

# How Electoral College survived Bayh

As Mayor Buttigieg revives its abolition, it was Sen. Thurmond and civil rights leaders like Vernon Jordan who saved the institution

By **BRIAN A. HOWEY**

INDIANAPOLIS – Fresh off the historic passage of the 25th and 26th Amendments to the U.S. Constitution, U.S. Sen. Birch Bayh sought a third, the abolition of the Electoral College. But this modern “Founding Father” was in for a rude surprise revealed through the strangest of bedfellows.

Thwarting the Bayh-Celler legislation in 1970 were segregationist Republican U.S. Sen. Strom Thurmond, and black leaders, including civil rights stalwart Vernon Jordan.

The historical ramifications were immense, with two of the last three American presidents – Donald Trump in 2016 and George W. Bush in 2000 – entering office with Electoral College majorities, while losing the popular vote.



Sens. Birch Bayh and Strom Thurmond, who clashed over the Electoral College, along with civil rights activist Vernon Jordan.

Between the two of them, they would nominate and confirm at least four of the current nine U.S. Supreme Court justices.

And Jordan’s closest friends, President Bill Clinton

**Continued on page 4**

## Mr. Bayh goes to Indy

By **TREVOR FOUGHTY**

INDIANAPOLIS – In the week since his death, much has been written about Birch Bayh’s time in the U.S. Senate, and his place in the pantheon of American history. Rightfully so, as Bayh’s impact rivals that of any Hoosier to serve in our nation’s capital in any capacity.

But before going to Washington, he was a farm boy from Vigo County serving Hoosiers in Indianapolis over four terms as a state representative. None of the obituaries give his time at the Statehouse more than a passing mention, and only then because he served for a term as the speaker of the House.

I suspect this is for a few



**“My face is my message. A lot of this is simply the idea we need generational change. The decisions that are being made in our politics right now will decide how the next 20, 30 or 40 years will go.”**

*- Mayor Pete Buttigieg on MSNBC’s ‘Morning Joe’*



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reasons. First, for most Hoosiers, the Indiana General Assembly has never been as visible as its federal counterpart. This was particularly true for the era when Bayh served, as the legislature met for barely more than two months every other year. Second, this lack of visibility and interest means there is little widely available material on the Indiana General Assembly prior to the last decade or so. Researching the goings-on in our legislative bodies requires access to newspaper archives and session journals, which can typically only be found at a library. And third, none of Bayh's state legislative work product compares to authoring constitutional amendments or Title IX.

While Bayh's time writing state law in the 1950's gave little hint of the historical impact to come once he started writing federal law in the 1960's, what does emerge is the beginnings of his legacy as one of the most brilliant and naturally gifted politicians our state has ever seen.

**That brilliance** began to emerge during his senior year at Purdue when he was elected class president. Shortly after he graduated in 1951, he won a state public-speaking competition. The national competition held in Chicago that December was won by a young woman from Oklahoma named Marvella Hern. Bayh lost the competition, but he won the girl; they were married less than a year later and moved to the family farm in Vigo County.

More than just a spouse, she was a political partner that he credited with his early success. The two began laying the groundwork to launch his electoral career, and he would later tell a reporter, "Marvella is a tremendous asset. We decided to work together on my candidacy and formed a family team."

When they decided he would run for one of the three Vigo County state representative seats in 1954 at the age of 26, Rep. Walter Maehling

took the aspiring young pol under his wing and helped show him the ropes of campaigning. He couldn't have asked for a better mentor; Maehling had just finished his second term as the House minority leader, and had been elected to represent Vigo County in the previous six elections. The student quickly became the master, however, going door to door throughout the county with Marvella to talk with voters.

**But Bayh's** relentlessness in connecting directly with voters didn't always have a pleasant ending. After failing to find one particular precinct committeeman at his house on several occasions, Bayh finally decided one afternoon to wait in the driveway until the man came home. He fell asleep with his head on the steering wheel, and awoke after dark with a flashlight shining in his eyes and a gun in his face. As Bayh recalled, "He ordered me off his property. I couldn't see any



Indiana House Speaker Birch Bayh during the 1959 session.

point in arguing with a double-barreled shotgun, so I left." Nonetheless, on Election Day, the retail campaigning paid off. As popular as Maehling was, the charismatic Bayh earned 69 more votes and led the Democratic ticket countywide.

Bayh's first session in 1955 saw him co-author five bills that would become law, though he took the lead

on none and none was particularly memorable. It was on the House floor that session, though, where his star began to shine.

After one particular speech, the Indianapolis News ran a story under the blaring headline, "Bayh's Home Rule Fight Wins Praise." It began: "It doesn't take the politicians any time at all to get a political career on its way. Rep. Birch Bayh ... drew high praise from Democrats and Republicans for his defense of the home rule resolution in the House Tuesday. Less than 24 hours later, comment was heard that young Bayh ... may be in the running for higher offices than the General Assembly in future years."

**When Maehling** announced he would step down as minority leader in 1956, Bayh quickly capitalized on the reputation growing around his political and oratory acumen. At 28 years old, and with only one term under his belt, he won a four-way race to lead the Democratic caucus. It wasn't a particularly enviable job; President Eisenhower won Indiana in a landslide in 1956, and his coattails gave Republicans a 76-24 majority in the Indiana House.

Bayh again saw limited legislative success in the 1957 session, with another five relatively routine measures becoming law (including three he primarily authored, two of which focused on local matters in Vigo County). But two things happened after his second session that would broaden his view on writing laws. First, in the fall of 1957, he enrolled at Indiana University School of Law to begin formal training in the legal profession. Second, the Democratic wave that swept over the country in the fall of 1958 washed up on his doorstep. Indiana Republicans still controlled the governor's office, the majority of statewide offices, and the State Senate, but Democrats suddenly had a 79-21 advantage in the House. At the age of 30 and just halfway through law school, Bayh was unopposed within his caucus and became the speaker of the House and the leader of a legislative supermajority.

In his eloquent opening remarks of the 1959 session, Speaker Bayh mused, "To some degree at least, the title is misleading, for I will do less speaking on pending legislation than anyone else in the House." He was correct; his name wasn't on a single bill (as is typical for the chamber's leader) and he isn't recorded as having given another floor speech that session.

**But he also used that** maiden speech to set the tone and agenda for the session, focusing anew in his legislative career on broad statewide reforms. Before laying out the priorities of the Democratically controlled House, he began with a call for bipartisanship in the midst of divided government: "The division of power between the two political parties of the state puts the test squarely before us. Are we competing as two warring parties inter-

ested in our own spoils of office, or will we strive to outdo each other in better government, better legislation, and better service to Hoosiers? ... Let's work together now and we'll argue about who contributed the most after the session is over."

By the time the session concluded a few months later, Democrats had achieved most of the priorities laid out by Bayh. His success and rapidly rising star made him a popular speaker on the Jefferson-Jackson Dinner circuit that spring, giving him the opportunity to travel the state and form political alliances that would enable his run for U.S. Senate just a few years later. His stump speech emphasized the Democratic wins despite divided government: A new K-12 school funding formula; higher minimum salaries for teachers and college professors; new



Gov. Matt Welsh, State Rep. Birch Bayh and Sen. Vance Hartke celebrate Bayh's 1962 Indiana Democratic Convention upset victory over Indianapolis Mayor Charlie Boswell.

supplemental unemployment benefits; a new flood-control program focused around the White River and throughout the Wabash Valley; and a new, comprehensive probation program to address juvenile delinquency. These represented nearly all of the goals he had mentioned in his first speech, failing only to reform the property tax system and to repeal Indiana's right-to-work law.

**He wouldn't get a second** chance on those issues from the front of the chamber. After the 1960 election, Democrats lost more than half their seats and were back in the minority with only 34 members; Bayh was again elected minority leader. But his legislative focus was decidedly different; where his pre-speakership bills were entirely narrowly focused and parochial, in the 1961 session the bills he authored began to tackle statewide issues in big ways. Measures he authored that became law reformed the way property taxes were assessed; organized the Department of Education and further altered the school funding formula; tackled the growing problem of narcotics on a number of fronts; and foreshadowing

his U.S. Senate career, ratified the 23rd Amendment to the U.S. Constitution which gave D.C. the right to vote in presidential elections.

When the session ended, Bayh assessed where things stood: At just 33 years old, he had already served four terms as a state legislator, including two as the minority leader and one as the speaker. Having just graduated from law school, he was already emerging as one of the most influential bill-writers in the Democratic caucus. He had used his leadership positions and reputation as one of the best politicians on the Democratic bench to build a statewide network of support. He had a wife who not only supported him, but provided him with keen political advice. Their son, Evan, was now in grade school, which gave them more time to contemplate the run for the higher office that had been predicted since that home rule floor speech in his first term.

**They decided he would** forgo another term in the state legislature and instead challenge Republican U.S. Sen. Homer Capehart, who was seeking an unprecedented (at the time for Indiana) fourth term. But Bayh would first have to secure the Democratic nomination, and Indianapolis mayor Charles Boswell was seen as the prohibitive favorite to win at the state convention because of the large Marion County delegation.

But Bayh had two things going in his favor ahead of the June 1962 convention. First, he drew on his experience with retail campaigning, logging what he estimated was over 70,000 miles in 16 months to personally meet with convention delegates. Second, he had the support of new governor and old ally, Matthew Welsh. Welsh had been elected Senate minority leader at the same time Bayh became the House minority leader in 1957, helped

shepherd Bayh's speakership agenda through the upper chamber in 1959, and then relied on Bayh to help push his own agenda through the legislature when he became governor in 1961.

