003. This is not an endorsement, nor do we believe that Daniels' election is imminent. We are saying that this race is trending toward the Republican challenger. There is at least one scenario that could dramatically alter this race and that would be a domestic terror attack. We asked U.S. Sen. Evan Bayh about the prospects of a domestic terror attack prior to the election. "I would not be surprised," said Bayh, a member of the Senate Intelligence Committee. "Look at what happened in Spain. I'd say there is a 50/509 chance. Some parts of the intelligence community think there's an imminent risk." Bayh added that "If we get hit, the last thing people will think about is politics." A domestic terror hit means all bets are off. No one knows how it would play out at the presidential level; whether there would be a rallying around President Bush or retribution. But at the state level, Gov. Kernan would immediately become the focal point for the state crisis response. We think that has the potential of dramatically altering the political climate. The other huge uncertainty in the HPR poll and the others is whether young and black voters who use cellphones and, thus, are being included. We believe that somewhere there will be a major upset. We are not ruling



Daniels and Skillman in Carmel last Tuesday. (HPR Photo by Brian A. Howey)

that out, but the event that would be marked an upset is Gov. Kernan winning. Daniels suggested before an African-American audience Thursday night that he hopes to change the Indiana GOP (Brian A. Howey, HPR). "My party has been lousy, I believe, at reaching out to African-Americans," he said at the Madame Walker Theater in an appearance before the African-American Coalition. "I have no defense to make for it. I feel it's been a mistake. I'm very eager to try to have an open and honest discussion with people regardless of their party loyalty." Asked why he became a Republican, Daniels said, "They asked me first. I was a Libertarian for four months. But then the Republicans asked me first. It was with Dick Lugar. He had the trust and rapport with the African-American community." The 90-minute event will be shown on WFYI-TV at 9 p.m. Oct. 28 and 10 a.m. Oct. 30. Gov. Joe Kernan will address the group Tuesday. The *Indianapolis Star* reported, "The crowd of about 200 gave him hearty applause both before and after his roughly hour-long appearance on stage. The Daniels campaign has released an ad featuring lieutenant governor candidate Becky Skillman in Southern Indiana markets (HPR). "As much as any place, Southern Indiana is ready for a fresh start," Skillman says in the opening moments of the ad. An announcer then says, "Joe Kernan may be making promises to Southern Indiana, but Becky Skillman was born and lives here and lives our values." She ends the ad saying that she and Daniels "will work and keep good jobs and get government working for the people again." It is the first time in the campaign that Skillman has been featured. She has not been part of many campaign signs, bumper stickers or logos to this point. The Kernan campaign ran an ad last summer featuring Lt. Gov. Kathy Davis. Daniels on Friday criticized Gov. Kernan for sending letters at state expense touting the administration's record and encouraging business owners to sign up for a Web-based directory of Indiana businesses. There has been "an amazing pattern of



Gov. Kernan greets supporters in Columbus last Friday. (HPR Photo)



# HOWEY *Political Report*



Democratic attorney general candidate Joe Hogsett campaigns at party headquarters in Seymour Friday. (HPR Photo by Brian A. Howey)

spending taxpayer dollars to promote the Kernan campaign," Daniels said during a news conference outside the *Tribune* building in downtown South Bend. "There ought to be some sense of propriety about this. This is a state that is broke," Daniels said. The letter, dated Oct. 19 and signed by Kernan, touts that the current administration has worked on behalf of Indiana businesses to restructure taxes, eliminate the inventory tax and put incentives in place to attract new business investment. It was printed on Indiana Workforce Development letterhead. The letter encourages business owners to sign up for Buy Indiana, a directory of Indiana businesses. The free Web-based service is designed to make it easier for customers and other companies to learn about Indiana businesses. The Kernan campaign defended the mailings. "This is a legitimate outreach to Indiana businesses to make them aware of yet another opportunity to strengthen themselves," said Jonathan Swain, the governor's press secretary. **Status:** *LEANS DANIELS.*



**Attorney General 2004:** Republican: Attorney Gen. Steve Carter. Democrat: Joseph Hogsett. **2000 Results:** Carter (R) 1,077,951, Freeman-Wilson (D) 978,713, Harshey (L) 45,490. **2004 Forecast:** Hogsett is now playing the IPALCO card. His new ominous ad on what he calls the "IPALCO scandal" says, "Steve Carter has refused an investigation. Steve Carter has done nothing." Hogsett stumped with Gov.

