

Donnelly still in INSen driver's seat

Kavanaugh effect hasn't given Braun an edge; issues shift to health care

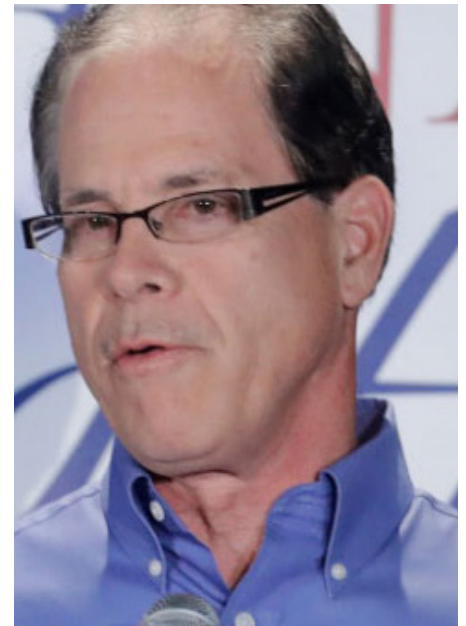
By **BRIAN A. HOWEY**
and **JACOB CURRY**

INDIANAPOLIS – We are three weeks out and not much has changed in the Indiana U.S. Senate race. FiveThirtyEight's data forecasting gives Sen. Joe Donnelly a 77% chance of winning reelection, with a projected vote share of 51.3%, Republican Mike Braun at 46.2% and Libertarian Lucy Brenton at 2.4%.



A Gravis Research Poll released by Real Clear Politics on Wednesday showed Donnelly with a 44-40% lead over Braun with Brenton at 7%. The margin of error is 5.1%. It's close enough we still label it a "tossup."

Braun has pumped another \$2.4 million of his own money into his campaign. He posted \$5.6 million for the third quarter after enduring some criticism from GOP



operatives that he was "coasting" last month. U.S. Sen. Joe Donnelly raised \$3 million in the third quarter and enters the final three weeks with \$4.5 million cash, com-

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#Metoo at the Statehouse

By **BRIAN A. HOWEY**

INDIANAPOLIS – Now comes the curious case of Speaker Brian C. Bosma. It involves an alleged incident more than two decades ago with an intern, married and of legal age for consensual sex, which is vociferously denied by the speaker, one of the most powerful (married) men in the state.



The storied rumor has been rattling around the Statehouse for years, verging into the realm of myth or legend. But it was a \$40,000 payment to lawyer Linda Pence at Smith-Amundsen and its appearance on Bosma's campaign disclosure reports that brought it to the present day. A year-plus into the



"America's basic and fundamental values demand a suspension of arms sales to Saudi Arabia. I continue to believe that Sec. Mnuchin should not attend the investment conference in Riyadh next week."

- U.S. Sen. Todd Young, reacting to the murder of Jamal Khashoggi



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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#Metoo movement, the real extraordinary aspect is that up until this point, no such allegations had surfaced at Capitol & Washington.

The former intern, Kandy Green, told the Indy Star that Linda Pence used the funds to conduct an exhaustive background check on her in a way that caused alarm for her family members. They felt intimidated. Democratic Chairman John Zody reacted, saying, "We believe that Speaker Bosma's actions appear to be tactics used to intimidate... That women must fear coercion and strong-arming by powerful elected officials to discredit and deter them from coming forward is sickening. If the allegations of intimidation are true, they are deeply troubling."

But Bosma said in a statement to the Star, "This unsubstantiated story from over 26 years ago is unequivocally false. My engagement of Linda Pence, a well-respected attorney and Democrat, was for the purpose of protecting my reputation from a false story by the Indianapolis Star."

This story gets complex due to the events of March 15 at AJ's Lounge, and their public disclosure in early July. Most of us know the details, but a quick synopsis is in order: Attorney General Curtis Hill was accused of making sexually inappropriate gestures and comments to a Democratic legislator, Mara Candelaria Reardon, and three legislative staffers.

Bosma and Senate President David Long engaged a law firm to conduct what was essentially a human resources review that consigned guilt on Hill. But the investigator never sought Hill's take on those events and at least one witness, Tony Samuel, says he was with Hill and didn't see the behavior. There were discrepancies in the Taft law firm report and others reported in the media involving Rep. Reardon.

