



Hill defiant in face of rare Holcomb miscue

Attorney general cites lack of 'due process' as Indiana GOP girds for showdown with gov

By **BRIAN A. HOWEY**

INDIANAPOLIS – The first 18 months of Gov. Eric Holcomb's tenure have been a series of prudent course corrections (Section 5 of I-69, bicentennial towers and East Chicago lead), savvy expenditure of political capital on long-range policy (Next Level road funding), and adroit maneuvering on controversial topics ranging from Department of Child Services overload to the opioid pandemic.

There were a couple of bumps in the road, most notably the marriage plank at the Indiana Republican Convention that ran counter to his and most Hoosiers level of tolerance.

And then came the week of the Fourth of July. On July 2, the IndyStar published the sexual harassment allegations against Attorney General Curtis Hill, based on a General Assembly "investigation." The [report](#)



Attorney General Curtis Hill remained defiant as he read a statement Monday morning at his Statehouse office, refusing to resign or answer questions. (HPI Photo by Brian A. Howey)

included interviews of anonymous victims, later including State Rep. Mara Candeleria Reardon. After the report

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Donnelly is Trump check

By **MARK SCHOEFF JR.**

WASHINGTON – Democratic Sen. Joe Donnelly and his Republican challenger, former state Rep. Mike Braun, bust out their blue shirts on the campaign trail. But when one of them is serving in the Senate next year, he will be wearing a jacket and tie, a sartorial change depicting governance that Donnelly can use to his advantage.

Braun upended his primary challengers – Reps. Todd Rokita, R-4th, and Luke Messer, R-6th – by touting his outsider status. The anti-Washington trope can be a powerful campaign theme, but there is a potentially compelling counter-argument. Once Braun comes to the capital and starts



"I'm going to try to get an idea of their point of view, legally, and from that, make a decision."

- U.S. Sen. Joe Donnelly, reacting to President Trump's selection of Judge Brett Kavanaugh, as his SCOTUS nominee



Howey Politics Indiana
WHowey Media, LLC 405
Massachusetts Ave., Suite
300 Indianapolis, IN 46204
www.howeypolitics.com

Brian A. Howey, Publisher
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317.602.3620
 email: HoweyInfo@gmail.com

Contact HPI

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

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wearing a suit, he has to decide how much of a check he wants the Senate to be on President Donald Trump.

So far, the indication is that he won't provide any brake on the president. Braun is a businessman who doesn't push back on Trump's tariffs against steel and aluminum from the European Union, Mexico and Canada and a variety of products from China. The retaliation to these levies could hammer Hoosier farmers and manufacturers.

Braun wants to scrap the Affordable Care Act and start from scratch on health care reform. Presumably, he backs the Trump administration's decision not to defend in court provisions of the law that would prevent insurers from denying coverage for people with pre-existing conditions. Even Hoosiers critical of Obamacare likely take comfort in that part of the measure.

When it comes to the Supreme Court nomination of federal judge Brett Kavanaugh that Trump announced on Monday night, Braun is all in with the president. He already has made a pre-emptive strike on Donnelly assuming that Donnelly also will support the president's choice for political reasons. That rhetorical tactic shows that Braun is getting the hang of the so-called swamp that he criticizes. The SCOTUS pre-action designed to box Donnelly in is a time-honored Beltway move.

It also illustrates how Donnelly can counter Braun by showing that he can be a check on Trump when he's wearing a suit and tie on the Senate floor – and he can do so while still keeping the door open to working with Trump.

When Donnelly casts his vote on Kavanaugh, it won't really matter where he comes down as long as he

credibly explains why he's taken his position.

In a statement, he called the administration's move on pre-existing conditions "the latest deliberate and harmful action taken by the administration to create chaos and uncertainty and drive up health care costs for families."

When \$34 billion in U.S. tariffs on Chinese goods went into effect on July 6, likely triggering Chinese retaliation against U.S. soybeans and other crops, Donnelly responded by saying in a statement: "I urge the administration to instead take measured, targeted action in a way that will allow



manufacturers, the steel industry and all our farmers to continue selling quality products all over the world."

Trump backed off the administration policy to separate families of undocumented immigrants at the border and then told Congress to fix the problem. So far, the Republican House has failed.

Donnelly is offering himself as someone who can get the job done when he's wearing a suit and tie: "As I've said, it will take President Trump, [Senate] Majority Leader [Mitch] McConnell and [House] Speaker [Paul] Ryan working with those of us who have shown we're willing to find a bipartisan solution."

Is Braun committed to a bipartisan path on volatile issues or only the Trump path? So far, it looks as if it's the latter. The Braun campaign did not respond to multiple requests for comment. If Braun is beholden to Trump rather than to the Senate as an institution, can he be a check

on Trump? The urgency of answering that question may increase this fall.

Donnelly has used the words “chaos” and “uncertainty” to describe Trump policies. Another word that might fit by the fall is “reckless” – especially if the Trump tariffs cause economic pain for Trump voters and the president threatens to shut down the government over funding for a wall on the Mexican border.

Donnelly “will not be an automatic ‘yes’ or an automatic ‘no,’” Ron Klain, a former official in Democratic

White Houses, told the Indianapolis Star recently. “That’s one of his great strengths in this race.”

If Braun wants to appeal to voters in the middle who think it’s a good idea to rein in Trump – and who may provide the winning margin in November – he might want to start to show some independence from the president. ❖

Schoeff is HPI’s Washington correspondent.

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leaked, it set in motion four days of controversy before the logjam broke on July 5.

Holcomb returned from a Montana vacation facing at least four options: Do nothing, request an Indiana State Police investigation, one by the Inspector General Lori A. Torres, or Marion County Prosecutor Terry Curry.

With word coming out of Evansville that Hill was using the plank fight to position for a potential 2020 primary challenge, Holcomb opted for his nuclear option. He called for Hill’s resignation, a move that was quickly coordinated with Lt. Gov. Suzanne Crouch, House Speaker Bosma, Senate President David Long and Secretary of State Connie Lawson. He requested the IG to conduct a probe.

“Four women had the courage to step forward to report sexual harassment by the Indiana attorney general,” Holcomb stated. “The findings of the recent legislative report are disturbing and at a minimum, show a violation of the state’s zero tolerance sexual harassment policy. I concur with Sen. Long and Speaker Bosma that Attorney General Hill should resign, and I support a thorough investigation by the state’s inspector general.”

The result is now a huge fissure within the Indiana Republican Party, the biggest since the March/April 2015 Religious Freedom Restoration Act that politically wounded Gov. Mike Pence.

Hill is digging in, not only refusing to resign, but demanding that Holcomb rescind his call. “I was not afforded fairness in this investigation,” Hill said during a six-and-a-half-minute statement reading before the press without taking any questions Monday morning. “I have now been called upon to resign by the governor and others. I respect the governor. I believe him to be an honorable man, but I wish he had reached out to me regarding these accusations before rushing to judgment. Calls for my resignation came in the same breath as calls for investiga-

tion by the inspector general.”

Hill complained, the “presumption of innocence until proven guilty has escaped my grasp. I never dreamed this could happen to me. Yet, here I stand. I stand before you a condemned man. Condemned without trial, condemned without notice, condemned without the benefit of any basic rights to ensure fairness.

“This is America,” Hill continued. “In America, we cannot overlook the presumption of innocence until proven guilty. I was not afforded fairness in this investigation.”

It has been decades since a constitutional office holder had clashed so openly with a governor from his party.

So Hoosier Republicans not only face a civil war, but the “zero tolerance” stance on sexual harassment with Attorney General Hill comes in stark contrast to President Donald J. Trump, who faces nearly a dozen documented sexual harassment allegations as well as controversy surrounding a \$130,000 payment to porn star Stormy Daniels, who had sex with the married Trump. Will Gov. Holcomb appear with Trump at a rally? Or will Lt. Gov. Crouch greet him at the airport next time he lands in Indy?

Had Holcomb opted for a state police probe, it could have been concluded by Labor Day. Criminal charges of sexual assault could have led to Indiana’s first impeachment since the 1851 constitution (and may still). A misdemeanor could still have given Holcomb the opportunity to

step on the throat of a potential primary challenger.

Instead, the whole scenario has descended into a mess.

Hill cited “materially inaccurate” aspects of the Taft Stettinius & Hollister report produced for the General Assembly by attorney Blake J. Burgan. The memo claims that Hill reached under Reardon’s clothing and grabbed her buttocks twice. In Reardon’s op-ed, the under clothing assault isn’t obvious. In a NWI Times op-ed, Reardon explained, “As we were exchanging pleasantries, Curtis Hill leaned toward me as if he could not hear me and placed



Rep. Mara Candeleria Reardon’s story has changed since the investigation.



his hand on my back and slid his hand down to my buttocks and grabbed it. I said 'back off,' and walked away, as the staffer with me stood shocked. Later in the evening, I was standing with a group of people, and he approached the group. Hill came up behind me and put his hand on my back again and said, 'That skin. That back.' I recoiled away before he could touch my buttocks again."