Kernan Friday and Saturday and insisted he could win the race. He noted that 14 years ago he was campaigning with his old buddy, Evan Bayh. He said one person told him that he remembered Hogsett's "father" campaigning. **Status:** *Likely Carter.*

## Indiana 2004 Congressional

**Congressional District 8:** Republican: U.S. Rep. John Hostettler. Democrat: Jon Jennings. Green Party: Clark Gabriel Field. **Geography:** Evansville, Terre Haute, Greencastle; Posey, Vanderburgh, Warrick, Gibson, Pike, Martin, Daviess, Knox, Sullivan, Greene, Owen, Clay, Vigo, Vermillion, Parke, Putnam, Warren and part of Fountain counties. Media Market: Evansville, Terre Haute, Indianapolis. Lafayette. **People:** Urban/rural 58/42%; median income \$36,732; poverty 10.7%; race white 93.7%, black 3.7%, Hispanic .9%; blue/white collar: 32/52%. **2000 Presidential:** Bush 56%, Gore 42%; Cook Partisan Voting Index: R+8. **2002 Results:** Hostettler 98,952 (51%), Hartke 88,763 (46%), **2004 Forecast:** Jennings had roughly \$30,639 more in the bank than Republican incumbent John Hostettler (*Evansville Courier & Press*). Jennings, however, has raised \$1.02 million to Hostettler's \$373,060 over the course of the campaign. Jennings and Hostettler trade barbs over a recent political ad paid for by the National Republican Congressional Committee (*Terre Haute Tribune-Star*). Jennings called for the "disgusting and despicable personal attack ad" to be taken off the air. The ad is based on



MoveOn.org's endorsement of Jennings' candidacy. It begins by saying, "In an already hateful election, MoveOn.org made it worse. MoveOn.org posted an ad comparing President Bush to Adolph Hitler. Now, they've endorsed Jon Jennings for Congress. They're the same radical group that wants to allow homosexuals to marry, and opposed money for troops in Iraq which included needed body armor. Now, this group sees something it likes in Jon Jennings --a man who claims to share our values." The ad concludes: "Sorry Jon. Hate is not a Hoosier value." The ad shows flames in the background. The National Republican Congressional Committee was responsible for the ad's content. On Monday, Jennings challenged Hostettler "to show leadership and demand this ad be taken off the air immediately and commit himself to running a positive campaign on the issues over the next 15 days." Hostettler issued a response: "I will consider doing what Mr. Jennings says after he returns the over \$140,000 that he received from MoveOn.org and condemns MoveOn.org's hate-filled speech concerning the president."

**Status:** *Tossup.*

**Congressional District 9:** Republican: Mike Sodrel. Democrat: U.S. Rep. Baron Hill. **Media Market:** Evansville, Indianapolis, Louisville, Dayton, Cincinnati. **People:** urban/rural 52/48%, median income \$39,011; race white 94%, 2.3% black, 1.5% Hispanic; blue/white collar: 34/50%; **2000 Presidential:** Bush 56%, Gore 42%; Cook Partisan Voting Index: R+8. **2002 Results:** Hill 96,654 (51%), Sodrel 87,169 (46%). **2002 Money:** Hill \$1.144m, Sodrel \$1.62m. **2004 Forecast:** The Rothenberg Political



Report considers the 9th District one of the 42 "competitive House races this year. Nathan Gonzales, its political editor, said the race is leaning in Hill's favor, although he "remains one of the more vulnerable Democratic incumbents in the country." Hill now estimates that \$3 million will be spent against him between the Sodrel campaign and the National Republican Campaign Committee. The DCCC is now running an ad defending Hill after two weeks of a heavy point buy by the RNCC against Hill. Hill told Democrats at a rally in Columbus, "I've been attending your festivals and feel connected to the people of Columbus and North Vernon. These people aren't going to believe these lies and accusations they are throwing at me." He accused President Bush and Sodrel of fiscal irresponsibility. "It took 200 years to get debt of \$1 trillion and its taken George Bush and Congress one year to add a half trillion more." In his hometown of Seymour, Hill said, "You all know me. We're friends and neighbors" (Howey, HPR). Tolls and greenways dominated the news coverage of