**Despite the initial** underdog status against Boswell, Bayh won so convincingly that the Indianapolis mayor left the convention a half hour before the votes were tabulated, conceding the race to reporters while getting into his car. Throughout the fall, Bayh would continue to draw on the campaign style he had perfected in his early legislative races and the run-up to the convention. All the handshaking and lapel-grabbing paid dividends; when the votes were counted on Nov. 6, he had pulled off an historic upset, ousting Capehart by just under 11,000 votes, or 0.6%.

From here, Birch Bayh's story is well known. In hindsight, it's hard to imagine he would have achieved as much success, either politically or legislatively, without the experience he gained during his meteoric rise in the Indiana General Assembly. And yet, until now the story of who he became as a U.S. senator has greatly overshadowed the story of how he became a U.S. senator, the latter having been largely confined to the dusty pages of old books and microfilm.

Our state and nation owe much to the late senator; he, in turn, owed much to the Indiana General Assembly that helped turn a Hoosier farm boy into a modern day Founding Father. ❖

**Foughty publishes at Capitol&Washington.com. He managed U.S. Sen. Todd Young's 2016 U.S. Senate campaign.**

## Electoral College, from page 1

and former First Lady Hillary Clinton, paid the ultimate political price, with the latter winning the popular vote in 2016, but losing the presidency in the Electoral College.

Four presidential elections electing four Republicans have been determined by the Electoral College, with Indiana's President Benjamin Harrison losing the popular vote in 1888 while President Rutherford B. Hayes did the same in 1876.

**This has reignited** an issue that once was championed by Sen. Bayh, who passed away last week at age 91. But as he was taking his final breaths of life, the Electoral College abolition was reignited by a fellow Hoosier, South Bend Mayor Pete Buttigieg, seeking the 2020 Democratic presidential nomination. "We've got to repair our democracy. The Electoral College needs to go, because it's made our society less and less democratic," Buttigieg said



during an appearance on "CBS This Morning." "We've got to explain our values and explain why Democrats are committed to freedom, to democracy, to security."

**He told the Washington Post** earlier this week, "It's gotta go. We need a national popular vote. It would be reassuring from the perspective of believing that we're a democracy. But I also think it would be highly encouraging

of voter participation on the national level." Asked if it would require a constitutional amendment, Buttigieg answered, "Absolutely. It wouldn't be easy to do overnight, but it would also have the function of reminding everybody that structural reforms are an option, and encouraging us to have that level of intellectual ambition."

He was followed by another Democratic contender, U.S. Sen. Elizabeth Warren. "Every vote matters, and the way we can make that happen is that we can have nation-



Presidents Rutherford B. Hayes, Benjamin Harrison, George W. Bush and Donald Trump are the only presidents to be elected via the Electoral College while losing the popular vote.

al voting, and that means get rid of the Electoral College,” Sen. Warren said, drawing one of her longest ovations of the night during a CNN Town Hall earlier this week.

There is other action on the Electoral College front. This week Colorado became the 12th state (along with the District of Columbia) and the first so-called “swing state” to legally commit its Electoral College votes to whichever candidate wins the popular vote. This compact has now expanded to states representing 181 Electoral College votes. Since 2007, the states joining the compact are California, Connecticut, Hawaii, Illinois, Massachusetts, Maryland, New Jersey, New York, Rhode Island, Vermont, and Washington. Legislatures in Delaware and New Mexico have also passed bills, but their governors haven’t yet signed them.

**The case against abolition** was made by the [National Review](#) Editorial Board: “Insofar as there does exist a serious argument against the Electoral College, it is increasingly indistinguishable from the broader argument against the role that the states play within the American constitutional order, and thus from the argument against federalism itself. In our era of viciously divisive politics, the states are arguably more necessary than they have ever been. Critics of the Electoral College bristle at the insistence that it prevents New York and California from imposing their will on the rest of the country. But the Electoral College guarantees that candidates who seek the only nationally elected office in America must attempt to appeal to as broad a geographic constituency as possible — large states and small, populous and rural — rather than retreating to their preferred pockets and running up the score. The alternative to this arrangement is not less political contention or a reduction in anger; it is more of both.”

Birch Bayh had an early hand on both the abolition of the Electoral College and the emerging compact.

**Speaking before the Fordham** University Law School in 2010, Bayh said he had believed that an emerging consensus was at hand in 1970 as the Bayh/Celler Amendment gathered steam. It was endorsed by President Nixon, who won in 1968 with 301 Electoral College votes compared to 191 for Democrat Hubert H. Humphrey and 46 for George Wallace. Nixon won the popular vote by a mere 511,944, or by 43.5% to 42.9%. In 1960, Nixon had carried 26 states, but lost to President John F. Kennedy by a 49.72% to 49.55% or just 112,827 votes. Kennedy won the Electoral College 303 to 219.

“We got the Bar Association to get together a blue ribbon panel,” Bayh explained in 2010. “It worked so well once, with the 25th Amendment, we decided to try it again. The interest involved in that panel was much more diverse. We had the labor unions and the Chamber of Commerce and the League of Women Voters and other people involved with the panel. There was a little duplicity, because, in my heart of hearts, I concluded that any extensive, reasonable discussion of the subject would conclude that the direct popular vote was the best way to go.”

**“We had that kind of momentum** behind us and those organizations supporting us. We were able to get it out of the House by a large vote,” Bayh said of the 339-70 bipartisan House vote in September 1969. “I had 60 senator sponsors for it in the Senate, and I figured I would get the other six when the debate got going.”

Enter Sen. Thurmond, whom Bayh described as “anti-Semitic and anti-black along with everything else, was also anti-direct popular vote.” Thurmond ran in the



Sen. Bayh with Sen. Thurmond, while Vernon’s Jordan’s opposition to Bayh/Celler may have doomed a Hillary Clinton presidency in 2016.

1948 presidential election on the States' Rights Party and received 39 Electoral College votes from four states, while President Truman had 303 and Republican Thomas Dewey had 189.

"He got the idea of sending telegrams to all of the prominent black leaders and Jewish leaders," Bayh explained. "He played on something that always frightened me about direct popular vote — despite the small states feeling they had the advantage, the large states were the ones that really had the advantage. He told these groups, 'What you're going to do is, you're going to give up your advantage to have influence to sway these large electoral votes if you have a direct popular vote. It will just be confined to one person/one vote. You won't be able to sway that whole group of electors.'"

"Which is true, of course," Bayh acknowledged. "A couple of these guys — Eddie Williams, who ran the study group for the Black Caucus, and one of the top Jewish leaders in the country — came to my office and said, 'You're going to have to back away from this.' I said, 'What do you mean?' They said, 'Well, it would give us



less power.'" Another key defector was Vernon Jordan, the civil rights leader who would later survive an assassination attempt in Fort Wayne while he led the National Urban League.

**Bayh was incredulous.** He told them, "Look, I busted my tail to see that each of you and your constituencies got one person/one vote. Now you're telling me that if you have 1.01, you want to keep it? Get your rear ends out of my office and don't come back."

As for Jordan, Bayh recalled, "I think what Vernon was saying was, 'It wouldn't give me as much clout when I sit down with my member of Congress or my senator, because he knows that I speak for somebody who can sway the whole bloc in New York or California or New Jersey,' or wherever it might be. That was a tough one to lose, particularly to lose that way, from that hypocritical approach." The irony is that Jordan became a close ally of Bill and Hillary Clinton, and it would be the latter who would lose a presidential election despite winning the popular vote by 2.87 million, or by 2.1%.

On Oct. 8, 1969, the New York Times reported that 30 state legislatures were "either certain or likely to approve a constitutional amendment embodying the direct election plan if it passes its final Congressional test in the



## WHO WORE IT BETTER?



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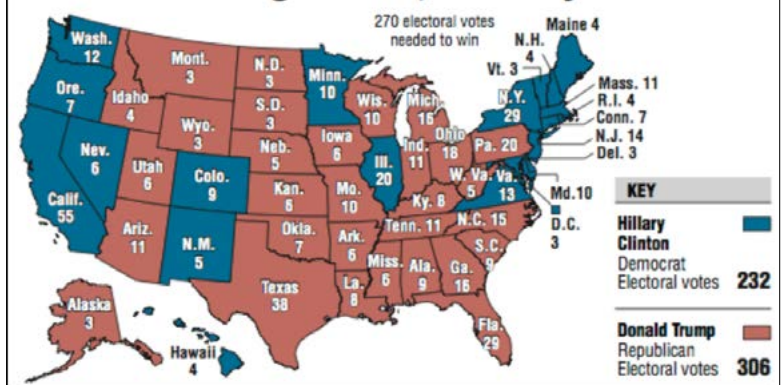
Senate." Ratification of 38 state legislatures would have been needed for adoption. It officially died in September 1970 when a cloture vote failed to end a Senate filibuster. Bayh called on President Nixon to persuade undecided Republicans, but the president declined to make further appeals.

Bayh lost four liberals due to Thurmond's cunning divide-and-conquer maneuver. "I think we ended up with maybe 52 or 53 votes, 55 maybe. I forget what it was. I didn't even have my 60. I asked myself, 'What in the world did I do wrong?' What could I have done differently to keep that from happening?' I suppose, if we had had more time to get around and educate individual senators. As I look at it, maybe that's what I should have done. I just had to take this off the floor."