Reardon reacts

On Monday, Reardon reacted to Hill's latest statement, saying, "When we take the oath of office, to serve the citizens of Indiana, we agree to be held to a certain standard and honor the trust the public has placed in us. Curtis Hill, through his actions has betrayed the public trust, and lied about his actions to the very citizens he serves. I will continue to cooperate with any and all investigations into this matter until such a time that Curtis Hill is held accountable for his abhorrent behavior."

Senate staffer Gabrielle McLemore said Hill gave her a backrub at the bar against her will. "He's put out four statements," McLemore told the IndyStar. "He's had four chances now or more to tell his side of the story, but all he's done is deny it. He hasn't said what happened when he was at the bar."

Hill also says he has a material witness in Tony Samuel, a long-time GOP political operative who was vice chair of the 2016 Indiana Trump campaign and writes a column for HPI. Hill blasted the Reardon op-ed, saying he had arrived at "AJ's Lounge alone, when in fact I was a guest and arrived with Tony Samuel." Samuel has not issued a statement nor has he responded to a request for comment from HPI.

"This inaccurate, confidential report has formed the basis for calls for my resignation," Hill said. "These calls for my resignation are unwarranted and those calls should be rescinded. I anticipate and welcome the opportunity to have my side heard through a proper investigation. Therefore, I won't take any questions today in anticipation of that opportunity."

Now what?

Gov. Holcomb's decision to quickly call for Hill's resignation was a reaction to not only the potential for a "pink wave" in what many believe will be a Democratic mid-term year, but to align with the #Metoo movement that has swept Congress and statehouses across America, as well as newsrooms, boardrooms and movie lots.

Up until July 2, the #Metoo movement had missed the Indiana Statehouse.

Now it sets up the potential for interesting optics when President Trump comes to Indiana multiple times to campaign for Republican U.S. Senate nominee Mike Braun. Holcomb missed the May Trump/Pence rally in Elkhart and on a recent stop in Indianapolis, it was Lt. Gov. Crouch who greeted the president at the airport. Does their "zero tolerance" now extend to a president who has bragged of "grabbing" women by their private parts?

The General Assembly "investigation" has also ignited speculation that other Statehouse sexual harassment incidents have been swept under the rug. Some wonder if the story hadn't broke, whether anyone would have known about the March 15 incidence with Hill.

We asked Ashley Hungate of the State Personnel Department last winter: "Has the State of Indiana made any settlements, publicly disclosed or undisclosed, resolving sexual harassment claims in any of the three branches of government?" We did not get a response. The Holcomb administration, which has prided itself on transparency, has been communicating by statement since this story broke.

The other big parlor game is who leaked the Taft memo? Some pointed the finger at Republican Chairman Kyle Hupfer, who was not available for comment on Monday.

But on July 4, Hupfer told HPI, "Let me be clear and unequivocal, I did not have anything to do with the Curtis Hill story getting to the media, nor did anyone at the Indiana Republican Party."

Hill takes a big hit

While Attorney General Hill is now jousting with a popular governor, his political cred has taken a steep hit for even putting himself into such a compromising situation. He is married and the father of five children. Several sources close to the attorney general acknowledge he was considering a 2020 primary challenge to Holcomb, and now feels "persecuted."



Some of his social conservative allies, who praised him for standing up to the Holcomb/Hupfer platform changes on marriage, believe he is getting a raw deal. Curt Smith of the Indiana Family Institute said Monday, "Before Indiana's top elected officials push to vacate the votes of 1.64 million Hoosiers, it seems only fair that due process should be provided to all. That due process provision also covers the many Hoosiers who voted to elect Curtis Hill Indiana's attorney general, myself included."

Smith added: "There are at least two proven paths

to appropriately address the disturbing and serious allegations against General Hill. The first path is for the women alleging he sexually assaulted them to file criminal charges. Marion County Prosecutor Terry Curry would wisely recuse himself and assign a special prosecutor."

"The second path is for Gov. Eric Holcomb to call the Legislature into special session for the express purpose of considering impeachment charges," Smith said. "If impeached by

the House, the Senate would then try and potentially vote to remove the attorney general from office. Both of these pathways seem prudent compared to calls for the attorney general's resignation, given his repeated assertion of innocence and his public frustration that he has been afforded no due process nor even common courtesies by some Statehouse colleagues."

Whether this ends in legal charges, impeachment or absolution of guilt, Hill and the Indiana GOP are in for stormy weather. ❖

The more I learn, the stranger this becomes

By CRAIG DUNN

KOKOMO – To quote former Secretary of Defense Donald Rumsfeld, "There are known knowns. These are things we know that we know. There are known unknowns. That is to say, there are things that we know we don't know. But there are also unknown unknowns. There are things we don't know we don't know."



This is exactly where we are after one week of the Attorney General Curtis Hill mess. It is a mess – no "ifs" "ands" or "butts" about it! It is a mess that leaves a lot of knowns, known unknowns and unknown unknowns floating around the Statehouse like countless political fairies. The worst part is that this mess is likely to get a

lot messier as time unfolds.

First, let's look at the facts as they have been reported.

At around half-past midnight on March 15, the Indiana Legislature adjourned sine die. For those of you who don't speak Latin, that means, "We stop getting paid

for doing nothing." The next morning, the Indianapolis Star headline screamed, "Indiana Legislative Session Descends Into Chaos on Final Day." What are the senators, representatives, lobbyists, staff and good time Charlies supposed to do after a day of blaming each other for allowing a handful of tax, gun, technology and school bills to die without a vote? Why have a big party, of course! The echoes from the beating of the legislative gavel had barely died out when the booze began to flow at party central, AJ's Lounge.

Before I go further, let me say that I am the youngest of seven children. I spent a full 20 years growing up listening to my mother tell my older brothers and sisters and then myself that, "You can't get nothing after midnight except into trouble!" She also liked to say, "It isn't always what you do that gets you in trouble, sometimes it's where you are at!" Although I rebelled against these two little homilies for all of my teenage years, I came to see the wisdom when I had my own four little renegades. Mom was right!

There were many, many senators and representatives who immediately headed home at the conclusion of the legislative session. We could name all of the folks who didn't go to AJ's to party but what would be the fun in that? At my age, a nice comfy bed with my wife and dogs in it sounds infinitely more interesting at 1 a.m. than pounding down Hennessey's in an Indianapolis dive. But hey, that's just me. Besides, those partiers had the fact that the Hoosier taxpayers would bring them all back down to Indianapolis at a future date for more mayhem

and stipends during a special session. One more night away from home and another celebration. Party on, Garth!

On May 14, the first of four complainants, one elected female representative and three female legislative staff members, came forward to report to legislative leaders that Indiana Attorney General Curtis Hill was at the sine die party at AJ's and that a besotted Hill had groped, grabbed, patted, hugged, squeezed and sleazed his way through the evening in a manner that made them all uncomfortable and offended. Armed with this complaint and the three subsequent complaints, the bipartisan leadership of the Indiana legislature decided to farm out the investigation of the incident to a local law firm.

It appears from most reports that the intent of the investigation was not to thoroughly investigate all of the accusations, but rather to gauge the potential legal liability to the General Assembly. An eight-page memorandum issued by the law firm on June 18 concluded that because there had been no embossed invitations to the party at AJ's, the event was not officially sanctioned by the legislature and therefore, the boys under the dome were legally off the hook from a liability standpoint.

The melodrama took a ratchet up to "mess" status when the Indianapolis Star started poking around the dung heap. Seems that someone gave a copy of the investigative report to the press and the questions started to snowball. By Monday, June 29, the bipartisan leadership tried to get ahead of the story by announcing the investigation and by declaring that, "The matter has been addressed with the attorney general to the satisfaction of the employees involved."

By Thursday, July 5, Speaker Brian Bosma, President Pro Tem David Long and Gov. Holcomb were demanding the resignation of Curtis Hill. Since then, Lt. Gov. Suzanne Crouch, Secretary of State Connie Lawson, U.S. Rep. Susan Brooks and others joined the chorus of those calling for Hill's head on a platter.

On Friday, July 6, State Rep. Mara Candelaria Reardon and legislative staffer Gabrielle McLemore came forward to associate their names with the accusations and to give detail to their complaints.

We know that Curtis Hill was never interviewed by the outside counsel. We know that Hill has not spoken with the governor nor anyone from his office regarding the early morning hours of March 15. The remaining fact we know is that Curtis Hill is adamant that he is innocent and that he will not resign.

With these facts and one big load of known unknowns we've got the makings for a good old Hoosier hog-pen mud fest.

I left one known fact out of the above recitation. I

spoke with at least six attorneys regarding this issue and each one made the surprising assertion that Curtis Hill was not entitled to due process or a presumption of innocence in any forum except a criminal proceeding. That is altogether both sad and disappointing to me but hey, I was just a business major.