Gov. Kernan and Rep. Hill campaign in Seymour last Friday. (HPR Photo by Brian A. Howey)

this race last week. Sodrel brought up the toll bridge issue after a question about the timeline for building two new bridges between Clark County and Louisville. "It's time to build a bridge," Sodrel said. In an interview after the debate, Sodrel said he would favor tolls for the \$1.9 billion project if it expedited the schedule or prevented further delays (Alex Davis, *Louisville Courier-Journal*). Hill said he would "fight tooth and nail" against a toll. He said after the debate that federal funding already is lined up for the bridges. Although the tone of the debate was mostly polite, Sodrel did press Hill on his voting record. He said Hill has done "half his job" by promoting one view in Indiana on issues such as tax cuts, then voting in the other direction in Washington. Hill responded that his voting record is consistent and that he has voted for numerous tax cuts, including ones on married couples and the estates of deceased relatives (the death tax). But he said he won't vote for a tax cut without a plan to pay for it. "My opponent has been attacking me pretty hard on taxes," Hill said. "I happen to care about the deficits that we have in this country." Both candidates have worked to discredit the other, but Hill took time out of the debate to call on Sodrel to end negative advertising (*Indiana Daily Student*). "If I believed everything you said about me, I'd vote against me myself," Hill joked. Top elected leaders in Jeffersonville, Clarksville and New Albany sent a harshly worded letter yesterday to Sodrel over his recent comments about the Ohio River Greenway recreation trail. Sodrel said in a televised debate Wednesday that the Greenway is a "feel-good project" that won't create jobs (Davis, *Louisville Courier-Journal*). He said in an interview after the debate that money for the Greenway would be better spent on a \$1.9billion effort to build two new bridges over the Ohio River between Clark County and Louisville. The most recent federal estimate for the



Greenway's cost is \$41.7million. The letter was signed by New Albany Mayor James Garner, Jeffersonville Mayor Rob Waiz and Clarksville Town Council President John Minta. The leaders — all Democrats — represent three of the largest communities in the 9th District, with a combined population of about 85,000 people. The letter states they are "very concerned" that Sodrel's comments suggest a lack of support for the Greenway. "One only has to look across the Ohio River at Louisville to see the tremendous economic development that has occurred as a result of investment in the Louisville riverfront," the letter states. Sodrel's campaign manager, Kevin Boehnlein, said yesterday that the concerns were "unwarranted" and that Sodrel is "certainly not going to pull the plug" on the Greenway. House Speaker Dennis Hastert came to Jeffersonville Thursday to campaign for Sodrel, telling people at a rally that the 9th District "needs somebody ... who can get the job done" (Davis, *Louisville Courier-Journal*). During a speech to about 150 people, the Illinois Republican said Democratic incumbent Baron Hill has voted "time and time again" against tax cuts. **Status:** *Tossup*

## Indiana 2004 Legislative

**ANALYSIS:** *The battle for the Indiana House comes down to seven seats in play: HD26 (open), HD31 (open), HD56 (Pflum), HD77 (open); HD33 (Liggett), HD30 (Herrell), and HD64 (Frenz). Of those seats we rate five tossups and House Democrats are defending three of those.*

**House District 26: Republican:** Tippecanoe County Councilwoman Connie Basham. **Democrat:** Joe Micon.

**Geography:** Lafayette, West Lafayette, Tippecanoe County.

**2002 Results:** Scholer 5,630, Micon 4,731. **2004 Forecast:**

Micon held a news conference Sunday at the front door of the County Office Building Sunday afternoon to speak about Basham's record. "Mrs. Basham

is not here with us this evening at the County Office Building. And she has not been here a lot during her eight years in office," Micon said in statement (*Lafayette Journal & Courier*). Micon said Basham has missed at least 12 Tippecanoe County Council meetings during her eight years as a member of the council. "During my four years on the Warren County Council, I never missed a meeting and I never missed a vote," Micon said. Contacted by telephone Sunday evening, Basham said she did not approve of the television ad attacking Micon. It was placed by the state Republican Party, she said. But the ad's message was factual, Basham said. Of the 96 meetings held during the last eight years, Basham missed several while "giving service to the community in other capac-



ities," she said, adding she missed one meeting due to illness. "I'm really proud of my record on the county council," Basham said. She accused Micon of attempting to "muddy the water" away from the real issues. **Status:** *Tossup.*

**House District 30:** Republican: John Smith.

Democrat: State Rep. Ron Herrell. **2002 Results:** Herrell (D) 9,017, Rudolph (R) 6,966, Fridholm (L) 379. **2004 Forecast:** We believe this race is Herrell's to lose. **Status:** *LEANS D.*

**House District 31:** Republican: Tim Harris.

Democrat: Blackford County Commissioner Larry Hile. **2002 Results:** Rep. Dean Young 9,046, Raju (D) 3,909. **2004 Forecast:** The busiest person in Blackford County these days may well be Sharon Schumacher. She's in charge of making sure the local election runs smoothly. "The number of voter requests for absentee ballots is way up," she said, "at least by 50 percent, and it's growing daily" (*Muncie Star Press*).