**Bayh was also involved** with the compact movement, coming after he was defeated while seeking a fourth term in 1980 by Dan Quayle. "There's a fellow in California by the name of Dr. John R. Koza," Bayh told the Fordham symposium. "He is a computer scientist. He came up with the idea of using Section 1 of Article II, which basically says the electors shall be chosen by the state legislators. The manner in which the electoral votes shall be cast in the state shall be determined solely by the legislators thereof."

The compact is contingent on enough states joining that would constitute a majority of the electoral votes. It would not take effect until enough states sign on.

### Electoral College votes, state by state



"This has become such a Democratic issue, and I think it's because, when we first started it, it was right after Bush, and the Republicans look at this as us getting our pound of flesh in exchange for Bush being chosen president," Bayh said of the 2000 election. "Of course, it's not a Republican or Democratic issue at all. You could argue one party benefits or doesn't, depending upon the circumstances. To get this crazy thing, we have had to concentrate on those legislative bodies that had both houses controlled by the Democrats."

So, this issue has been revived in a presidential race context just as Birch Bayh was taking the final breaths of his profoundly impactful life. ❖

## Bayh did bold policy, while winning races with tiny pluralities

By **BRIAN A. HOWEY**

INDIANAPOLIS — There were two compelling aspects of U.S. Sen. Birch Bayh. He was a liberal senator representing a conservative state, and yet he took audacious policy stances at odds with a broad swath of his constituency that would have doomed most other politicians. In essence, this was a public servant willing to use all of his political capital to achieve compelling and enduring policy goals.



Birch Bayh was a statesman. He crafted the most amendments (two, precisely) to the U.S. Constitution since the Founding Fathers created the Bill of Rights nearly two centuries before. Inspired by his wife, Marvella, he championed women's equality through the failed Equal Rights Amendment (ERA) and access to collegiate sports

funding through his Title IX provisions included in the 1972 Education Act.

Bayh, 91, died at his Maryland home on Thursday, succumbing to pneumonia. It ended an unprecedented political life, where the farmer from Shirkieville with a degree from Purdue became speaker of the Indiana House at age 34, then decided to take on three-term incumbent U.S. Sen. Homer Capehart in 1962. President John F. Kennedy had adopted much of Capehart's foreign policy stances, particularly with the blockade of Cuba during the missile crisis, yet Bayh steered through to an amazing political upset with a 10,943 vote plurality.

Subsequently, Bayh never won more than 51.7% of the vote during his four Senate races, and his opponents never had less than 46.4%, reached when the Democrat defeated former Indianapolis Mayor Richard Lugar in 1974.

His Senate career began on a gamble, with many

United States Senator from Indiana (Class III): Results 1962–1980

Year	Democrat	Votes	%	Republican	Votes	%
1962	Birch Bayh	905,491	50.3%	Homer E. Capehart	894,548	49.7%
1968	Birch Bayh	1,060,456	51.7%	William D. Ruckelshaus	988,571	48.2%
1974	Birch Bayh	889,269	50.7%	Richard G. Lugar	814,114	46.4%
1980	Birch Bayh	1,015,922	46.2%	Dan Quayle	1,182,414	53.8%

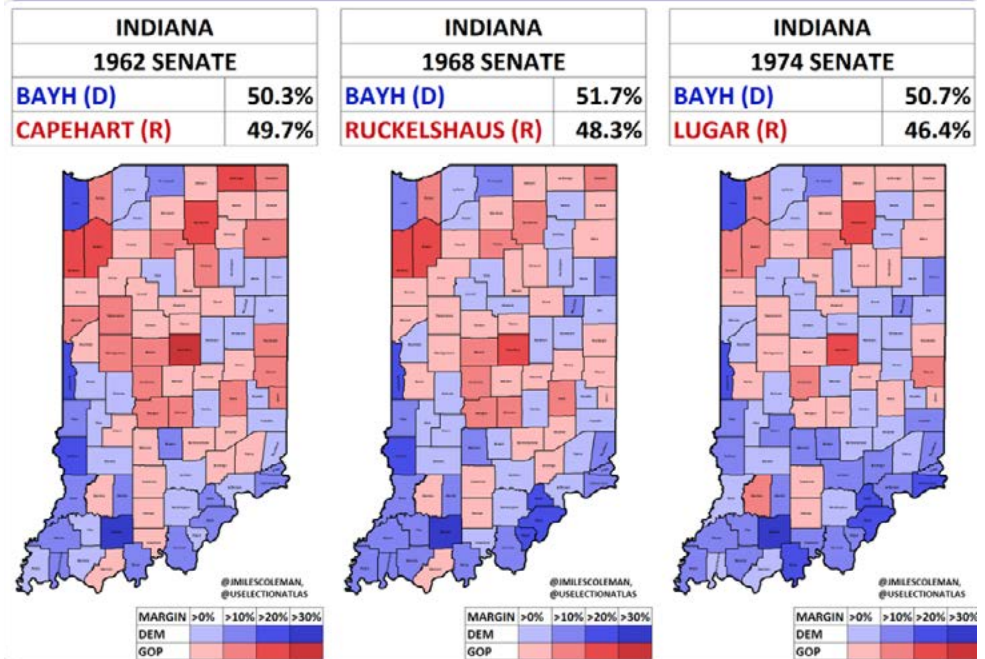
Democrats believing that Indianapolis Mayor Charlie Boswell would be the one to challenge Capehart. But Gov. Matt Welch took a shine to the House speaker, believing he would connect with younger voters. Once in the Senate, Bayh would expand that pool, authoring his second constitutional amendment, the 26th, lowering the voting age from 21 to 18.

**I first witnessed** Birch Bayh as a 12-year-old kid at an Associated Press Managing Editors (APME) conference in South Bend in 1968 when he was challenged by Republican State Sen. Bill Ruckelshaus. Former Indianapolis Times reporter Gerry LaFollette believed that Bayh thought he would probably lose that bid. But at the APME event, Bayh was relaxed and good natured, answering questions with ease and a laugh, while Ruckelshaus seemed intense and foreboding. When this writer asked the pair what they intended to do about pollution, Bayh acknowledged the issue had never come up. (Ruckelshaus would go on to become the first administrator of the Environmental Protection Agency.)

While Richard Nixon easily carried Indiana in that 1968 cycle, Bayh somehow, some way came through with a 51.7% to 48.2% victory over Ruckelshaus, a tad better than his 50.3% to 49.7% upset over Capehart six years prior. It came after Bayh created consternation within the Democratic Party, becoming a critic of the Vietnam War after he traveled to the front lines and found generals unable to describe how the U.S. could win.

**Part of the reason** Bayh was able to win was his taking a seat on the Senate Judiciary Committee despite coming out of the Indiana University Law School just three years prior, after studying at night while he was House speaker. President Kennedy was assassinated 11 months after Bayh took his Senate oath, and there was President Lyndon Johnson at the helm with congenital heart problems and elderly congressional leaders in the line of succession.

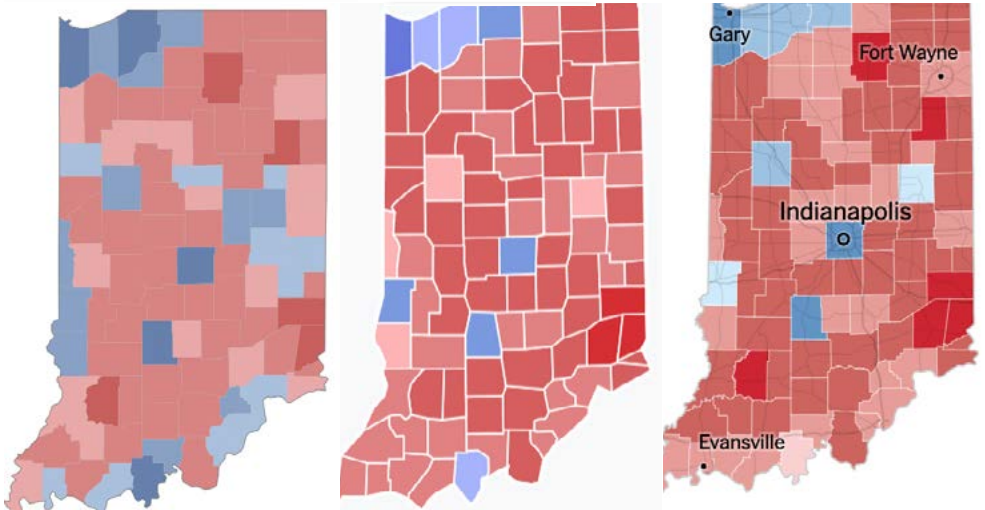
Bayh, with the help of key aide Larry Conrad, fashioned the 25th Amendment, which created a process for an orderly transition of power in the case of death, disability,



✓ Joe Donnelly	Dem.	1,268,407	49.9%
Richard Mourdock	Rep.	1,126,832	44.3%
Andrew Horning	Lib.	146,453	5.8%

✓ Young	Rep.	1,433,091	52.1%
Bayh	Dem.	1,158,947	42.4
Brenton	Lib.	149,481	5.5

✓ Mike Braun	Republican	1,158,
Joe Donnelly*	Democrat	1,023,
Lucy Brenton	Libertarian	88,



The maps of Birch Bayh's three victorious U.S. Senate races (top) reveal how the Bayh dynasty relied on the Ohio and Wabash Valley river counties. Even Bayh also ran strongly in these areas during his first five statewide campaigns. That compares with the two races U.S. Sen. Joe Donnelly ran and Evan Bayh's 2016 loss to U.S. Sen. Todd Young. In the one furthest left, Donnelly defeated Republican Treasurer Richard Mourdock in 2012, though there was some erosion along the Wabash River Valley, but that disappeared in the 2016 race. In the right map, Republican Mike Braun essentially wiped out all but Vigo County in what used to be the Bayh dynasty's river valley coalition.

ity, or resignation of the president. It was ratified in 1967, with Bayh declaring, "A constitutional gap that has existed for two centuries has been filled."