I heard reports coming out of Indianapolis on Saturday that a large Waste Management truck backed up to the Statehouse and dumped a load of unanswered questions out on the steps. I've made my way to the dump site and have picked my way through the smelly mess to find some of the more interesting questions.

Why did the complainants wait two months to bring Hill's conduct to the attention of the leadership of the General Assembly? I

spoke with a state representative who was told by Rep. Reardon on March 15 about the incident. What transpired between March 15 and May 14 to activate the outrage?

Legislative leaders had the legal memorandum on June 18 and yet took no action prior to June 29, and then apparently only under pressure of imminent publication of the story by the press. If Hill's conduct was so egregious, why was he not summoned on June 18 or 19 and asked to resign at that time?

The Indiana Legislature has investigative abilities. Why didn't leadership con-

duct its own bipartisan investigation of the incident?

I spoke with several state representatives who were completely unaware of the situation until they read about it in the Indianapolis Star. None of them was informed of the details nor asked what action should be taken in regard to Hill. As elected officials, were state representatives and senators entitled to an opportunity to hear the facts of the case, ask questions and come to some resolution regarding whether or not legislative leaders should call for Hill's resignation? There were plenty of legislators at the party at AJ's. Why were none of those present at the party asked to testify or give a statement?

Has the Indiana General Assembly established a new process for dealing with accusations made against its own members when it comes to sexual conduct? In the future will leadership only speak with complainants, hire outside counsel in each incident and call for resignations without discussion by its members? Also, has the statute of limitation on past legislator misbehavior expired? (There's going to be some members worried about this one.)



Why didn't the outside counsel inform leadership that two of the claims against Hill amounted to him committing sexual battery as defined by Indiana criminal code? Why wasn't the information on Hill immediately referred to the Marion County prosecutor?

A leader of the religious right wing of the Indiana Republican Party made some serious allegations concerning the accusations against Hill and the subsequent calls for his resignation. The leader who asked not to be identified said, "The Republican Establishment in Indianapolis and the leadership at the State Committee is petrified of Curtis Hill. They know his is a rising star in the party, is in more demand on the Lincoln Day circuit than any other statewide elected official and is a potential primary opponent to the governor. They are desperate to slow his momentum, even if it means teaming up with Democrats to do so. It is shameful."

This person alleges that Hill was set up because he has told several people that he was going to challenge Gov. Holcomb in 2020. He allegedly scared those in the GOP establishment by leading the successful effort to retain the marriage language plank in the Republican platform at the state convention in early June.

What information does Gov. Holcomb and the others calling for Hill's resignation have that we might not now know? Is there information out there, or past conduct on the part of Hill, that would preclude discussing this incident with him before calling for his resignation?

Another interesting question is did Gov. Holcomb consider asking the Indiana State Police to investigate rather than the inspector general? For that matter, did any of the complainants ask that criminal charges be filed against Hill? If not, why not?

An Indiana county prosecutor told me that a delay of reporting the incident for two months would make him very reluctant to file charges unless there was significant evidence. Two employment law attorneys told me that the general standard for filing sexual harassment claims in a work environment is within 120 days from the time of the incident. These same two attorneys said that in this "#Metoo" world that if Hill has a past history of bad conduct regarding women that we can expect those complaints to emerge in the near future.

Here is what I personally think about Curtis Hill and this entire sordid mess. Curtis Hill, what were you thinking when you went to that party? Most members of the Indiana legislature don't even like you. My numerous sources tell me that you most definitely came to the party unaccompanied and that you were visibly intoxicated. Why would you ever jeopardize your career by putting yourself in such a situation? If you were truly looking to run for governor,

why would you load a political weapon and hand it to your opponents? You failed to color inside the lines and Indianapolis has a way of dealing with cocky, arrogant and aggressive conduct.

I do not presume to know whether you did or did not do the things of which you are accused; only you and the complainants know for sure. Despite what numerous attorneys told me, I do think you are entitled to due process. You are right to call for an investigation by the Marion County prosecutor. Only the bar of proving you guilty of sexual battery may save your job, family and career and that bar of guilt is set pretty high.

I do not believe that anyone in the Republican Party conspired to set you up. I'm afraid you did that yourself. I believe that there are a bunch of Republicans in the legislature, in the Statehouse and in the political community who have enjoyed watching you self-destruct and did nothing to help you. That is not their responsibility. If you chose to jump off of the ship, they are not obligated to throw you a life buoy.

Politically speaking, you are politically finished. You may salvage some degree of integrity before this ordeal is over, but please do not be under any illusion that you have a political future. You are now politically toxic and there could be no rehabilitation that can save your career. If you are innocent, then fight to the bitter end. If you are guilty, then do your family, your state and your party a favor and resign now.

I like Curtis Hill personally. I think that he is basically a good man. I supported him for election. I believed that he was the right man for the right time as attorney general. But something has been rattling around in my mind. It is a saying that I had to memorize as part of my pledge process for fraternity back at Ball State 46 years ago. It was from the 1941 movie, "The Wolfman": "Even a man who is pure at heart and says his prayers at night, may become a wolf when the wolf bane blooms and the moon is full and bright." Albert Camus called "it" L'Etranger – The Stranger. The more I learn, the stranger this becomes. ❖

Dunn is the former Howard County and 4th CD Republican Party chairman.



CONTENT BY CARTER
strategic content creation and deployment

The nuts and bolts of impeachment

By **JOSHUA CLAYBOURN**

EVANSVILLE – Following a quick and tense announcement Monday, Indiana Attorney General Curtis Hill signaled he would not be leaving office without a fight. Nearly all of the statewide elected officials have called for his resignation, along with numerous other high ranking Republicans such as Gov. Eric Holcomb, Speaker Brian Bosma and Senate President Pro Tempore David Long.



Assuming that Hill does not leave on his own, he may only be removed through one of two methods. First, he could be impeached by the House of Representatives and then convicted by the Indiana Senate, with a two-thirds vote required in each body.

Alternatively, Hill could be removed by a joint resolution of the General Assembly, which would also require a two-thirds vote in each body (Ind. Const., Art. 6, Sec. 7).

Substantively, the Indiana Constitution specifies that removal can be sought by the Indiana legislature “for crime, incapacity, or negligence.” The phrase does not have a settled or clear meaning. The constitutional drafters were searching for a flexible standard that allows removal in a variety of situations. But they also wanted a standard that required some specific, demonstrable offenses for removal of state officers.

While he was still a member of the U.S. House of Representatives, Minority Leader Gerald Ford famously noted that “an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history.”

As with the federal impeachment process, Indiana’s removal process gives the legislature the authority to determine appropriateness for removal, so if the legislature is willing to remove a state officer, then for all practical purposes it can.

No statewide office holder has been impeached in the state’s history, so we have no standard rules to follow. If Indiana chooses to follow the federal example, the Senate would pass a resolution laying out trial procedures, including limiting the number of witnesses and the length of depositions. Unlike a normal criminal trial, the jury in an impeachment sets the rules for a case and decides what evidence they want to see and what they won’t.

Impeachment of a state officer is no small matter, and we should not approach it as a simple technical application of the law. The process would dominate the political agenda for months and throw the government (and Republican Party) into disarray. An unsuccessful effort to remove Hill would leave him and the GOP damaged and enfeebled. If some Hill supporters believe the removal effort was unjustified, it will escalate partisan tensions and feed political distrust in the same way it has with Trump in Washington.

The political capital needed for a two-thirds vote would be the same whether it’s done through impeachment or a joint resolution, but a joint resolution would be much quicker. A protracted trial in the Indiana Senate would be long, messy, controversial, and costly.

While Hill is likely struggling in the court of public opinion — and at least one group already has a poll in the field — he would likely portray a Senate impeachment trial as wasteful and unnecessary to a public potentially sympathetic to that argument.

Taken altogether, we should expect to see Bosma and Long pursue a joint resolution for removal rather than a full impeachment trial, while Democratic leaders may opt to pursue a full impeachment and exploit a rift within the GOP.

As one would expect, Curtis Hill continues to portray this as a criminal proceeding and demands all of the due process protections typically included in a criminal trial. But the removal process is political, rather than criminal in nature.



Regardless of removal’s political nature, Curtis Hill and the Indiana legislature have a responsibility to avoid civil strife and put the state on a stronger footing. Let’s hope they listen to their better angels and achieve that result. ❖

Joshua Claybourn is an Evansville attorney with Jackson Kelly PLLC.

A Hill challenge to Holcomb would face daunting odds

By BRIAN A. HOWEY

OLDENBURG, Ind. — By mid-afternoon on June 9 in Evansville, social conservatives were overjoyed following an obviously commanding victory on the marriage platform plank. So buoyed, that while Republican Chairman Kyle Hupfer was saying the party was united, the talk in some



corners and in private settings was that Attorney General Curtis Hill was pondering a 2020 primary challenge to Gov. Eric Holcomb.