"We're getting people who have never voted and people who haven't voted in 20 years," she said. "Everybody is just saying they want to vote, and we don't ask why." Hile will receive an endorsement from the Indiana State Teachers Association (*Marion Chronicle-Tribune*). Hile is being challenged by Republican Tim Harris. HPR rates this race a tossup. Hile and Tim Harris, a Marion land title executive, are in a neck-in-neck race that has drawn more than \$200,000 in contributions and the likes of Gov. Joe Kernan and House Speaker Pat Bauer, both Democrats, and Republican U.S. Sen. Richard Lugar, and thousands of door-to-door stops (*Muncie Star Press*). Harris, a former Grant County Republican Party chairman, said he supported school choice, pointing out that Hile's biggest contributors included political action committees of the Indiana State Teachers Association. Harris received a large \$15,000 contribution from charter school founder Christel DeHaan. "We need to give public school corporations more flexibility in moving around their funding," said Harris, who said he would like to see all Hoosier mayors have the authority to create charter schools. Hile, a public school advocate, said, "We need to keep public money in public schools and private money in private schools." Regarding economic development, both candidates agree the I-69 corridor is the route to more manufacturing, high tech and other business. Grant County was among the first counties to eliminate its inventory tax, Harris said, and also is looking at an ethanol fuel plant. "We cannot be dependent on heavy manufacturing jobs like in the past," Hile said. "We need to branch out and diversify." **Status:** *TOSSUP.*

**House District 33:** Republican: Bill Davis. Democrat: State Rep. Ron Liggett. **2002 Results:** Liggett (D) 9,143, Thornburg (R) 6,895. **2004 Forecast:** Liggett raised a record \$202,799 for his re-election campaign, according to campaign finance reports filed last Friday, making that race among the most expensive House campaigns in the state. Among his big ticket contributors were political action committees represent-





ing labor unions and the Indiana State Teachers Association (*Muncie Star Press*). Davis raised \$183,189, including \$65,000 in last-minute, large contributions last week. Among his big contributors were Indiana Business for Responsive Government, a PAC of the Indiana Chamber of Commerce (\$30,000), and the Christel DeHaan Trust, and \$50,000 from the House Republican caucus. Liggett's largest contributor is ISTA's I-PACE PAC, which has contributed in excess of \$81,000. Liggett said "Indianapolis millionaires" and the state Republican Party were pouring money into Davis to "try and buy the election." Said Ball State Prof. Joe Losco, "It is obvious (Liggett) is being targeted in control of the House because that seat is crucial to Democrats." contributors, and several labor PACs. **Status: TOSSUP**

**House District 46:** Republican: State Rep. Brooks LaPlante. Democrat: Vern Tincher. **2002 Results:** LaPlante (R) 8,079, Tincher (D) 7,275. **2004 Forecast:** Rep. Brooks LaPlante is the Republican candidate in the House District 46 race and his name must appear on the Nov. 2 election ballot, a Marion County judge ruled Thursday. Judge Gary L. Miller ordered Kristi Robertson, the Democrat co-director of the Indiana Election Division, to certify LaPlante as the GOP candidate. Republican Jeff Lee's name is to be removed from all ballots. In addition, the judge ordered election boards in Vigo, Clay, Owen and Monroe counties to "immediately send notice and replacement ballots to all absentee voters who have been provided ballots advising them that their previously completed ballots are void and will not be counted." The judge also ordered the election boards to pay for the cost of replacing and mailing new ballots (*Terre Haute Tribune-Star*). Miller's ruling could be put on hold, pending the outcome of a request from Democrat attorneys for an "emergency petition" before the Indiana Supreme Court. The high court has asked parties that oppose the petition to file papers by noon today. James Bopp Jr., attorney for the Indiana Republican State

Central Committee, opposes that petition. "This is a highly discretionary and vary rarely granted request," he said, referring to the petition. "Since the Democrats can contest this election after the fact if [Democrat candidate] Vern Tincher loses, then we believe this petition should not be granted." David Reohmandini, counsel to the Supreme Court's chief justice, said in cases that involve a time element, conducting a hearing is very unusual. Instead, the high court could act from information provided, he said. The court also could determine it will take no action. If that is the case, Miller's ruling would stand. Terry Burns, spokesman for the Indiana Democrat Party, said attorneys also plan today to file an appeal of Miller's ruling before the Indiana Court of Appeals. "We don't agree with the judge and think he has just overstepped his authority, particularly in essentially voiding more than 1,000 absentee ballots," Burns said. "The biggest concern is that we will have voters who will be disenfranchised. Obviously their vote is voided in District 46, but also in the race for governor, president and U.S. Senate." Burns said he believes a \$10,000 fine, for which a collection order has not been made by the Indiana Election Division, against LaPlante "should not be allowed to go away." LaPlante failed to timely report that he contributed to his campaign two years ago. LaPlante said the state election law is aimed at preventing an outside group or company from pouring money into a campaign, not from a candidate with his own funding. LaPlante said he offered to pay a fine for the error, but not the unprecedented amount of \$10,000. The Election Commission deadlocked on the issue, LaPlante said, essentially killing the fine. LaPlante said he remains confident the Supreme Court will uphold Miller's ruling. "We are, as of this moment, on the ballot," LaPlante said. "It is unfortunate that it has gone to the extreme it is, but it is a clear indication that [Democrats] don't want me on the ballot," LaPlante said. "And if somehow they keep me off the ballot, Jeff Lee is not electable; he doesn't