**The irony was that it was** first invoked in 1973 after Vice President Spiro Agnew resigned due to corruption charges, quickly followed by Nixon's "Saturday Night Massacre" when Attorney General Elliot Richardson and deputy AG Ruckelshaus resigned for refusing to fire



Watergate Special Counsel Archibald Cox. Less than a year later, Nixon resigned in disgrace with the new Vice President Gerald Ford taking power as stipulated by the 25th Amendment.

**The 1974 Watergate election** year found Bayh facing a challenge from Lugar, who told HPI that the cycle was an absolute rollercoaster. The scandal created a horrible environment for Republicans, but Nixon's resignation in early August had revived GOP fortunes, until President Ford pardoned Nixon. Lugar began to recover that by October, until Ford announced his WIN program (Whip Inflation Now) and that ultimately allowed Bayh to win a third term with a 75,000-vote plurality.

Again, the liberal Bayh found himself at odds with many Hoosier voters. He had led the opposition to two of President Nixon's Supreme Court nominations. That he would win a third term was a testament to his campaign style that took him to nearly every Dairy Queen in the state, his sport coat off, his white shirt sleeves rolled up, and an easy, "aw, shucks" style. He would often be the last one to leave a Jefferson-Jackson dinner or union hall event. I saw this firsthand when Evan Bayh ran for governor in 1988, with father, son and wife, Susan, spending a night at an Evansville union hall. They were literally the last ones to leave the hall, and they made a beeline to a nearby Dairy Queen for late-night ice cream. I'll never forget sitting between the two Bayhs, with Birch saying, "Nice job, son."

"**Birch and Bill Hudnut** were probably the two best campaigners in the state," LaFollette said. "Birch was a charismatic kind of guy. He was an incredible campaigner. He was a people person. He had those little dimples and a nice grin, tilted his head in earnest. The women wanted to mother him. He was a glad-hander. He was a natural at that."

His second term produced another Bayh policy milestone, Title IX. According to the Washington Post, Bayh credited his wife, Marvella, for his interest in the issue. "From time to time," he reminisced in 2004, "she would remind me what it was like to be a woman in a man's world. Without her, I would not have been in a leadership role." He added, "In a country that prides itself on equality, we could not continue to deny 53% of the American people equal rights."

Bayh briefly sought

the presidency in 1972 until Marvella began battling cancer, and again in 1976, when he was once favored before losing to Jimmy Carter in Iowa and New Hampshire, ending his presidential aspirations.

Bayh's final political fight came in 1980. Marvella Bayh had died of cancer in 1979 after having described her battle with the disease: "These years since cancer came to me have been the most rewarding, the most

filling, the happiest in my life. I have learned to value life, to cherish it, to put my priorities in order and to begin my long-postponed dream of being useful in my own right."

**Evan Bayh would** manage his father's final campaign. Republican presidential nominee Ronald Reagan was challenging President Jimmy Carter and a tidal wave developed in the final week of the campaign, washing

out not only President Carter, but Sen. Bayh and House Majority Leader John Brademas in Indiana, and Democrat Sens. Frank Church, John Culver, George McGovern, Gaylord Nelson and Warren Magnuson.

Evan Bayh would later continue the Bayh dynasty, winning the Indiana secretary of state's race six years later, the governorship in 1988, and then reclaiming his father's U.S. Senate seat in 1998. His father's 1980 campaign made a lasting impression on Evan Bayh, making him a more moderate-to-conservative secretary of state, governor and senator.

The son never returned to the father's liberal moorings, but would win races with comfortable to landslide pluralities, unlike Birch who always squeaked through. Evan was never as audacious on policy or risky politically as Birch, a man whose contemporary, Lee Hamilton, observed has written more of the U.S. Constitution than anyone since James Madison.

A fitting legacy for Birch Evans Bayh, Jr., a Hoosier for the ages. ❖



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# Will Holcomb use his ample capital on the hate crimes bill?

By **BRIAN A. HOWEY**

INDIANAPOLIS — Gov. Eric Holcomb raised some eyebrows for what he didn't say during the Madison County Republican Lincoln Dinner Saturday. Despite vows to be "vocal" on the now defanged SB12, or the hate crimes bill that is currently sans "the list," he didn't mention the subject.



Instead, he talked about First Dog Henry and the Anderson Speedway where retrofitted school buses run a crazy-8 circuit.

Time is running out.

SB12 is expected to surface in the House Public Policy Committee next week, with an April 9 deadline looming. We speculated a couple of weeks ago on how Holcomb could stoke up the "white hot heat of public opinion," but it's all calm on that front these days.

Indiana Democratic Chairman John Zody observed Wednesday, "This year, Governor Holcomb has spent more time in Frankfurt, Germany than Frankfort, Indiana. If Holcomb is serious about lobbying for hate crimes, he'd better start barnstorming the state tomorrow. Anything less is just an empty promise."

House Speaker Brian Bosma's comments late last week were somewhat more revealing. Perhaps Holcomb is opting for behind-the-scenes dialogue rather than fully ramping up the bully pulpit. "We're having conversations about what takes us off the list and what doesn't take us off the list as well," Bosma said, presumably with Holcomb, House Public Policy Chairman Ben Smaltz and Senate President Pro Tem Rod Bray. "It would be unfortunate to go through a painful discussion and painful votes, probably, and still be at the same place next session. So, we're trying to see what can happen."

**Therein lies the key point** and perhaps Holcomb's most convincing argument for getting a bill passed that he would sign: The "next session" will be in 2020, an election year. Holcomb doesn't have an obvious opponent lining up, but Bosma might be facing a rematch from Democrat Poonam Gill, should he decide to seek another term. There is some speculation in the hallway that the

speaker might hang it up after this session.

SB12 is the proverbial "shiny object" this session and for good reason. The rest of Gov. Holcomb's agenda appears to be gliding through, with the appointed superintendent bill SB1005 headed for his desk. The biennial budget appears to be on track to include his school safety, Department of Child Services and workforce funding.

The two conspicuous issues remaining are teacher pay and hate crimes. Holcomb told the Anderson Herald-Bulletin over the weekend that he's still on a multiple session course to upgrade teacher pay. His safety valve on that front is the Teacher Retirement Fund payments the state will make this budget, giving local school boards some flexibility to raise pay this year, with more coming.

The ISTA isn't nearly the election-year wrecking ball that it once was. But if you look at the 2018 House results, it is Bosma's neighborhood that is taking on a bit of that purple hue that is occurring in suburban districts in Indiana and across the nation.

**Bosma defeated Gill 55-44%** last November.

In other suburban districts, Rep. Dale Devon defeated Democrat Dr. Donald Westerhausen 51-49%, Democrat State Rep. Chris Chyung upset Hal Slager 50.2-49.8%, Rep. Lisa Beck upset Julie Olthoff 50.5-49.5%, Rep. Chris Campbell defeated Republican Sally Siegrist 56.7 to 43.3%, Rep. Melanie Wright barely staved off Republican

Ben Fisher 50.7 to 49.3%, Rep. Jerry Torr dispatched Democrat Mark Hinton 57-43%, Rep. Rita Fleming defeated Republican Matt Owen 55.6-42.1%, Rep. Martin Carbaugh defeated Democrat Kyle Miller 53.7-46.3%, and Rep. Cindy Kirchofer nipped Democrat John F. Barnes 50.5 to 49.5%.

When HPI gears up for 2020, these will be the battleground districts in suburban Indiana, the places where the hate crime issue could have traction. Even if Democrats ran the table, all it would do is end the supermajority status of the House



Gov. Holcomb and First Lady Janet Holcomb greet President Trump in Washington prior to their nine-day European trade mission.

GOP.

Predicting what the political atmosphere will be like in 2020 would be as arduous and slippery as 2016. Will President Trump be the GOP nominee, or Vice President Pence? Who will the Democrats nominate for president? If it's Elizabeth Warren, Republicans might end up with 80 House seats in 2020. Will there be a "placeholder" Democrat facing Holcomb while Democrats invest in House races and a focused challenge to Attorney General Curtis Hill?

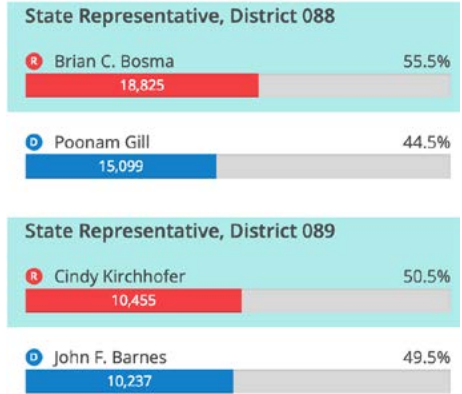
We're hearing that dairy companies are preparing some of those "Have you seen me?" milk cartons that feature missing people – in this case for a 2020 Demo-

cratic gubernatorial candidate. It's 14 months before the May 2020 primary and there doesn't appear to be a single Democrat preparing for a bid, let alone raising the \$20,000 or so a day needed for a credible run.