On the face of it, such talk would seem like a fool's errand, even before Hill ended this past

week with multiple sexual harassment allegations stemming from a March 15 sine die party. An incumbent Indiana governor has never faced a credible primary challenge since they could seek reelection beginning in 1976. The general perception, beyond the warrens of social conservatives still angered about the demise of the constitutional marriage amendment in 2014, is that Holcomb is off to about as good a start as a governor can have.

An April 18, a Morning Consult Poll shows Gov. Holcomb's approve/disapprove at 52/23% with 25% not stating a preference. While some governors such as Massachusetts Republican Charlie Baker (71%), New Hampshire's Chris Sununu (63%), Vermont's Phil Scott (65%) and Maryland's Larry Hogan (58%) were more popular, most governors were in the 30th to 40th percentile.

In the February Morning Consult Poll, Holcomb stood at 50/24% approve/disapprove. So, he has remained consistent with the broader electorate. According to internal polling for the Indiana Republican Party, Holcomb's favorables have been in the 60-63% range with unfavorables in the 10-15%. HPI could not find how Holcomb stands with strictly likely Republican voters, but it wouldn't be a stretch to put it in the 80th percentile.

Compared to neighboring and other midwestern governors, Holcomb is doing well. Illinois Republican Bruce Rauner stood at 26/60%, Michigan's Rick Snyder was at 38/48%, Kentucky's Matt Bevin was at 41/43%, Wisconsin's Scott Walker was at 43/50%, and out-going Ohio Gov. John Kasich was similar to Holcomb at 51/32%. Rauner and Walker face intense reelection battles this year.

In statewide races over the past two decades,

social conservatives have been able to attract about a third of the vote in primary settings. Former White House Budget Director Mitch Daniels defeated Advance America's Eric Miller 66.4 to 33.6% in the 2004 gubernatorial Republican primary. Daniels had been able to coax 2000 nominee David McIntosh and State Sen. Murray Clark out of the race, with Miller the lone holdout.

In 2008, there was crazy talk from former State Sen. John Waterman about a primary challenge to Gov. Daniels, and then a third-party bid. Not only did a Waterman gubernatorial candidacy not take place, he was defeated in the 2014 GOP primary by Eric Bassler.

In the 1998 U.S. Senate primary, Indianapolis attorney John Price was the social conservative candidate and, again, came in with 33.7% of the vote, just missing the nomination against Fort Wayne Mayor Paul Helmke, who polled 35%. Attorney Peter Rusthoven finished third with 31.2%.

The difference in those races and a potential Hill challenge to Holcomb is that Hill is not only an incumbent attorney general, but he led the ticket with 1.64 million votes in 2016. But as one Republican state senator notes, in her district many voters didn't know that Hill was black. "They voted for a guy named Curtis over a guy named Lorenzo Arredondo," one lobbyist opined to HPI.

So, in the television age of Hoosier politics, an



Eric Holcomb campaigns in southern Indiana during his 100-day campaign in 2016.

incumbent governor has an almost invincible mantle. Incumbent governors can raise massive amounts of money (he posted \$1.7 million cash on hand on his 2017 year end-report), can crimp legislation from recalcitrant legislators, get far more Lincoln Dinner invites (along with the LG), and garner far more media exposure. When Holcomb spoke to the GOP convention in Evansville, he was greeted with stirring applause, despite the marriage platform plank vote that occurred later that afternoon.

Social conservatives have found primary traction

in the past, but at the district level in legislative races. In 2002 through 2006, using right-to-life and right-to-work issues, State Sen. Steve Johnson, Senate Finance Chairman Larry Borst and Senate President Pro Tempore Robert Garton all lost primary races. Johnson lost to Jeff Drozda by 328 votes (Johnson had been censured by the Senate for ethics violations in 1998) and Borst lost to Brent Waltz by less than 100 votes. Greg Walker's upset of Garton was more emphatic, with 58%. It was fueled by Garton's unpopular move to offer lifetime health insurance to legislators during the 2002 session.

Recent primary challenges to leadership have generated some headlines, but none of the races was close. In May, Sen. Jim Merritt cruised past former Indiana Right to Life spokeswoman Crystal LaMotte with more than 65% of the vote. Senate Tax and Policy Chairman Travis



Attorney General Hill with Senate nominee Mike Braun and Terre Haute attorney Jim Bopp Jr. at the GOP convention in Evansville.

Holdman dispatched Eric Orr with more than 75%.

In 2016, social conservatives got John Kessler to challenge Senate President David Long, who easily prevailed 16,740 to 6,159. In SD20, Senate Appropriations Chair Luke Kenley fended off a challenge from Scott Willis, 19,851 to 12,826.

Social conservatives have been able to winnow seats in deeply conservative areas of the state. In 2014, Curt Nisly defeated State Rep.

Rebecca Kubacki 4,624 to 2,516 in the Elkhart/Kosciusko County area, while State Rep. Kathy Heuer was upset by Christopher Judy, 3,910 to 2,952 in the Whitley/Huntington county area.

Prior to Attorney General Hill's current problems, talk of a primary challenge might have resonated, but the ceiling for that kind of challenge was no more than a third of the GOP electorate, and in Holcomb's case, it probably would have been less. ❖

Donnelly dodges a bullet on SCOTUS pick

By BRIAN A. HOWEY

INDIANAPOLIS – U.S. Sen. Joe Donnelly may have dodged a bullet when President Trump passed on Notre Dame graduate Judges Amy Coney Barrett and Thomas Hardiman to nominate Judge Brett Kavanaugh to the U.S. Supreme Court.

But he still faces a shotgun spray as he faces one of the most controversial votes of his Senate career. A vote against Kavanaugh will leave him open to charges from Republican Mike Braun that he opposes the interests of Hoosiers. A vote for could alienate part of his Democratic base fearful the high court will rescind Roe v. Wade and the Obergefell gay marriage cases.

Either way, the SCOTUS fight is expected to open the money spigots even further. TV ads surrounding the Kavanaugh

pick began in Indiana minutes after President Trump made the decision.

"Judge Kavanaugh has impeccable credentials," Trump said at his reality show unveiling Tuesday. "He is considered a judge's judge, a true thought leader among his peers. He excelled as a clerk for Justice Kennedy."

The pro-life Donnelly will be one of four red state Democrats under intense pressure to vote for Kavanaugh, but had the nominee been a fellow Notre Dame alum, the

pressure for Donnelly would have been considerably greater. Donnelly said Tuesday night, "As I have said, part of my job as senator includes thoroughly considering judicial nominations, including to the Supreme Court. I will take the same approach as I have previously for a Supreme Court vacancy. Following the president's announcement, I will carefully review and consider the record and qualifications of Judge Brett Kavanaugh."

Donnelly declined to attend the nominee's unveiling after a Trump invite, saying he preferred a first meeting with Kavanaugh "in a setting where we can discuss his or her experience and perspectives." Donnelly said he will review the nominee's record and judicial decisions, telling the Seymour Tribune, "I'm going to try to get an idea of their point of view, legally, and from that, make a decision. There is a lot of different issues to look at and a potential justice will be viewed on the body of all of their work." he said.

Asked if it changes the complexion of the race, Donnelly responded, "I don't think so, it's just part of the job that I've been blessed to have the chance to do. I look forward to the chance to work on this."

During his 2006 appellate confirmation, U.S. Sen. Chuck Schumer asked Kavanaugh, "Do you consider Roe v. Wade to be an abomination and do you consider yourself to be a judicial nominee ... in the mold of Scalia and Thomas?" Kavanaugh responded, "Senator, on the question of Roe v. Wade, if confirmed to the D.C. Circuit, I would follow Roe v. Wade faithfully and fully. That would be binding precedent of the court. It's been decided by the Supreme Court. ... I'm saying if I were confirmed to the D.C. Circuit, senator, I would follow it. It's been reaffirmed



many times.”

Braun hailed the Kavanaugh selection. “President Trump has chosen another outstanding justice in Brett Kavanaugh,” Braun said. “His credentials are impeccable – he has already served with distinction as an Appellate Judge on the prestigious Court of Appeals for the District of Columbia – and he will interpret the Constitution as written rather than legislate from the bench. I am sure Senator Donnelly will eventually say that he will vote for him, because it is an election year. But I can immediately say without hesitation that I would support this nomination and I hope the Senate moves quickly to confirm the President’s choice.”

Some tried to dissuade Trump on Kavanaugh, but ultimately he brushed them off, saying, “He’s got the votes.” Vice President Mike Pence played an instrumental role in the selection, dining with an undecided President Trump last Friday and then noon Monday. Pence will meet with Senate Majority Leader Mitch McConnell at 11:15 this morning and will be doing local TV interviews in Indiana and in the three other key Senate race states.

New Donnelly ad takes aim at Braun

Donnelly’s campaign began airing a new TV ad, “Debate,” taking aim at Braun’s Meyer Industries for selling auto parts from Mexico, Taiwan and China. The ad began



running Sunday through a six-figure, statewide buy. The ad uses GOP debate footage from February, with the Jasper businessman saying, “I don’t know where [my suppliers] get [their products] made.”