## Bush-Kerry



## Presidential Polls

**Rasmussen Tracking, Oct. 22-24**

Bush 48, Kerry 47

**ABC/Washington Post Tracking, Oct. 22-24, +/-3**

Bush 49, Kerry 48, Nader 1

**Zogby/Reuters, Oct. 21-23, +/- 2.9**

Bush 48, Kerry 46, Nader 1

**Newsweek, Oct. 21-22, +/-3**

Bush 48, Kerry 46, Nader 1

**AP/Ipsos, Oct. 18-20**

Kerry 49, Bush 46, Nader 2

**TIME, Oct. 19-21, +/-3**

Bush 51, Kerry 46, Nader, 2

**OHIO: Ohio University/Scripps Survey, +/-5%**

Kerry 49, Bush 43

**FLORIDA: Miami Herald/St. Petersburg Times, Oct. 19-21**

Kerry 46, Bush 46

**PENNSYLVANIA: Zogby/Reuters**

Kerry 47, Bush 45



meet the residency test. [Democrats] got bookends on this, but they can't have it both ways. The law is clear on intent and Lee has met that test" and is out of the 46th district. More than 1,800 absentee ballots that include District 46 have been mailed in four counties. Vigo County has 26 of its 87 voting precincts in District 46. Vigo County has mailed 902 ballots, with 501 ballots returned as of Thursday. "Our absentee voting overall is almost double of what it normally is," said Anita Anderson, Vigo County absentee voter clerk. "Our in-person voting averages 40 voters a day. A couple of days we had 98 voters. We have had more than 3,100 absentee votes."

**Status:** *LIKELY D.*

**House District 56:** Republican: Ed Yanos.

Democrat: Rep. Phil Pflum. **2002 Results:** Pflum 6,511, Hamm (R) 6,096. **2004 Forecast:** Jobs are big issue in Henry and Wayne counties, which have been hit with manufacturing decline like other parts of East Central Indiana (Rick Yencer, Muncie Star Press). "The biggest complaint is outsourcing," said State Rep. Phil Pflum, D-Milton. The decline of Chrysler, a major New Castle employer for 100 years, and keeping Metaldyne going, has been a huge concern in recent years. Pflum, elected by less than 300 votes in 2002 to the House District 56 seat, has a platform of bringing more jobs and business to New Castle and Richmond. Yanos agrees jobs are important, but said people also are concerned about rising property taxes and education. Improving education along with more tax restructuring will create more employment and bring more jobs to the state, Yanos said. Pflum, a member of the powerful House Ways and Means Committee, opposes charter school. **Status:** *TOSSUP.*

**House District 64:** Republican: Troy Woodruff.

Democrat: State Rep. John Frenz. **2002 Results:** Frenz 10,516, Davis (R) 8,774. **2004 Forecast:** House Republicans are targeting Frenz. **Status:** *LEANS D.*

**House District 77:** Democrat: David Hennig.

Democrats: State Rep. Phil Hoy. Independent: Rev. Bill Garrett. **2002 Results:** Hasler (D) 10,437. **2004 Outlook:** Hennig and independent Billy D. Garrett will take part in a live radio debate at 8 a.m. Tuesday on WGBF-1280AM (*Eva* **2004 Outlook:** Democrats are fighting back, pouring \$39,000