At this point, Gov. Holcomb has an immense reservoir of political capital to spend and no credible threat. So, the emerging story line between now and April 9 – and perhaps through the April 29 sine die – won't be where Attorney General Curtis Hill will be when the gavels fall, but how much of Holcomb's political capital will have been spent on SB12. And whether Bosma and House Republicans have the appetite for a hate crime controversy in 2020, or whether they'd want to put the issue to rest this session.

### Democrats ponder gov race

Indiana Democratic Party sources tell HPI that several potential candidates are mulling bids. Names will likely publicly surface as the Indiana General Assembly session winds down. Several prominent Democrats, including



former senator Joe Donnelly, Hammond Mayor Thomas McDermott Jr., Kokomo Mayor Greg Goodnight, and Indianapolis Mayor Joe Hogsett have told either HPI or our sources they won't be running. Democratic 2012 and 2016 nominee John Gregg has been making rounds, but isn't talking. His 2016 running mate Christina Hale is being approached about challenging U.S. Rep. Susan Brooks. Former congressman Baron Hill said he's been talking to several potential candidates. Other names we've heard include former Indiana Health Commissioner Woody Myers, State Sen. Eddie Melton, and former Evansville mayor Jonathan Weinzapfel. Myers told IndyPolitics he is weighing a possible gubernatorial candidacy or playing a more national role.

### Congress

#### Delph eyes Brooks challenge

Former state senator Mike Delph is reportedly pondering a primary challenge to U.S. Rep. Susan Brooks

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in the 5th CD. The DCCC is already targeting Brooks, who has not announced her 2020 campaign plans. Others are reportedly urging Brooks to run against Attorney General Curtis Hill, who faces disciplinary action on sexual assault allegations by the Indiana Supreme Court. Delph lost his reelection bid to Democrat Sen. J.D. Ford last November.

**Mayors**

**Indianapolis: Merritt on 'Pothole Joe'**

State Sen. Jim Merritt laid responsibility for the current pothole crisis on Mayor Joe Hogsett during an event held at Clark & Sons Used Tires on the east side of Indianapolis. "There are potholes everywhere – over 7,000 of them, according to the Indy pothole viewer," said Merritt, who is seeking the Republican mayoral nomination. "This is the direct result of a failure of leadership and lack of planning by Mayor Hogsett." According to Merritt, funds have been available to help fix the roads. "In 2017, the Indiana legislature appropriated \$52 million to the City of Indianapolis to help fix the roads and I voted in support," said Merritt. "Here we are again two years later and the city has practically nothing to show for it."

**Bloomington: Hamilton, Barge debate**

Mayor John Hamilton and his Democratic challenger Amanda Barge (pictured) took questions from residents last night on topics ranging from access to health care and affordable housing to sustainability (Eady, Indiana Public Media). Hamilton says he's proud of how the city has grown and taken on a variety of projects which all improve residents' quality of life. But Barge says the current administration lacks a unified vision to plan for a growing city. "As your mayor, I will be progressive and I'll look at how any project impacts everyone not just a select few," says Barge. Hamilton touted his successes during his term, including creating more affordable housing, improving water quality and promoting sustainability through solar panel initiatives. Barge reinforced her campaign agenda



which includes improving transparency and giving a voice to marginalized populations,

which she says the current administration has failed to do.

**Martinsville: Mayor Kohl has cancer**

Mayor Shannon Kohl will not seek another term (Indiana Public Media). The Republican announced this week she'll step aside when her term ends at the end of the year. Kohl says she believes she accomplished everything she set out to do as mayor, and is especially proud of the financial changes. A recent cancer diagnosis means Kohl will spend the next couple of months focused on a treatment plan. "But that is not going to keep me from doing my mayoral duties," she says.

**Muncie: GOP candidates eye corruption**

Municipal corruption was a frequent target of Republican mayoral candidates at a debate on Thursday night. They hammered away at it from start to finish (Slabaugh, Muncie Star Press). The great-grandson of Frank C. Ball (one of the five Ball brothers), Tom Bracken, got to make the first opening statement, kicking things off with this line: "The time has come for the citizens of Muncie to take back their city, to drive a stake in the heart of corruption." He went on: "Corruption. It seems at times like it has settled in and taken over the entire public body. Good evening. My name is Tom Bracken. I'm running for mayor because I want to lead the charge in eradicating corruption from city government ... " Nate Jones, a former national guardsman who was deployed to Afghanistan to help eradicate terrorists from local villages, picked up where Bracken left off: "Obviously, we have a lot of problems here in Muncie with our corruption, a lot of the good old boy system that has to get gone, period."❖





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# Buttigieg crosses donor and polling thresholds, gets more TV exposure

By **BRIAN A. HOWEY**

INDIANAPOLIS – In the span of a week, South Bend Mayor Pete Buttigieg crested the 65,000-donor threshold to qualify for the Democrat debates that begin in June, poked up above the polling loam with a crocus-like 1% in Wisconsin and Iowa as well as a national CNN poll, and spent more than a half-hour impressing the “Morning Joe” crowd. On Saturday, he heads to his third battleground state for an initial impression, this time in South Carolina.



On “Fox News Sunday” earlier this week, he told host Chris Wallace that all signs are “pointing in the right direction” for him to officially enter the 2020 presidential race in April. He is looking for downtown South Bend office space to headquarter the campaign and preparing to staff up.

“Now we’re seeing all of those things, but because I’m not highly famous and I’m not personally wealthy, it takes a little bit to get the organization in place for a launch,” he added. “All of the signs are pointing in the right direction and when we do come out it’s going to be a big one.” Asked Sunday why he’s in “such a hurry” to run for president at age 37, Buttigieg described it as an “unusual moment” in the country’s history. “There’s something happening right now that calls for something completely different than what we’ve been seeing,” he said. “Generationally different, regionally different, somebody with a different life story and a different background.”

On “Morning Joe” Wednesday, he said his youth is an advantage. “The reality is when you take one look at me, my face is my message,” he said. “A lot of this is simply the idea that we need generational change, that we need more voices stepping up from the generation that has so much at stake in the decisions that are being made right now. It’s why I often talk about how the world is gonna look in 2054, when I get to the current age of the current president. It’s to remind us that this isn’t just about one election, this is about an era, and the decisions that are being made in our politics right now will decide how the next 20, 30, or 40 years will go.”

The mayor was critical of how President Trump

exploits divisions among the people instead of building bridges. “The loss of community is one of the biggest consequences of automation and artificial intelligence and the way they’re changing work. It used to be you got a lot of community from the workplace, because you knew you would have a lifelong relationship with a single employer and that was true whether you were a blue collar worker at a production facility and your spouses get to know each other through the union picnics, or whether you were a white collar worker at a CPA firm and you and your spouses get to know each other at the firm dinners.

“**That model is fading away.** People in my generation are likely to change careers more often than our parents changed jobs. And this has serious consequences for our understanding of community, of where we fit in,” Buttigieg continued. “And there are some very ugly things that will move in to fill the void if we’ve lost that sense of community, that sense of identity, that used to come from the workplace – things like white identity politics, things like extremism come in, things like the worst forms of nationalism come in, when we could actually be building out the best forms of nationalism, which is when you rally people around the sense of identity that we’re building each other up, when community, even in the literal sense of the city, is part of how people explain how they fit into the world.”

He was asked about his faith in the opening seg-



ment of the interview. “It’s important for candidates to at least have the option to talk about our faith. I mean, don’t get me wrong, I believe strongly in the separation of church and state. I believe anyone in this process needs to demonstrate how they will represent people of any faith, people of no faith. But I also think that the time has come to reclaim faith as a theme. The idea that the only way a religious person could enter politics is through the prism of the religious right – I just don’t think that makes sense.”

MSNBC host Joe Scarborough said this morning, “We got inundated with calls about Mayor Pete, saying he’s the real deal. He was so insightful.” Willie Geist: “Performance matters. He’s somebody to be contended with.”

## Esquire and capitalism

In an interview with Esquire's Ryan Lizza, Buttigieg was asked whether he was a capitalist. "I believe in capitalism as long as there's a strong rule of law around it," he said. "We're dealing with a whole [older] generation that was really shaped by a Cold War environment where socialism was treated as the same thing as communism. And the opposite of that was democracy and capitalism. So, to be for socialism was to be for communism and against democracy and capitalism. Now you see how these things are really shaking loose from each other in a lot of ways. They've become unbundled. The big question is what you prioritize, and I prioritize democracy. People are trying to make sense of the distance between socialism in Canada, say, and Denmark versus Venezuela. And the answer is democracy."

## Biden ponders ticket with Abrams

Former Vice President Joe Biden's recent meeting with Stacey Abrams, a former lawmaker in the Georgia House of Representatives, has sparked speculation the two could team up for a presidential run in the upcoming election ([NewsMax](#)). Biden has yet to publicly announce his candidacy for president, but stories in recent days have claimed he is preparing to launch a campaign. Last week, The Atlanta Journal-Constitution reported Biden and Abrams met in Washington, D.C., about their political futures.