“While Joe Donnelly has fought for Hoosier jobs every step of the way in the Senate, Rep. Braun made \$18 million last year alone by selling cheap foreign auto parts at the expense of Hoosier workers. He can’t fool Hoosiers by feigning ignorance on where his parts come from,” said Will Baskin-Gerwitz of Donnelly’s campaign.

2 televised debates scheduled

Sen. Donnelly has agreed to two televised debates with Republican Mike Braun and Libertarian Lucy Brenton in advance of the Nov. 6 election (Hermani, [IndyStar](#)). No dates have been set for the Senate debates, but the events will be hosted by the Indiana Debate Commission, a non-partisan organization which works to promote debates at the state level for voter education. Indiana voters are invited to submit questions for the debate at www.indianadebatecommission.com. Both debates will be live-streamed on the commission’s website and available nationwide via C-SPAN. Should the candidates come to an agreement closer to the election, a third debate could take place. ❖

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4 SCOTUS justices had Hoosier ties

By **TREVOR FOUGHTY**
CapitolandWashington.com

INDIANAPOLIS – With the announcement that Justice Anthony Kennedy is retiring, speculation is mounting that 7th Circuit Court Justice Amy Coney Barrett was on a short list of potential replacements. Because Barrett lives in Indiana and teaches law at the University of Notre Dame, this speculation is especially ramped up in the Hoosier State. This begs the question: How many other Supreme Court justices hailed from Indiana? Well, that depends on how you look at it.



In the case of a U.S. representative or senator, it's pretty easy to determine a home state. Just look at where they were elected. Similarly, since most presidents and vice presidents have previously held elective offices, you look to the state where they were previously on the ballot. Supreme Court justices, on the other hand, don't typically have a history of being on the ballot, so an alternative method is needed to determine a home state.

Here we have four options: 1) State of birth; 2) state where formative years were spent; 3) state where a significant part of adult life was spent; and 4) the state from which the justice was appointed (note: because most Supreme Court justices come from lower courts, this is the standard the Court itself uses, and it generally reflects on which court they served and/or which state within the district or circuit the justice lived while serving).

Using these criteria, there have been four Supreme Court justices that have some connection to Indiana. Two were born here, three grew up here, three spent part of their adult lives here, and one was appointed from here. If Barrett (who is originally from Louisiana) does become the next justice, she would meet criterion three for having attended law school at Notre Dame and later teaching there, and on criterion four the Supreme Court would likely list her as being appointed from Indiana because of her current position on the 7th Circuit Court of Appeals (which is based in Chicago, but covers the federal courts in Indiana, where she resides in South Bend).

Here's a look at the four justices Indiana has some claim to:

■ **Willis Van Devanter:** He was born

and raised in Marion, and after getting a law degree in Cincinnati practiced law in Marion for three years. He then moved to the Wyoming Territory, where he served as the city attorney for Cheyenne, a member of the territorial legislature, and, at only age 30, the chief justice of the territorial court. After Wyoming became a state, he was named chief justice of the State Supreme Court but gave it up after only four days and went back into private practice. In 1897, he moved to Washington, D.C., to become assistant attorney general and was named to the 8th Circuit Court of Appeals by President Theodore Roosevelt in 1903, where he served until President William Taft named him to the Supreme Court in 1911. He became the first Supreme Court justice to move to "senior status" after the system was established in 1937

■ **Wiley Blount Rutledge:** He was born in Kentucky and had a transient childhood. After graduating from the University of Wisconsin, he moved to Indiana to teach high school, and took law school classes part-time at Indiana University. His time living in Indiana was brief and he didn't finish his legal education until he moved to Colorado, earning his law degree from the University of Colorado. After a few years of private practice, he became a law school professor at the University of Colorado, and then Washington University in St. Louis. After being named dean of that latter law school, he became dean of the University of Iowa's law school. In that role, he was a very vocal supporter of President Franklin Roosevelt's court-packing plan. This support earned him enough goodwill that Roosevelt named him to the D.C. Circuit Court of Appeals in 1939 and to the Supreme Court in 1943.

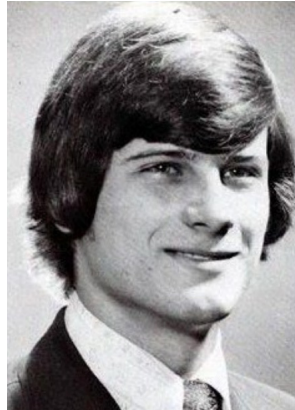
■ **Sherman Minton:** He served as a U.S. senator (D-IN) from 1935 until 1941, and the last four years was the Senate majority whip. After he lost reelection in 1940, President Franklin Roosevelt named him to the



President Truman watches U.S. Sen. Sherman Minton's oath of office for the U.S. Supreme Court.

Seventh Circuit Court of Appeals in 1941, where he served until President Harry Truman (with whom he had served in the Senate) named him to the Supreme Court in 1949. Minton is the last Supreme Court justice who had prior experience in Congress. While he was considered a strident New Deal liberal in the Senate, he was later seen as one of the more conservative Supreme Court justices. He is the only Supreme Court justice to spend his entire life as a Hoosier resident.

■ **John G. Roberts:** The only Hoosier to ever serve as chief justice, Roberts was born in Buffalo, New York, and moved to Long Beach, Indiana, in fourth grade. After growing up in Indiana, graduating from La Lumiere School near LaPorte (senior picture at right) he attended Harvard for both his undergraduate and legal education. After graduating from Harvard law school, he clerked for Justice William Rehnquist and stayed in the Washington, D.C., area. He held positions in both the Reagan



and George H.W. Bush ("41") administrations and worked in private practice before and after. Bush "41" nominated him to the D.C. Circuit Court of Appeals in 1992, but the nomination failed for a lack of a vote. President George W. Bush ("43") similarly nominated him to the D.C. Circuit Court of Appeals in 2001, but it also failed for a lack of a vote. The younger Bush nominated him to the D.C. Circuit Court of

Appeals for a third time in 2003, when Roberts was finally confirmed by the Senate. He served on that court until 2005 when he was appointed to serve as the chief justice of the Supreme Court, where he still serves today. ❖

Curtis Hill: Attorney general or shill?

By SHAW FRIEDMAN

LaPORTE – While recent news reports of Attorney General Curtis Hill's after-hours alleged misconduct are deeply troubling and cause for justifiable outrage, of equal concern to Hoosiers ought to be the question – who is our attorney general really working for? Is it big money corporate sponsors or average working Hoosiers?



CBS News recently reported on a lavish retreat hosted on Kiawah Island, South Carolina in April that a dozen Republican attorneys general, including Hill, who have the final say in their states on what enforcement

actions to bring or not, attended on the tab of various corporate interests who paid \$125,000 each just to get to rub elbows, buy drinks and food and schmooze with them.

Well-heeled corporate donors like those from Koch Industries, big tobacco, payday lenders, oil and gas interests and the NRA fork out big bucks to ensure that AG's like ours stay compliant and supportive of their interests. Between yoga on the beach, the dolphin tour and the Kiawah creatures walking tour, there's still plenty of time to hobnob and strategize about what can be done to satisfy the insatiable appetite of certain corporate interests who wish to further roll back environmental and health/safety regulations along with basic employment protections for average working stiff.

A look at some of the amicus or friend-of-the-court filings submitted by our attorney general over the year-and a half he's been in office tend to show why Curtis Hill is held in such high esteem by these big money corporate interests and why Hoosiers need to question what any of these cases have to do with Indiana's best interests and whether they in any way reflect the will of Indiana voters:

■ Eleven Republican state attorneys general, including Hill, filed a federal court brief in support of California's ag industry that was infuriated by that state's Proposition 65 regulation of the herbicide, glyphosate. Why they'd stick their beaks into California's environmental regulation becomes clearer when one sees the U.S. Chamber of Commerce was eager to protect the manufacturer of glyphosate and signaled to their reliable AG's to come to the rescue of agribusiness interests there.

■ That same group of Republican attorneys general also filed a brief in federal court in California seeking to oppose the City of Oakland's case against BP Oil over emissions standards when Oakland sought to use state common law nuisance claims to attempt to impose regulations tougher than those of the Clean Air Act. Again, why did our AG feel it necessary to go across the country to intervene in this dispute when there are problems right here at home that need his attention?

■ On political gerrymandering: Despite polls showing that a clear majority of Hoosiers want to see an end to partisan gerrymanders and with respected elder statesmen like former Indiana Republican Sen. Richard Lugar going on record with an amicus brief in the U.S. Supreme Court against partisan gerrymandering, Curtis Hill still felt it necessary to join with 14 other Republican attorneys general to file an amicus brief with the U.S. Supreme Court saying there is "nothing invidious or irrational" about partisan gerrymandering. Interesting that rather than consult Hoosiers before he filed his brief, Hill ignored the

advice of Lugar and Sen. John McCain (R-Ariz.) who filed a succinct and chilling assessment in their brief: "Partisan gerrymandering has become a tool for powerful interests to distort the democratic process."