in to help the campaign of Phil Hoy (*Evansville Courier & Press*). Hoy said the money will pay for television and radio ads to start airing today. The television commercial begins by scolding Hoy's Republican opponent, David Hennig. "Politician David Hennig is slinging mud at Phil Hoy," the narrator says. "Hennig should be ashamed." The ad goes on to give a brief biography of Hoy. The radio ad is mostly biographical but also says Hoy wants to "improve our schools and provide incentives to bring jobs to the Evansville area." Hoy has raised his opponent's work background as a campaign issue, telling a neighborhood organization Wednesday night about David Hennig's frequent job changes (*Evansville Courier & Press*). Hennig has had four employers since 2003, including a debt counseling service under federal investigation for taking advantage of poor clients. Hennig himself is not accused of wrongdoing and said he has never been interviewed by authorities investigating his ex-employers. Hoy said the GOP candidate should provide further explanation because "every candidate's record should be subject to public review." Hennig's employers have included: OneStar Long Distance, a company which has been under investigation by a bankruptcy examiner on allegations that company insiders siphoned off millions of dollars while driving the company into insolvency; AmeriDebt, a debt counseling company under investigation by the Federal Trade Commission and the Senate for allegedly misrepresenting to clients; Fairstream Finance, a company with ties to AmeriDebt. Hennig said he left Fairstream Finance earlier this year to work for North Shore, a mortgage company, because that firm allows him more flexibility to campaign for state representative. Hoy said that since Hennig is "promising to bring fiscal responsibility to the Indiana state Legislature" his employment with firms such as AmeriDebt deserves examination. Hennig said the investigations of his former companies involve management-level staff (*Evansville Courier & Press*). Asked why he has changed jobs so often, Hennig said the sluggish economy has made it difficult to keep jobs in his field as a credit counselor. "No one has ever, ever suggested that any work I performed for the company was less than meritorious or was in any way suspect," Hennig said. **Status:** *LEANS D.*

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## Bopping around HD46

**News Item (Indianapolis Star):** The decision by Judge Gary L. Miller could have broader implications, especially in what's expected to be a close race for governor. Miller ruled that in the House District 46 race, R. Brooks LaPlante will take Jeff Lee's spot on all ballots -- including ones already printed. The legal tussle centers on whether Lee could withdraw from the race with just weeks to go before the election. If Thursday's ruling stands and all absentee votes already cast are void, that would nullify votes in other races, too -- including governor.

**News Item (Terre Haute Tribune-Star):** The judge ordered election boards in Vigo, Clay, Owen and Monroe counties to "immediately send notice and replacement ballots to all absentee voters who have been provided ballots advising them that their previously completed ballots are void and will not be counted."

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By BRIAN A. HOWEY

TERRE HAUTE - Republican power attorney James Bopp Jr. is upset with me. I wrote a column that was printed in some of the 25 Indiana newspapers expressing outrage over the events in HD 46.

Here's what I wrote: This really calls into question the leadership integrity of House Minority Leader Brian Bosma and Indiana Republican Chairman Jim Kittle Jr., who are backing this legal action. They are supporting



LaPlante, a man who has repeatedly violated Indiana campaign finance laws. Now he is trying to get on the ballot in a fitful power play designed to give Indiana Republicans a meager chance at regaining control of the House. Our election processes are delicate, particularly this year. More than half of Indiana counties are now using new voting systems. America went through a controversial recount in Florida following the 2000 presidential election. We are now facing a close presidential race nationally, and tight gubernatorial, congressional and legislative races.

Legislative and Republican Party leaders would best serve all Hoosier voters if they acted in ways that reinforced the integrity of this voting process. Instead, they've engaged in a power play that flies in the face of voters who cast ballots in a process they thought could be relied on.

When I last talked to LaPlante prior to the September precinct vote designed to put him back on the ballot, he told me that he was going to "put my flak jacket on," an acknowledgement that his actions were going to be controversial. The twisted irony here is that LaPlante's metaphorical body armor

and his inability to play by the rules could possibly void the votes of Indiana National Guard troops serving in Iraq who really do need flak jackets. And, folks, I have to tell you, that's about as low as it can get.

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I got an e-mail from Bopp which read, in part, "Brian, on Friday, at 11:21 a.m., I e-mailed you, the Marion County judge and others the following e-mail: Attached are pleadings we are filing in the Indiana Supreme Court and before Judge Miller in Marion Superior Court this morning. Some have misinterpreted Judge Miller's order to order that no votes in any race should be counted on previously cast absentee ballots. We believe that this misunderstanding was not intended by Judge Miller and should be dispelled. As a result, we have moved Judge Miller to clarify his order to state that, regarding previously cast absentee ballots (with Jeff Lee's name on them), that only the votes in House District 46 should not be counted. All other votes would be. If a voter wants to vote in House District 46, he or she would be informed that they must cast a replacement ballot to be provided to all absentee voters by the County Election Boards."

Bopp complained, "On Sunday, I read your column condemning 'LaPlante, Indiana House Republican leadership and the Indiana Republican Party' for this 'outrageous conduct.' We did not ask the judge to void all previously cast absentee ballots and we immediately took steps to correct this when people thought it had happened. Since you have misled the citizens of Indiana about this, I look forward to your correction, retraction and apology. How about before the election?"