## Trump calls for release of Mueller report

A little more than a week after Republican insiders Corey Lewandowski and Dave Bossie told Indiana Republicans that the report of Special Counsel Robert Mueller should be released, President Trump said the same thing himself. "Let it come out, let people see it," President Trump told reporters as he left the White House on Wednesday for a trip to Ohio. "Let's see whether or not it's legit." But he also called the investigation "ridiculous." President Trump said he was personally looking forward to reading the findings, even as he scorned the fact that Mueller was empowered to write the report in the first place. "I just won one of the greatest elections of all time in the history of this country ... And now I have somebody writing a report that never got a vote?" President Trump said. "It's called the Mueller report. So explain that because my voters don't get it. And I don't get it."

## Pence woos anti-Trump donors

When Vice President Mike Pence appeared before some of the GOP's most powerful donors at the iconic Pebble Beach golf course on Monday evening, he did something that would've been unthinkable a few years ago ([Politico](#)). Over a surf and turf dinner, the vice president showered praise on Paul Singer, a prominent New York City hedge fund manager who spent millions of dollars in 2016 bankrolling TV ads painting Trump as "too reckless and

dangerous to be president." But as the group of assembled Republicans — some of whom have been similarly skeptical about the president in the past — looked on, Pence praised the 74-year-old billionaire as a leading free-market thinker and thanked him for his years of financial support to the party and conservative causes. The private dinner provides a window into a behind-the-scenes, Pence-led mission: to ensure that Republican givers who never came around to Trump in 2016 are on board for 2020.

## Huston eyes Trump-Haley ticket

Tom Huston stood before an Indiana Policy Review audience Friday night and made this startling observation: President Trump would be better served with former United Nations Ambassador Nikki Haley on the 2020 ticket than Vice President Mike Pence. It came before the Hoosier think tank that Pence once headed before launching his TV and radio career and a second stab at politics.

"My political advice to the president would be that he replace Pence with Nikki Haley," Huston said after fielding a question about talk of Pence being bumped from the ticket. "I don't think Pence adds anything to the ticket. He's already said that Pence is going to be on the ticket. Now let me say, I don't like Nikki Haley. But I do think she would bring something to the ticket that would be valuable to him to win reelection. I like Mike, but I think he is almost Quayle-like. He's robotic-like, you know, push a button. I'm really uncomfortable that he's absorbed the Trump agenda which (he) was pretty much concerned about. I don't wish him any ill will. But what does Mike Pence bring to the ticket? And what would Nikki Haley bring to the ticket?"

Huston was an aide to President Nixon, authoring the controversial Huston Plan in response to wide civil unrest that included urban riots, radical underground groups like the SDS and the Weathermen, and bombings of campus research facilities. Huston left the White House and became a real estate attorney with Barnes & Thornburg. There were several media reports in late 2018 that President Trump was questioning Pence's loyalty and his value to the reelection campaign.

## INDems announce DNC delegate plan

Indiana Democrats have released its draft Delegate Selection Plan for the 2020 Democratic National Convention. The plan is located on the Indiana Democratic Party's website — [www.indems.org/](http://www.indems.org/) — and will be available for review during a 30-day public comment period. After the period expires, input will be incorporated, and the plan will be submitted to the State Central Committee for final approval. The plan then moves to the Democratic National Committee for consent. The plan provides that Indiana will have a total of 70 delegates. The most common method of selection will be the election of Indiana's 46 district-level delegates at the 2020 state convention on June 13, 2020. The plan also lays out the allocation of delegates; the method by which delegates will be identified. ❖

# Melton decries bill's 'hijack' on BMV gender

## Howey Politics Indiana

INDIANAPOLIS — State Senator Eddie Melton (D-Gary) authored Senate Bill SB182 to give Hoosiers the option of accessing their driver's license on a mobile phone, both for convenience and to keep Indiana present in this ever-growing digital age. However, this morning the bill was hijacked by House Republicans and amended into an attack on some of Indiana's most vulnerable citizens with no regard to the devastating effects this will have on the very people lawmakers are meant to protect. On Wednesday, House Republicans approved an amendment to SB182 that undoes the recent BMV policy change to offer individuals a non-binary option for the gender section of IDs.



Because of this surprise attack, Hoosiers wanting to change their gender marker on their driver's license would have to go through the emotionally and financially taxing process of first changing their gender on their birth certificate. "The process of changing your gender on your birth certificate is lengthy and overwhelming including multiple doctor and therapist visits, hiring of lawyers, meeting and paying for court dates, and some even have to pay a local newspaper to print their name and the fact that they changed their gender," Melton said. "I wanted to create a pathway to help Hoosiers with the convenience of a mobile license, but this amendment will only hurt individuals."

## Exoneration bill clears Senate panel

A measure advancing in the Indiana Senate would compensate residents found to have been wrongfully convicted and imprisoned (IBJ). The Senate Corrections and Criminal Law Committee made minor revisions to the House-approved legislation Tuesday before voting 7-0 in favor of it. The measure now heads to the Senate Appropriations Committee for further analysis of its financial impact on the state. Indiana is one of 17 states that provide no compensation for people exonerated of crimes. The legislation would generally permit people exonerated after being convicted of a crime to receive \$50,000 for each year they were wrongfully imprisoned.

## Regional jail facility bill advances

A bill that would let counties with over-crowded jails send Level 6 felons to new, regional holding facilities continues to move forward at the Statehouse (Brosher, [Indiana Public Media](#)). But, the proposal would come with a significant cost. Under Rep. Randy Frye's (R-Greensburg) bill, the Department of Correction would create regional holding facilities for Level 6 felons, who currently serve

their sentences in county jails as a result of criminal code reform. An amendment to the bill also allows a judge to sentence Level 6 felons directly to the holding centers. Frye says the state could reopen Henryville Correctional Facility and use an unoccupied wing of Madison Correctional Facility to accommodate the changes outlined in the proposal. "According to Department of Corrections they believe that the pilot will cost about \$7.5 million for the two years of the pilot," he told a statehouse committee Tuesday. Frye says it's unclear where all of that funding would come. It's now in the hands of Appropriations.

## Bryce's bill unanimously passes House

Indiana lawmakers cast a final, unanimous vote Tuesday to save babies' lives through newborn screening ([WTHR-TV](#)). Inspired by "Bryce's Battle," they sent Senate Bill 41, known as Bryce's Bill, to the governor's desk for his signature. This is a day the Clausen family will never forget, the day their son created a legacy and changed Indiana law. With a 96-0 vote, lawmakers in the Indiana House of Representatives passed Bryce's Bill.

## House hears gaming bill

The House got its first crack at a wide-ranging gambling bill Wednesday that would shift Indiana's casino industry and legalize a new avenue of gambling (Kelly, [Fort Wayne Journal Gazette](#)). The Public Policy Committee heard more than three hours of testimony from dozens of Hoosier officials and residents. Possible amendments and a vote could come next week. Senate Bill 552 has several moving parts – the biggest of which would allow the movement of two existing Gary casino licenses. The first would stay in Lake County but move inland. The other would move to Terre Haute. The state's two racinos – horse tracks with casinos – would be allowed to have live table dealers this year rather than waiting until 2021. And all casinos would be allowed to give more free play to customers. The measure also would legalize sports betting following a U.S. Supreme Court ruling last year giving states that authority. Sen. Jon Ford, R-Terre Haute, said Hoosiers spend \$300 million on illegal sports bets already and the bill provides a safe, legal framework.

## Greene Township school bill rejected

Greene Township will not be permitted to leave the South Bend Community School Corp., despite the hopes of some parents and community leaders in that area of St. Joseph County (South Bend Tribune). A bill that would have allowed Greene Township to join the John Glenn School Corp. without the approval of the South Bend district was voted down in the Indiana House of Representatives on Tuesday by a vote of 57-43. Senate Bill 421 was passed last month by the Indiana Senate, and made it through the Committee on Elections and Apportionment, as well as a second reading in the House before it was rejected. ❖

# Turning the wheels of accountability

By **LEE HAMILTON**

BLOOMINGTON – As various House committees gear up for a season of investigations and hearings on President Trump and his administration, a lot of people are worried that progress on the nation’s challenges will grind to a halt. I would argue just the opposite: The wheels of government are turning in favor of accountability.



Our system rests squarely on the notion that government officials, whether elected or appointed, need to be accountable to the people they govern. They are responsible for their behavior, their decisions, and the policies they support. They are answerable for their use, and misuse, of the funds and resources they’re given.

They are, or ought to be, just as accountable for the remedies they fail to pursue as for the actions they do take. Accountability safeguards our Constitution, our laws, and our democracy.

Which is why the weakening of accountability in our system over the past few decades ought to worry all Americans. It has become very difficult, for instance, to question a president — a problem that preceded the current occupant of the White House. Presidential press conferences, which once were freewheeling affairs at which presidents faced sustained questioning from reporters well-versed in their policies, are barely held these days. They are passing from view, and President Trump’s habit of using Twitter to communicate over the heads of people who ask hard questions may well set the course for the future.

**In fact, politicians and** bureaucrats at all levels have become quite skilled at avoiding accountability. During my years in Congress, I considered it a key task to find out who was responsible for particular decisions, whether the administration was Republican or Democrat. It was difficult then, and has become more so with time.

Meanwhile, it has been reassuring over the past two years to see several national news outlets step up their scrutiny of public officials in Washington, but it remains true that overall there is less investigative journalism than there once was.

Which is a problem because it’s simply human nature to

want to avoid being held responsible. If policies are going well and are well received in the polls and by the public, of course, officials fight to take their place in line and garner the credit. If something goes wrong, they fight to get out of the line.