■ On employment law issues, Hill stood with big corporate interests in trying to have Indiana's Teachers' Tenure Act of 1927 ruled obsolete when he actually filed with the U.S. Supreme Court an appeal the justices rejected. Fortunately, the 7th Circuit Court of Appeals had found that the Contract Clause of the U.S. Constitution protects Indiana's tenure law from attack and yet Hill still felt the need to take an appeal to the U.S. Supreme Court, a petition denied by the high court. No worries. Hill was at least able to preen for his corporate overseers by attempting this unwarranted and baseless attack on teachers' interests.

■ The most odious and offensive of all the amicus briefs or suits filed by Attorney General Hill has to be the suit he filed in a Texas federal court with Republican attorneys general of 19 other states seeking to have key provisions of the Affordable Care Act, such as the guaranteed coverage for those with pre-existing illness, declared unconstitutional. Betting money is that he didn't clear that suit past our governor or any other Hoosier state elected officials who well understand that there are nearly 1.5 million Hoosiers who suffer from diabetes, heart disease, cancer or arthritis who depend on this most popular part of the ACA to guarantee them coverage in the private insurance marketplace.

■ When the Trump Justice Department refused to defend the pre-existing conditions coverage of ACA in that same Texas lawsuit, Curtis Hill praised the decision ignoring the advice of fellow Republicans like Sen. Lamar Alexander (R-Tennessee), who made clear that "the Justice Department argument in the Texas case is as farfetched as any I've heard." Insurance companies and others who have chafed at providing coverage for those with pre-existing illnesses have found a good friend who will march lockstep with them in Curtis Hill.

Let's be honest: Curtis Hill was an obscure county prosecutor who was little known around our state, but had a nice sounding name on the 2016 ballot in a low-visibility state race when he recorded his first win for statewide office. Hoosiers have to now question just who is their attorney general working for – their interests? Or, the assorted corporate sponsors who paid big money to rub elbows and do yoga on the beach and check out the porpoises with him at that luxury retreat back in April? I think the answer has become all too readily apparent. ❖

Shaw Friedman is a LaPorte attorney who has represented various local governmental entities during his 34 years of law practice in Northwest Indiana. He's former Legal Counsel for the Indiana Democratic Party and a regular HPI contributor who can be contacted at friedman@netnitco.net

The dangers of CBD oils going unregulated

By **RIC HERTEL**

INDIANAPOLIS – On June 25, the US Food and Drug Administration approved a cannabis-based medicine known as Epidiolex. The drug is a purified form of cannabidiol (CBD) and was approved to treat incurable forms of epilepsy. CBD is one of more than 80 active chemicals in marijuana. The Association of Indiana Prosecuting Attorneys, Inc., applauds this decision by the FDA.



This is how the process of defining what is medicine is supposed to work. Public opinion is quickly outpacing science in this arena, to the detriment of public health and safety. Drug companies have a clear path between development and the consumer. Numerous tests and

exhaustive research is on that path, and no legitimate manufacturer acting in good faith should be afraid of these safeguards. We believe this process is the correct way forward and should continue for future cannabis-based medications as well.

The CBD products currently found on store shelves are unregulated. ConsumerLab.com, an independent third-party group that certifies the quality of dietary supplements, tested nine different CBD products, chosen based on popularity in the market. These nine products were found to have wide-ranging discrepancies between the amount of CBD indicated on the label and the actual amount of CBD in the product. The amount of CBD in each product varied greatly, ranging from 2.2mg to 22.3mg per dose. None of the tested products contained enough CBD to effectively treat a medical condition, according to the science.

Sadly, the lack of regulation has had dangerous consequences. In May of this year, the Centers for Disease Control and Prevention found that 52 people were sickened by fake CBD products in Utah. Last month, CBD vape products sent more than 60 U.S. Army soldiers to the emergency room at Fort Bragg. They were suffering from seizures, loss of consciousness and agitation. As a result of this public health scare, the Army banned all CBD products moving forward.

Unregulated CBD products are not medicine and may cause unintended harm. With the approval of Epidiolex, individuals and families have an FDA-approved CBD option. They now have access to a pure CBD product that is proven to work, safely and effectively. This is welcome news.

Prosecutors support this scientific advancement, but continue to caution against unscrupulous marketing

practices and unproven claims of medical value by the marijuana industry. We support the FDA's rigorous, scientific process as the only way to ensure that a product is legitimate and safe for public consumption. ❖

Hertel is president of the Association of Indiana Prosecuting Attorneys, Inc. He is the Ripley County prosecutor.

Our elections matter

By JACK COLWELL

SOUTH BEND – Elections matter.

Not all elections. Russia's vote in March didn't matter. Reelection of Vladimir Putin was preordained. Who was permitted to run, what could be said in campaigning and what journalists could report about any of it were controlled. It was a foregone conclusion that Putin would win by a landslide and that the election would have no effect on him or his policies.

But our elections matter. We can change leaders and the course of the nation. Sometimes we do, other times we stay the course.

The 2016 presidential election was one of the most important ever in changing the nation's course. It was close.

Nothing was preordained. And the results mattered. A lot.

The course of the nation was changed on spending priorities, taxation, health care, environmental regulations, foreign policy, trade, immigration, social issues, voting rights and approach to civil rights. The change isn't just temporary. Much of it will have long-lasting effect. That's driven home clearly by the resulting control of the Supreme Court.

Justices selected by President Trump and confirmed by a Senate kept Republican by voters in 2016 can for many years, likely for decades, provide a majority to strike down gun regulations, halt campaign finance changes, curb abortion availability, slap down unions, approve immigration bans and slow some social changes.

Conservatives who took the chance now take a bow. They wanted many of those changes. They took a chance that Donald Trump, though not really a conservative and with many flaws, would bring the change in course they wanted. Polls show more and more Republicans, although not pleased with Trump tweets and personality, now express overall approval of the job Trump has done.

A significant number of progressives took a seat instead of a chance. They didn't want those changes Trump has brought or a solidly conservative Supreme Court. But they didn't like Hillary Clinton, the Democratic nominee. Maybe because of her personality or because of her husband. Maybe because of what she charged for speeches or that she had a personal email server. Maybe because she defeated Bernie Sanders and some of her supporters seemed to be mean to Bernie. For whatever reasons, a decisive number of Democrats stayed home on election day or defected to a third-party candidate with no chance to win.

Decisive number? It didn't take that many in key states where the race was close and the presidency was decided. Polls had shown that Democrats had the potential support to take control of the Senate, especially because of the seats that were up for election in 2016. The potential did not materialize. Democratic turnout was down.

Republicans seemed more convinced that the 2016 election mattered, really mattered. They were right.

The election this fall will matter, too. Not as much as the monumental 2016 election. The presidency isn't at stake. Control of the Supreme Court isn't there for the taking as it was in 2016. Court control? That ship has sailed on a long conservative cruise. Control of the Senate doesn't seem to be within Democratic grasp. The seats up this time favor Republicans.

But, control of the House is in play. That's important. If Republicans keep control of both Senate and House to go along with the presidency and Supreme Court, the change of direction determined in 2016 will be solidified. If Democrats at least capture the House, they will have one legislative chamber with budget-making power and the ability to slow down some of the changes and investigate rather than just rubber-stamp administration actions.

While the 2018 election won't matter as much as 2016 did, it still will have meaning for the future. A lot? The voice of the voters – the voters deciding to have a voice – will determine that. ❖

Colwell is a South Bend Tribune columnist.



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YOUR FRIENDS ALL HANG OUT HERE... DO YOU?

Appealing to Sec. Azar on nanny state relief

By **MORTON MARCUS**

INDIANAPOLIS – Alex Azar, secretary of Health and Human Services (HHS), lived in Indiana for the last 10 years as an executive for Eli Lilly and Company. Therefore, I humbly appeal to our fellow Hoosier for relief from the tyranny of the nanny state.

Tell me, where, in the name of our Hoosier vice president, does the federal government, via the Department of HHS, get off telling me I'm obese? I know this is a leftover from some previous administration, but it's a year now and the oppression continues.

Now that I am shorter than I used to be, and in possession of a mature male figure (think Grover Cleveland or William Howard Taft), my Body Mass Index (BMI) tops 30, the magic number for being classified as



obese.

That's right. HHS tells us that Indiana ranks 10th in the nation with 32.5% of the population age 18 and over wearing the "Big O" for Obese pinned to their triple XL tee-shirts. Imagine, one of every three adult Hoosiers is righteously rotund, compared to 29.6% of all Americans.