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And here's my response. Correction? Apology? First of all, at 11:21 a.m. Friday, I was traveling with the governor. Save your theatrics for the courtroom, Jim. I've had House caucus members and staffers tell me that because the Lee candidacy was so flawed, thanks to the four lawsuits filed by his kids' school district over unpaid book rental fees, House Republicans decided to cut their losses and take a chance on LaPlante despite his woeful record of campaign finance compliance. Even though LaPlante refused to pay a \$10,000 fine levied by a 4-0 Indiana Election Board vote, which was the first huge mistake House Republicans made. Court testimony revealed that LaPlante hired Lee, who subsequently had spent one night in an apartment in Sullivan.

So, who's misleading whom here? What we've got are a bunch of county clerks scrambling around reprinting ballots a week before what could be a close election. And Indiana National Guard troops in Iraq who may not get to vote unless they follow some convoluted process at a time when they're just trying to do their job and stay alive. I agree, Jim, an apology is in order. But not from me. ❖



**Robert Novak**, *Townhall.com* - President George W. Bush last Thursday quietly signed an authorization extending the Nunn-Lugar Act's weapons elimination beyond the old Soviet Union's borders to destroy weapons of mass destruction in Albania. The president's partner in this success was Sen. Richard G. Lugar, chairman of the Senate Foreign Relations Committee. But isn't this the same Lugar constantly cited by Sen. John Kerry as a fierce Republican critic of Bush? There is indeed confusion in Lugar's home state of Indiana. The 85-year-old mother of a prominent Hoosier Republican asked her son how come their senator was supporting a Democrat for president and opposing the war in Iraq. Lugar actually was doing neither, but this is precisely the impression the Democrats want. Lugar's problem is one word: 'incompetence.' He used that word in the Foreign Relations Committee when informed that only \$1 billion of \$18 billion appropriated for Iraqi reconstruction had been spent. Asked why on ABC's "This Week" broadcast Sept. 19, Lugar repeated his verdict: 'This is incompetence in the administration.' Lugar's conclusion was correct but his wording injudicious. Lugar was...blunt with me last week. "The use of my remarks is an attempt to shore up a weak position on his [Kerry's] part," he told me, adding that Kerry "has tried to extend the failing of reconstruction to a more general criticism of the war." Kerry stresses he is a colleague of Lugar on Foreign Relations, but the chairman notes that the Democratic nominee missed 22 out of 23 committee sessions on Iraq. Even before the 2002 election kicked off presidential campaigning, Kerry was present for only 12 of 38 meetings. ❖

**Morton Marcus**, *Syndicated* - There are three important amendments to the Indiana Constitution on the November 2nd ballot. They are not getting the attention they deserve. You don't hear the candidates discussing these questions. Public question #1 would permit the General Assembly to exempt certain property from taxation. For years the legislature has been doing this without challenge in the courts. They have given home owners a \$35,000 "homestead exemption, a reduction in the assessed value of their property. Legislators also have done an end-around to get rid of the inventory tax by allowing firms to apply credits to their state tax liabilities for local inventory taxes paid. The Indiana Constitution calls for all property to be treated in the same fashion. The property tax mess has been created by a legislature that seeks to buy votes by favoring specific groups. Why should property occupied by home owners be treated

differently from property occupied by renters? Why should equipment of manufacturers that produce goods be treated differently from the land of farmers that produce goods? It is time to clean up this mess by eliminating all the exemptions given by the legislature. Why favor the blind property owner over those with other disabilities? Why give disabled veterans an exemption on the property tax and not on the sales tax? It's just politics at its worst and we should not endorse it by giving constitutional authority to the General Assembly to do whatever it wishes. Question #1 should be defeated.

Question #2 is a good idea and deserves passage. For different reasons, in my view, Question #3 does not go far enough. When Governor Frank O'Bannon died, Joe Kernan became Governor and appointed Kathy Davis as Lt. Governor. It was both an historic and inspired choice. No one can deny the outstanding qualities of Kathy Davis, a dedicated, intelligent, experienced public servant. Yet I would prefer to see an elected official become the Lt. Governor in the event that office becomes vacant. That quibble aside, Question #3 should be approved. ❖