In our system, every official has to answer to some other official. This is a reassuring quality in a governmental structure, but only if officials actually exercise their responsibilities. That’s why the media are so important as a backstop.

**Which raises another issue.** A lot of players ought to be exercising oversight: Members of Congress, the government’s inspectors general, the media. We even have an entire agency, the Government Accountability Office, dedicated to the task. But for them to do their work, the system also needs transparency. Almost every day you see signs of officials hiding what they do from the public, often without real merit.

I’ve always been quite skeptical of the argument that we ought not let this or that piece of information become public. National security is often invoked, or trade secrets, or some other rationale for drawing a veil over the government’s activities. Even when citizens or reporters file Freedom of Information requests, these can be ignored, or turned down.

The problem with this, of course, is that it’s anti-democratic. How are we supposed to make reasoned decisions about who and what we want to see in our government if we don’t know what’s going on and who’s responsible for it?

Perhaps the most famous hallmark of Harry Truman’s tenure as president was the motto he placed on his desk: “The buck stops here.” There’s a reason why it’s so famous, and why people still consider it a standard they wish other politicians would set for themselves.

**Americans want officials** who will step up and take responsibility for their decisions. They want political leaders who will hold themselves accountable to the public. And they want to see public officials exercise the responsibility handed them by the Constitution to hold others accountable.


That the House is moving to do so is not a detour from governing; it’s the essence of good government.



**Lee Hamilton is a Senior Advisor for the Indiana University Center on Representative Government; a Distinguished Scholar of the IU Hamilton Lugar School of Global and International Studies.**

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# Mining the data on cities & towns

By MORTON MARCUS

MERIDIAN HILLS – Last week I spoke to their Honors at a meeting of the Northern Indiana Mayors in Logansport. The session began at the Dentzel Carousel alongside the Eel River. It was a comfortable site for officials who are forced by an anti-urban legislature to spend so much time going around in circles.



If Mayor Kitchell wants to increase tourism, he should have the name of the river changed. Who wants to canoe the Eel when it could be the Elk?

The state has two Eel rivers, but no Elk (there is an Elkhart River in Elkhart Co.). This is a chance to end confusion about the Eel and improve

economic opportunity for Cass and five other counties.

Beforehand, I examined what's happened to the population of Indiana's 547 incorporated cities and towns between 1970 and 2017. Of those 547 places, 454 (83%) were home to less than 5,000 each.

How big does a town have to be or what economic activity must it have to constitute a community? Does a population of 22 (River Forest, outside of Anderson in Madison County) qualify? What about Meridian Hills (pop. 1,694 in Marion Co.) or Mentone (pop. 973 in Kosciusko Co.)? At least Mentone offers a commercial area while Meridian Hills and River Forest may be just residential artifacts from the past.

**Some tiny towns of 1970** grew dramatically by 2017. Fishers (Hamilton Co.) had 628 persons in '70 and mushroomed to 91,800 in '17. Proximity to Indianapolis on I-69, aggressive land development, and a determination not to be an appendage to Carmel or Noblesville have made Fishers a recent hot spot.

Only 191 of those 454 small towns (42%) grew in population. These 191, however, accounted for 370,900 persons, which was one-quarter of the increase in Indiana's population over those 47 years.

On the other side, the 258 places under 5,000 lost only 41,300 persons. That averages out to three or four persons per year, per place. The biggest losers (population declines of 1,000 or more) were Long Beach (LaPorte Co.), Dunkirk (split between Jay and Blackford Cos.), and Attica (Fountain Co.).

Some would rid Indiana of small cities and towns, absorb them into their counties or annex them to other

places. Yet, the data make clear that, as a group, the share of Indiana's population in cities and towns under 25,000 rose from 26% to 32%. And the share of incorporated places 25,000 and over dropped from 41% to 33%. This means unincorporated areas, which were 33% of the state in 1970, edged up to 35%.

**Our two biggest cities**, Indianapolis and Fort Wayne, together grew by 203,600 (18%). But the next eight cities all lost population. The decline was least in Muncie at 460 persons and greatest in Gary at 99,400. Hammond, South Bend, Evansville, East Chicago, Anderson and Terre Haute together lost another 99,800.

How much of this is simply higher incomes driving urban sprawl, a desire by homeowners to ride lawn mowers at a distance from unappealing neighbors? How much is state policy to deny cities and towns the right to annex property? What are the impediments to mergers or consolidations?

Do we have the imagination to discuss how this population distribution will play in the world of internet relations, self-driving vehicles, smaller households, and climate change? ❖

**Mr. Marcus is an economist. Reach him at [mortonj-marcus@yahoo.com](mailto:mortonj-marcus@yahoo.com). Follow his views and those of John Guy on "Who gets what?" wherever podcasts are available or at [mortonjohn.libsyn.com](http://mortonjohn.libsyn.com)**

# A frank column about education and pay

By MICHAEL HICKS

MUNCIE – Job quality, especially with respect to wages and benefits, will be a central part of the next national election. With job creation strong but wage growth lagging, we should expect tough questions about a variety of labor market policies. This will be especially true in the few states that have experienced mostly low-wage job growth in recent years. With Indiana growing low wage jobs at a disproportionate rate, we should think through what "good" jobs might look like in a modern economy, and what role government could take in promoting them.



I'm a free market economist, so I think the best definition of a good job is one that a firm will offer and an employee will take. But, there are two sides to that definition. Labor markets match workers and employers,

who both have a say in job quality. Workers need to obtain more education and skills when they cannot find the jobs they desire. Likewise, businesses need to offer better pay or benefits when they cannot find the workers they want. Workers and businesses are equal parties in labor markets, and government should treat them as equals.

**Mostly, workers and** businesses make labor markets work well, but there is a role for government. The state has an interest in making workers better educated, more productive and earn a higher wage. The reason for this has absolutely nothing to do with favoring some particular employer, or making sure a particular industry has enough workers. Rather, it is because the state spends a great deal subsidizing low-wage work in an effort to limit the effects of poverty. The numbers should prove shocking to many readers and employers.

For a family of four, with only one person working, it takes \$24.50 per hour to lift the family from the rolls of public assistance. At \$12.25 or lower, that family is eligible for almost every state and federal benefit, as it falls beneath the poverty line. Fortunately, this is a low wage, and summer lifeguards can often command \$15 an hour in Indiana. Still, we should be very watchful about wages, and think long and hard about the wisdom of training young people for occupations that cannot support them or their families. Here's why.

That family of four earning \$24.50 or less per hour is costly to the public purse. Their kids will receive a subsidized meal or two each day at school. The family might be eligible for Medicaid, which will cost \$18,000 or more per year. They are unlikely to receive food supplements unless someone is pregnant. This family won't pay any income taxes and will receive some Earned Income Tax Credit. Their kids will have free college through both federal and state grant and scholarship programs.

The closer that family's earnings slip to \$12.25 per hour, the more generous the benefits. Taxpayers will pay most of their rent, all their medical care, all their school lunch costs, a large Earned Income Tax Credit, and literally dozens of other programs. Now, I'm open to a broad debate over the size and incentive effects of these benefit programs, but apparently Congress is not. This is what we now have, for better or worse. This realization should inform our state and local policy towards jobs and job training. Sadly, we seem never to think through this in adult way.

**We need all kinds of jobs,** but it is bad policy to incentivize a business that that pays on average less than \$24.50 per hour. We already subsidize these jobs through direct payments to workers. In fact, most jobs we incentivize at the state and local level are well below this level.

We should be even more careful about promoting job training in careers that pay less than \$24.50 an hour. In fact, we should dissuade young people from entering any career that won't pay well enough to lift their family from the rolls of public assistance. It continues to shock me that this simple idea is the opposite of today's message

to Hoosier schoolchildren. Fewer than a quarter of the "Hot Jobs" without a high school diploma or less pay over \$24.50 an hour. Moreover, even this list is suspect since it includes such careers as "Air Traffic Controller" that Indiana says needs nothing better than a high school diploma. The US Department of Labor tells a very different story.

Perhaps the most important role of government is in ensuring that all students master the more fundamental and enduring skills of middle school mathematics and literacy. Over the coming two or three decades, no occupation will be left unchanged by technology. Workers who lack the fundamental skills of literacy and mathematics will be unable to adapt. Yet, stunningly, Indiana is shifting funds out of K-12 schooling and into job training.

**Finally, we need to send** a clear and consistent message to young workers. You should seek to substantial education and training beyond high school if you wish to raise a family in Indiana. If you don't, you should expect financial challenges throughout your life. Consider moving elsewhere. We must also send a clear message to employers. If you pay adults less than \$24.50, do not ask for more incentives or complain about a skills gap or worker shortage. Your business plan already depends upon generous subsidies from Indiana taxpayers. If you cannot make it without more subsidies, move elsewhere.