It doesn't end there. The Center for Disease Control (CDC), an agency of HHS, headquartered in swampy Georgia, spreads the tale that 26.8% of Indiana adults "engage in no leisure-time physical activity." That is the 13th highest figure in the country. Do they give us credit for getting up for another beer when the game is stopped for a commercial break? And you know the real exertion that plastic wrapping on the chips requires.

But denigrating us isn't enough for these bureaucratic busybodies. They're after our kids, too. The CDC reports that nearly 48% (might as well say half) of the young people in our state have "parks or playground areas, community centers and sidewalks or walking paths available in their neighborhood." Nearly half of youth have healthy resources and that seems pretty fine to our way of thinking. Yet CDC ranks us 13th from the bottom (which is Mississippi), and they don't stop there.

We're 16th in percent of "students in grades 9-12 who drank regular soda/pop at least one time per day." That's only one-fifth of our youngsters enjoying some traditional refreshment each day. Think about Kentucky where the figure is close to a third of all students having a daily pop. Makes you wonder: What are the other two-thirds drinking?

However, the worst of these CDC figures is a direct

challenge to private enterprise working with schools to satisfy consumer demand. Indiana ranks third in the nation in "percent of secondary schools that allowed students to purchase soda pop or fruit drinks from one or more vending machines or at the school store, canteen, or snack bar."

Mr. Secretary, stop this harassment! Just because taxpayers pick up the medical bills resulting from our habits, shouldn't mean we have to be responsible citizens. ❖

Marcus is an economist.

Lake precinct change wasn't about money

By **RICH JAMES**

MERRILLVILLE – Let there be no doubt about it, the Republican move to reduce the number of Lake County precincts is not about money. No, it is an effort to dilute the Democratic vote in the county.



Republicans say it's about saving money because reducing the number of precincts will lower the cost of hiring election workers. Well, it will, but that's not what Republicans are after.

A 2014 state law that pertains to Lake County only requires the elimination of all precincts with fewer than 600 registered voters.

The fact is that Lake County has 283 precincts, out of a total of 523, with fewer than 600 registered voters.

The General Assembly in 2014 approved legislation calling for the reduction in precincts. Lake County Democrats, who opposed making any reduction, pretty much ignored the law, hoping it might go away.

Because the Lake County Election Board couldn't come to an agreement, the issue shifted to the Indiana Election Commission, which is composed of two Republicans and two Democrats. Yeah, they couldn't reach an agreement either.

So, the Republican-controlled Legislature took things a step further earlier this year. A new bill shifted the precinct realignment to Secretary of State Connie Lawson, a Republican, if the two sides couldn't reach an agreement by July 1.

Not surprisingly, no agreement resulted.

Lawson now is seeking help, saying, "I want to hear from individual voters in Lake County about how to make this consolidation work best for you."

Chances are she will hear from county GOP Chairman Dan Dernulc. But there is virtually no chance she will hear from Lake Democrats who don't want to get into an intraparty fight.

The bulk of the precincts with fewer than 600 registered voters are in Gary, East Chicago and Hammond. Those cities, of course, are the most Democratic in the county.

As the county's population shifted from north to the south, the precinct situation has stayed virtually the same.

The way things stand, many north county Democrats can easily walk to the polls on Election Day. Eliminating precincts, Democrats contend, will result in many elderly voters staying home.

Gary, for instance, has seen its population decline

from about 185,000 to less than 80,000 today. Yet, the number of precincts has remained virtually the same. In an era where the precinct organization plays less of a role in getting out the vote, Democrats fear things will worsen with the elimination of 283 polling sites.

It has taken four years, but it appears Republicans are about to win the precinct fight. What remains to be seen is how quickly and efficiently Democrats react. ❖

Rich James has been writing about politics and government for almost 40 years. He is retired from the Post-Tribune, a newspaper born in Gary.

Trump's tariffs take aim at Hoosier farmers

By **BRIAN A. HOWEY**

FREMONT, Ind. — Friday is when the reckoning begins. That's the day President Trump's first wave of tariffs kick in, hitting China with \$34 billion of new taxation on imports. Hundreds of billions more are just over the horizon.



China will respond, taking aim at American pork, poultry, soybeans and corn. So if you're a Hoosier soybean farmer, and an overwhelming majority of these sturdy folks voted for Trump in 2016, this presents a dilemma. The guy you sent to Washington to drain the swamp, tell it like it is, and shake things up, is now fiddlin' with your bottom line.

The American Soybean Association is putting President Trump's tariffs into perspective: Soybeans are the No. 1 U.S. agricultural export, with sales of \$27 billion last year according to the Foreign Agricultural Service. Of those \$27 billion in soy exports, \$14 billion worth of soy and soy products were sold to China, which has stated it will retaliate in-kind to the Administration's Section 301 tariffs, with a 25% tariff falling on U.S. soybeans. According to a study conducted by Purdue University, it is projected that China's soybean imports from the U.S. would fall by 65% and total U.S. soy exports would drop by 37%.

According to the ASA, Brazil is already the world's largest soybean exporter and is poised to fill the void in the event that U.S. soy exports to China decrease. Over the next 10 years, Chinese demand for soybeans is

projected to grow from 97 million metric tons in 2017 to 143 million metric tons in 2027, more than 10 times the U.S. soy exports to the European Union. "There is room for us to grow our exports to China, which has proved to be a robust and vital marketplace, and we should be focused on ways to expand trade instead of restricting it with tariffs," the soybean association said.

The Wall Street Journal quotes Purdue agricultural economist Chris Hurt: "The total value of this year's U.S. corn, soybean and wheat crops has dropped about \$13 billion, or 10%, since the start of June." Hoosier Ag Today reports Indiana soybean plantings are up 4% this year. What that means is that planting decisions made after the 2017 harvest showed Hoosier farmers are even more invested in soybeans. The Trump tariffs came just as this year's crops were gathered and planted.

According to Axios, researchers at the University of Illinois and Ohio State University estimate that over four years, a 25% tariff on U.S. soybean imports by Beijing would result in an average 87% decline in income for a midsize Illinois grain farm.

The U.S. Chamber of Commerce is starting an ad campaign against the tariffs. "The administration is threatening to undermine the economic progress it worked so hard to achieve," Chamber President Tom Donohue explained. "We should seek free and fair trade, but this is just not the way to do it."

President Trump remains defiant on his tariffs, telling Fox News in June, "Every country is calling every day, saying, 'Let's make a deal, let's make a deal.' It's going to all work out."

It had better. CNN's MoneyWatch reports: Farmers are dying by suicide at a higher rate than any other occupational group, according to the Centers for Disease Control and Prevention. The suicide rate in the field of farming, fishing and forestry is 84.5 per 100,000 people, more than five times that of the population as a whole. Purdue's Chris Hurt weighs in: "Think about trying to live

today on the income you had 15 years ago."

In 1985, Indiana hosted the first Farm Aid benefit concert, a group formed by Willie Nelson, John Mellencamp and Neil Young. Farm Aid Communications Director Jennifer Fahy observed, "The farm crisis was so bad, there was a terrible outbreak of suicide and depression." Today, she said, "I think it's actually worse." And this is before President Trump's tariffs take hold.

Former Indiana Republican congressman David McIntosh, who once represented the agriculture-rich 6th Congressional District and now heads the Club For Growth, sees a disaster looming.

"I think we should push the Chinese on intellectual property," McIntosh said on MSNBC's Morning Joe. "But I don't think we should put tariffs on Chinese goods. Those, by the way, are paid by Americans, not by the Chinese. If you enter into a trade war with them, the whole world economy will shrink. That's the problem for us. Tariffs bring counter tariffs and you get into a trade war. We saw it before the Great Depression, we have seen it other times where it just leads to everybody being worse off. It will end up being a disaster." Yes, the 1920s ended with the Great Depression.

Former Republican operative Steve Schmidt



sounded alarms for Hoosier soybean farmers. "The consequences of this will be paid for by the American workers, the soybean farmers, because when those markets go, they're gone," said Schmidt, who renounced the GOP last week. "They'll go to Brazil when the supply chain is interrupted."

The reckoning has arrived. ❖

The columnist is publisher of Howey Politics Indiana at www.howeypolitics.com. Find him on Facebook and Twitter @hwypol.

Photography With Punch
 Mark Curry On Indiana Politics
mark1tcphotography@gmail.com
<http://mark1tc.smugmug.com/Political/>

The collage includes: a man at a 'TRUMP' podium; a man in a suit; a man in a suit; a woman with red glasses; a woman with glasses; a man in a suit; a man holding a 'LEGALIZE SUNDAY' sign; a woman in a blue jacket; two men in suits; a man in a suit; and a man in a suit.