**Maureen Dowd**, *New York Times* - The vice president is right that Mr. Kerry can't compete in the arena of power hunting. When Mr. Kerry goes, only the birds are in danger. When Mr. Cheney and his pal Antonin Scalia go duck hunting together, the Constitution is in danger. Even as they mocked the Democrat from trying to be macho with a wildlife tableau, the Republicans were trying to be macho with a wildlife tableau. The Bush-Cheney campaign began showing a new ad on Friday aimed at scaring up more votes. Meant to be a chilling cross between "The Wolfen" and "The Blair Witch Project," the ad plays more like a cross between a Sierra Club promotion and "Lassie." The wolves staking around the forest are not meant to evoke scary Paul Wolfowitz and the neocons stalking around the Pentagon, planning more mischief. They are supposed to be Al Qaeda terrorists stalking America, even though they look too cuddly for the narration that ominously warns: "In an increasingly dangerous world, even after the first terrorist attack on America, John Kerry and the liberals in Congress voted to slash America's intelligence operation by \$6 billion, cuts so deep they would have weakened America's defenses. And weakness attracts those who are waiting to do America harm." One Kerry aide joked to a reporter that the Democrats should do a response ad where Mr. Kerry comes into the forest in a camouflage jacket and shoots the wolves. ❖





## Potch Wheeler dies

FORT WAYNE - Former Sen. Potch Wheeler, R-Larwill, died early this morning. He was 75.

## Lugar won't serve in either Cabinet

WASHINGTON - As Election Day nears, Republican Sen. Richard Lugar's name has popped up in news stories that speculate about a Kerry White House. His name also appears when the topic is a second Bush administration. The problem for the tea leaf readers is that the Hoosier senator has repeatedly said he would not serve in any White House (*Fort Wayne Journal Gazette*). "He's said this many times, ... he can be more effective where he is" in the Senate, said Lugar's spokesman, Andy Fisher. But the conjecture remains. In the past week, the *New York Times*, the *Los Angeles Times*, the *Baltimore Sun* and the *Washington Post* have all run stories floating Lugar as a possible appointee in both a second Bush White House and a Kerry administration. None of the stories attributes the suggestions.



## Kernan, Daniels back public record access

Gov. Joe Kernan and Republican challenger Mitch Daniels said more needed to be done to ensure better access to government documents. This year's statewide audit shows that creating a public access counselor office six years ago made sense but has not generated results, Daniels said. "It's a good idea, but only if it performs," Daniels said. "After several years, plainly it hasn't." Both candidates noted that most violations were

unintentional, caused by elected officials and their public servants misunderstanding the law. Journalists presenting themselves as citizens visited all 92 counties in August to obtain crime logs and incident reports, a list of public employee salaries and court files of sex offenders -- 368 public records in all. Just 11 counties granted all four documents within 24 hours, according to the audit conducted by The Times and seven other Indiana newspapers. Sheriffs were the least likely to comply. Clerks' offices had the best record, handing over the sex offender files in all but five counties, while auditors granted requests for employee salaries in many of the counties. "It's not surprising, but it is something we need to fix," Daniels said of the audit results. "The article is right on target, but the problem goes even further." Kernan said his administration would work with people seeking public information to guarantee their access rights.



U.S. Sen. Evan Bayh (right) campaigned with U.S. Rep. Baron Hill and Columbus Mayor Fred Armstrong. (HPR Photo)

## Bayh speculates on Kerry Electoral College win

SEYMOUR - U.S. Sen. Evan Bayh is among a growing number of political pros who believe there is a distinct possibility that Democratic Presidential nominee John Kerry will win the Electoral College vote, but not

the popular vote. Bayh said should that occur, it would "be one of the great political ironies" of history. In 2000, Bush won the Electoral College but Al Gore won the popular vote.

## Canan lauds Rep. Adams for Magna plant

MUNCIE - Republican Mayor Dan Canan pointed to State Rep. Tiny Adams, D-Muncie, when asked who had helped guarantee Magna International's \$73-million investment in Muncie. "It was this man here," said Canan, who also lauded Terry Murphy, vice president of economic development for the Muncie-Delaware County Chamber of Commerce, for his pursuit of the Magna DriveTrain plant. More than 200 community leaders, officials and onlookers gathered Friday at Ball State University's Alumni Center for the biggest industrial development to come to Muncie in years. Adams, a member of the House Ways and Means Committee, said the deal literally came down in the past few days when a bipartisan effort with the State Budget Committee guaranteed the Magna site. "It was a bidding war," Adams said. "Thank God for Magna that they did not allow a late offer from the state of Ohio."

## Peterson, Richard stump for Indianapolis Colts

INDIANAPOLIS - Mayor Bart Peterson and Fort Wayne Mayor Graham Richard went to the Colts game on Sunday, stumping for a new stadium. Richard was there to lend credibility to the effort that Peterson says must involve the Indiana General Assembly. "Jobs will be created and jobs saved," said Mayor Richard (WXIN-TV).