If Indiana really aspires to be a place of growing prosperity, we need to be much more aspirational with our children's education and ask more of the businesses that employ them. ❖

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## Carson backs 737Max move

WASHINGTON -- U.S. Rep. Andre Carson says the Federal Aviation Administration may be too cozy with the airline industry, and it should be examined if that's the reason the agency approved the Boeing 737 Max 8 (WIBC). Carson, a member of the House Subcommittee on Aviation, told the "Closing Bell" program on the Cheddar Network, that he believes any investigation has to dig deep in that direction. "To the president's credit, for him to issue an order to ground the 737 Max's was a good decision. I stand by my decision to support the grounding of the aircraft," said Carson, adding the FAA has had a record of zero fatalities in U.S. skies for the last decade. "Something is wrong in the system. It's time that we look very closely at the kinds of internal controls that need to be modified, that need to be corrected, that need to be tightened in a very real sense so these things don't happen." ❖

**Mary Beth Schneider, Statehouse File:**

Sen. Todd Young, one of two Republicans serving Indiana in the U.S. Senate, has tried to stake out territory as an independent-minded statesman. On his Twitter feed, Young said this week that “Hoosiers can always rely on me to examine every issue closely, to listen to their concerns, and to do what is in the best interest of our state and nation.” His voting record so far shows he doesn’t vote in lockstep with his party or President Donald Trump. According to the political news site fivethirtyeight.com, Young has voted with Trump 91.4% of the time over his Senate career—but only 77.8% in the current session. The Marine Corps veteran showed some independence this week in a vote to end American military assistance for Saudi Arabia’s war in Yemen and to curtail presidential war powers. It was the second time Young joined only six other Republicans to defy the White House on the war in Yemen, which has resulted in mass starvation and deprivation in that country. It makes his other vote this week all the more disappointing. Young joined with 40 Republicans in voting against a bill, already passed by the House, to end Trump’s declaration of a national emergency on the southern border. Trump is invoking it in order to take billions of dollars from the needs Congress funded, to pay for the wall they wouldn’t fund. They wouldn’t fund it when Congress had Republican majorities in both the House and Senate for his first two years in office. They wouldn’t fund it when Trump shut down the government in December. They wouldn’t fund it when Democrats took over the House. Voting for the resolution isn’t a vote against border security and crime, as Trump asserts. Most people here illegally overstayed their visas. Most drugs come through ports of entry. And the thousands who are coming to our borders won’t be stopped by the wall because they are coming to entry points seeking asylum, which is legal. Voting for the resolution is, however, a vote for Congress to do its job. It is a vote for preserving Congress’s power to appropriate tax dollars. And it is a vote against presidential overreach. Young said he shares the concerns on overreach, so would also back proposed legislation to rein in future presidents. Under that proposal, emergency declarations would have to be reaffirmed by Congress every 30 days. Just not this emergency declaration. What a crock. ❖



**Willis Krumholtz, The Federalist:** Last week, Vice President Mike Pence attended a private event at the American Enterprise Institute — a center-right think tank that traditionally holds an “internationalist” view on foreign policy — where he received an ear-full from none other than former vice president Dick Cheney. Cheney and his pals are very upset over the Trump administration’s “America-First” foreign policy. Cheney went after President Trump for seeking to pull U.S. troops out of Afghanistan and Syria, asking wealthy European allies to pay more for NATO, meeting with North Korean dictator

Kim Jong-Un, and not taking all the advice of his intelligence chiefs, among other things. CNN’s Michael Warren wrote a story that phrased the event as Cheney bravely confronting Pence over Trump’s foreign policy ineptitude, to the cheers of many of the meeting’s attendees. After cleared questions, Cheney accused the Trump administration of operating a foreign policy “that looks a lot more like Barack Obama than Ronald Reagan.” While former Weekly Standard writer Warren thought the news was Cheney going after Pence, the real news is Cheney’s neoconservative crowd—much of the GOP foreign policy establishment, which can be counted on to advocate for intervention overseas—being mad that President Trump won’t listen to their terrible advice. Cheney was one of the chief architects of the Iraq War, now in its seventeenth year with no end in sight. Given the neverending morass that war has become, and its utter failure to concretely benefit Americans in exchange for lives lost and trillions spent, it is preposterous that he would be lambasting the current vice president over foreign policy. He should instead be issuing public mea culpas. ❖

**Michael Gerson, Washington Post:** A friend just returned from some time with a group of wealthy conservative donors. “They were ambivalent about Donald Trump two years ago,” he said. “Now they are vociferously pro-Trump. There’s a psychological study to be done here.” Those in and around Republican politics have seen this dynamic at work. In spite of past misgivings, most GOP partisans seem to have accepted the idea that President Trump is their guy in the broader culture/political war. They have rallied to his defense in a way reminiscent of how Democrats rallied to President Bill Clinton during his scandal and impeachment. The problem is that Trump — unlike Clinton — is incapable of effective outreach to less partisan voters. To the contrary, he has confirmed public suspicions about his unfitness and instability. There is no measurable sense in which Trump has grown into the office he holds. He remains defiantly nativist, instinctually divisive, habitually offensive. A significant portion of the voting public has gone from ambivalence about Trump to alarm, hostility and disdain. Why have Republicans fallen in line with a politician who has sometimes targeted their own party and leaders for populist disdain? Why have conservatives come to the defense of a leader with decidedly unconservative views on trade and foreign policy? Why have religious conservatives embraced the living, breathing embodiment of defining deviancy down? This phenomenon would benefit from a psychological study. Those who violate their own beliefs for political gain, elevating the ends of politics over the means of character, become mentally invested in their choice. Admitting that Trump is a chaotic and destructive force in U.S. politics would require self-judgment. There is a reason that enablers enable — because a more objective self-assessment would bring guilt and pain. ❖

## Brooks says House won't override veto

ANDERSON — Both houses of Congress has adopted resolutions opposing President Trump's emergency declaration (de la Bastide, [Anderson Herald Bulletin](#)). U.S. Sen. Susan Brooks, R-5th District, spoke to the Anderson Rotary Club on Tuesday calling the situation at the border a "disaster." "That is a hot-button issue," she said of the national emergency declaration. "It followed the government shutdown of 35 days over funding to secure the border." Brooks said Trump used a presidential power granted by Congress and has been invoked 30 times. "In my view, the president has the authority under the law to declare a national emergency," she said. In the month of February, Brooks said, 76,000 people were apprehended trying to enter the country illegally along the border with Mexico. "That doesn't include those that didn't get caught," she said. "Things have changed along the border. Now it's families and unaccompanied children seeking to cross." "This is a huge humanitarian crisis," she said.



## Threat reported on Hammond Council

HAMMOND — Police said Wednesday they are investigating a report that a city councilman uttered a threat last month that was overheard by other council members (Reese, [NWI Times](#)). Councilman Anthony Higgs, D-3rd, is accused of making the threat after a regular meeting Feb. 11, according to a police report obtained by The Times and sources with knowledge of the investigation. Police redacted Higgs' name from the report because no charges have been filed, but sources confirmed Higgs' identity. Councilwoman Janet Venecz filed the report Feb. 28, telling Hammond police she was concerned for the

safety of herself, her family and other council members. Venecz told police two other council members overheard Higgs say something like, "If people don't stop messing me, someone is gonna wind up dead." Those two council members' names were not included in the report.

## Trump wants to keep China tariffs

WASHINGTON — With the U.S. and China preparing for a fresh round of face-to-face negotiations, President Trump said the U.S. expected to keep tariffs on Chinese goods in place for a "substantial period of time," even after a deal ([Wall Street Journal](#)). "We have to make sure that if we do the deal with China that China lives by the deal," Mr. Trump told reporters as he left Washington for Ohio. Administration officials have talked of removing tariffs in stages, as Beijing shows that it has carried out parts of a deal—and reimposing them if China later backtracks.

## Fed expected to keep rates same

WASHINGTON — The Federal Reserve expressed increasing concern about slowing economic growth as it left interest rates unchanged on Wednesday and showed little appetite for raising them in the near future ([New York Times](#)). The Fed's fairly downbeat economic assessment is at odds with the White House's rosy economic projections, which have continued to predict stronger growth than most other forecasters say is likely. The Fed, in a statement at the conclusion of its two-day policy meeting, said "growth of economic activity has slowed from its solid rate in the fourth quarter" and cited slowdowns in household spending and business fixed investment. Fed officials now expect economic growth of 2.1 percent for 2019, down from the 2.3 percent it forecast in December.

## ISTA says teachers injured in drill

NDIANAPOLIS — Members of the Indiana State Teachers Association testified before the Senate Education Committee Wednesday that some of its members were shot with pellet guns and injured during a training session (AP). The ISTA described a training exercise in some detail via its Twitter account Wednesday afternoon. It is not known in which specific school or school district the described incident happened. "During active shooter drill, four teachers at a time were taken into a room, told to crouch down and were shot execution style with some sort of projectiles - resulting in injuries to the extent that welts appeared, and blood was drawn," the ISTA Twitter thread reads.

## Trump attacks on McCain rile GOP

WASHINGTON — President Trump's disparaging attack on the late Sen. John McCain (R-Ariz.) is upsetting Senate Republicans who see the repeated insults on a former war hero and pillar of the Senate as unnecessary and corrosive (The Hill). Trump has lashed out at McCain four times in the last five days, most recently at an event in Ohio on Wednesday where he spent a full five minutes on the senator — at one point even evoking the senator's state funeral. "I gave him the kind of funeral that he wanted, which as president I had to approve," Trump told workers, who went silent during the remarks, at a tank factory in Lima. "I don't care about this, I didn't get a thank you. That's OK." Sen. Johnny Isakson (R-Ga.), usually a soft-spoken senator, chastised Trump for his behavior. "It's deplorable what he said," Isakson said in a radio interview with Bill Nigut of "Political Rewind." "It will be deplorable seven months from now if he says it again," he added. "We don't talk about our veterans in any way but to brag on them for the service they render."