Tim Swarens, IndyStar: In *The World According to Curtis Hill*, everybody has it wrong. Everybody that is with the exception of Curtis Hill. In Hill's world, the four women who have accused Indiana's attorney general of groping them against their will at a south side bar aren't the true victims. Hill is the true victim. Indiana Gov. Eric Holcomb, according to Hill, is wrong. The House Speaker, Senate leader and lieutenant governor also are wrong. So too, among many others, is U.S. Rep. Susan Brooks, chair of the House Ethics Committee and a former U.S. attorney. Like Hill, all of them are Republicans. And all of them have called on him to resign. Yet, in Hill's world, these respected leaders have shirked the responsibility of their office, concern for justice and respect for due process out of fear of the social media mob. Only Curtis Hill, according to Curtis Hill, has the courage to stand up for the truth. Hill, in a terse press briefing Monday morning outside his Statehouse office, portrayed himself as "a condemned man. Condemned without trial. Condemned without notice. Condemned without the benefit of any basic rights that ensure fairness." Unjustly accused. Unfairly convicted. A righteous martyr. That is Curtis Hill, in *The World According to Curtis Hill*. But Hill passed on an opportunity to defend himself Monday. He refused to answer the questions that those who don't inhabit his world have asked. Why did he, a middle-age married man, attend the after-hours party? How much did he have to drink before he arrived and once he got to the bar? Did he tell a group of young women that they needed to "show more skin" to get a drink? Did he put his hands on any of the women who say he groped them? How could they have so misunderstand his intentions and so mischaracterized his actions? Hill did say that he welcomes an investigation into his conduct. But he also dismissed as flawed an earlier investigation, authorized by legislative leaders, that found the accusations against him to be credible and serious. After Hill finished reading his short statement, he quickly ducked back into his office, ignoring a key question shouted by reporters: "Are you saying that the women are lying?" Let me answer for Hill: Yes, he is saying that. ❖



both legal and non-legal and has shut down the facilities. Landscaping companies are shutting down because they cannot get workers. Idaho hops growers report a large part of the hops harvest may rot in the fields because they cannot get the workers to harvest the crop so essential to the beer industry. Yet, when an agriculture immigration bill comes in Congress, it is rejected or ignored. The USDA and the Labor Department have had a joint task force working on this issue for months; but, so far, no solution or leadership has come from the Trump administration. For far too many people, "America First" means America only. This xenophobic worldview does not work in our global economy today and, in fact, has never worked in all of U.S. history. If we don't want that labor to be undocumented, then establish a workable system to make a documented workforce available and a reasonable pathway to allow undocumented workers here to become documented. ❖

Edward-Isaac Dovere, Politico: President Donald Trump has excited conservative evangelicals with many of policies and his two Supreme Court nominations, but he regularly mocks the religiosity of Vice President Mike Pence, the most prominent evangelical in his administration, according to a new book by Kate Anderson Brower. "To an extent, this is all just Donald Trump using religion to solidify the base and Mike Pence is his greatest tool," Brower told me during an interview for the latest episode of POLITICO's Off Message podcast. Without Pence, she says, "he might not have won." Brower reports that Trump often asks West Wing visitors "Did Mike make you pray?" and quotes Steve Bannon as saying this is Trump's way of letting "Pence know who's boss." "If he runs for president," Brower says of Pence, "there are a lot of things that are clearly just blatant ambition, unbridled ambition. And that's all politicians, but with Mike Pence, the problem is it's cloaked in this virtuous Christianity and if you're really Christian, some of what he does is obviously antithetical. It's not anything that the Bible would stand for." Brower's book, "First in Line," is a history of the dynamics between modern presidents and vice presidents going back to Dwight Eisenhower and Richard Nixon, but she says the current relationship is striking for how much Pence has subsumed himself to Trump. Pence's strategy of sticking close to the president makes political sense, Brower says, given his ambitions. "He knows most Republicans and a huge portion of the country really like Donald Trump and really like how he's shaking things up," she says. "So for Mike Pence, it would be silly for him to do anything but what he is doing, which is really, he is somebody who follows the chain of command." Brower argues that's also led to Pence ducking the spotlight and playing down any interest in himself, to avoid an attention-focused president believing there's competition for the spotlight: "I think there is a little fear is mixed in there." ❖

Gary Truitt, Hoosier Ag Today: The issue of fixing our immigration policy, dealing with millions of undocumented workers already in our nation, and the treatment of children and refugees crossing our borders dominates the media and exacerbates the already polarized political atmosphere that exists today. This is a situation that is having and will continue to have an impact on agriculture. The crackdown on immigration and the roundup of undocumented workers that has intensified under the Trump administration has had a very real and immediate impact on farming operations. Many farming operations can no longer get the seasonal or permanent immigrant labor they need to produce and harvest a crop. Recent raids on packing plants have removed hundreds of workers

Holcomb issues school safety move

INDIANAPOLIS – In a video update shared online, Gov. Eric Holcomb says the state wants to make schools safer is by helping control what gets inside (Lindsay, [Indiana Public Media](#)). “The state will provide metal detector wands at no cost to every school that requests them,” he says. “We will leave it of course, up to the local officials to decide how to best use the devices.” Holcomb says the Indiana Department of Homeland Security received 390 applications for school safety grants last month, and recommendations from a school safety task force convened last spring will be released soon to help shape future safety measures. “That report will lead to even more discussion during the next legislative session about topics such as mental health services for students and how to best secure school buildings,” he says. One handheld metal detector will be available for every 250 students through the new program. Schools have until July 19 to request the metal detectors in order to receive them in mid-August.

Bosma reluctant to push abortion ban

INDIANAPOLIS – House Speaker Brian Bosma says he’s still not prepared to move forward with a total abortion ban in Indiana (Smith, [Indiana Public Media](#)). That’s even as many believe a new balance on the U.S. Supreme Court could overturn *Roe v. Wade*. An ultra-conservative faction of the state’s anti-abortion movement pushed for a total ban on abortion the last few legislative sessions. Those bills did not get a hearing or a vote. That put Republican Bosma in the crosshairs of the far-right wing of his party – even if he says he agrees with their goal. “If I could do so with a wave of a wand, I would,” Bosma says. “We also want to be sure that we’re on sound footing in the Supreme Court to overturn a very long-standing precedent to make the state’s time, effort, and expense

worthwhile,” Bosma says.

Fort Wayne PP clinic closing



FORT WAYNE – Fort Wayne’s Planned Parenthood Health Center is closing effective Monday following several years of increased harassment and intimidation (Kelly, *Fort Wayne Journal Gazette*). “I’m pretty angry

about this,” said Christie Gillespie, president and CEO of Planned Parenthood of Indiana and Kentucky. “This is not how decent and compassionate people behave. These are actions of harassment and intimidation that are done in the name of faith, religion and Jesus. It’s an awful day for the Fort Wayne community. We will be back stronger.” The Fort Wayne location at 3914 W. Jefferson Blvd. does not perform any abortions, and has four employees. Cathie Humbarger of Allen County Right to Life and Mike Fichter, president and chief executive officer of Indiana Right to Life, issued a joint statement, saying the accusation of intimidation “is simply untrue.” The accusation “smacks of an attempt by Planned Parenthood to turn its business woes into a fundraiser,” the statement says.

Foreboding hits Indiana farms

WASHINGTON, Ind. — Maybe it is the crop reports, maybe it is the impact of retaliatory tariffs, but a cold chill of economic foreboding has begun moving through farm country during the boiling hot summer months (Grant, [Washington Times Herald](#)). “It’s a big topic,” said Purdue University Agricultural Economist Chris Hurt. “The big hit for Indiana appears to be a 25 percent tariff on soybeans issued by China.” Hurt points out that since June 1, soybean prices have tumbled for new crop beans. “This month soybean prices are down a \$1.50 and corn is down 45 cents,” he explained. “At Purdue, we estimate that drop

on a farm that has 1,000 acres of corn and 1,000 acres of beans to leave the farmer bringing in \$160,000 less.” The lowered prices have both beans and corn hovering around or below what farm experts call the break-even point. Purdue University estimates that a corn farmer bringing in \$4 per bushel can make a living, and soybean farmer needs \$10 per bushel to get a reasonable return. With beans selling at \$8.50 and corn at \$3.40 there could be trouble for some farmers.

Ryan ponders Pelosi challenge

WASHINGTON — Rep. Tim Ryan is considering taking on House Minority Leader Nancy Pelosi again in November despite previously ruling out the idea — the latest turn in the caucuswide chaos unleashed by Rep. Joe Crowley’s shocking primary loss last month ([Politico](#)). “The Crowley race changed a lot for a lot of us,” Ryan (D-Ohio) said in an interview Monday. “There was a lot of assumption that he was going to be moving forward in leadership, and so losing that election put everybody in a state of mind to reevaluate what was happening.”

Young lauds Kavanaugh

WASHINGTON — U.S. Senator Todd Young (R-Ind.) released the following statement on President Trump’s nomination of Judge Brett Kavanaugh to serve on the U.S. Supreme Court: “Judge Kavanaugh is a well-respected judge with a strong record of honoring the Constitution and upholding the rule of law. I look forward to conducting a thorough and objective review of Judge Kavanaugh’s nomination over the coming weeks, and I am hopeful that my colleagues will give him the same courtesy.”