When the report leaked to the press, there were cascading calls for Hill to resign from Bosma and Long, then Gov. Eric Holcomb, Lt. Gov. Suzanne Crouch, Democrat legislative leaders and Republican U.S. Senate

nominee Mike Braun. Holcomb cited "zero tolerance" for any type of sexual harassment or assault in his call for Hill to step down.

Hill decried the lack of due process. In a July press conference in which he refused to field questions, Hill explained, "I was not afforded fairness in this investigation. 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 investigation by the inspector general."

With the Hill allegations, there will be some resolution as Holcomb's appointed inspector general, Lori Torres, and a special counsel appointed by Marion County Prosecutor Terry Curry (former Adams County prosecutor and current Fort Wayne attorney Dan Sigler) review the allegations.

But when it came to Bosma, Holcomb deflected, telling reporters in a rare media avail last week, "This is not in my court or authority. There is a process to pursue this and it wouldn't be fair for me to comment on any of the specifics on a story with no benefit of a report to review."

Within hours, some 64 House Republican members or candidates issued a statement expressing solidarity with their speaker. "Having worked

alongside the Speaker, some of us for decades, we know him to be a man of integrity, and we believe him," the Republicans said in the joint statement. "We stand by him 100% as he continues to lead our state forward."

This all made for awkward theater in the "Big Tent" Friday night at the annual GOP fall dinner. Hill had a sponsored table, but was ignored by Vice President Pence and Gov. Holcomb, who did recognize Bosma. The IndyStar reported this morning that Hill was left off the party's "Bronze" donor list for the event. Essentially, this was a snub in front of the full party.

So, how should we process all this? Here are several of my observations:

1. In the #Metoo era, a simple allegation can end a career. Or, perhaps, allegations. Charlie Rose and Les Moonves of CBS, NBC's Matt Lauer, the late Roger Ailes and Bill O'Reilly at Fox, U.S. Sen. Al Franken and Hollywood mogul Harvey Weinstein all were forced from their jobs when multiple, credible allegations surfaced. Others accused, notably Indiana native Tavis Smiley and NBC's Tom Brokaw, have denied similar allegations and are fighting back.

2. Bosma said he spent \$40,000 to protect his career from an unsubstantiated claim. There are dozens, if not hundreds, of lawyers compiling billable hours defending clients who have had legitimate allegations made against them, and others who face weaponized assertions from individuals seeking retribution under #Metoo cover. There has been a tendency for media coverage of an allegation to assume what Attorney General Hill has described as the anti-American notion of "guilty until proven innocent," which is a 21st Century twist on the time-honored American and common law principle of presumption of innocence.

3. Bosma is likely to survive this story, but only if it's the only such one out there. Should multiple, credible allegations surface against the speaker in its wake, this could commence a sequence of wholesale changes in legislative leadership – with Long giving way to Rod Bray, Luke Kenley and Brandt Hershman followed by Ryan Mishler and Travis Holdman, and Ways & Means Chairman Tim Brown recovering from life-threatening injuries following a motorcycle accident, his status going into the 2019 budget year uncertain.

4. The notion of "zero tolerance" among Indiana politicians has almost zero integrity. Braun readily joined President Trump at a MAGA rally in Evansville last August even though there are at least two dozen women who have made sexual harassment and assault allegations against the president. When asked about this, Braun deflected, telling HPI that most of those were "tabloid" character insinuations, though CNN and NPR have published compilations and many appear credible. HPI was the only media source that pointed out Braun's zero tolerance inconsistency with Trump. The only one. The Donnelly campaign wouldn't touch the issue.

5. While Gov. Holcomb did not attend MAGA

rallies in Elkhart and Evansville with President Trump during this campaign cycle, informed and reliable sources tell HPI he has not ruled out appearing with Trump at future official events. What might be the difference between Donald Trump and Curtis Hill? Well, Trump is president of the United States.

6. President Trump's "you can grab 'em by the pussy" is recorded Access Hollywood history. Yet, Vice President Mike Pence serves as a loyal lieutenant to the



man he routinely calls one of our greatest presidents and leaders. And Second Lady Karen Pence, reportedly appalled by Trump's comments, also can be seen on stage with the president. I mean, he's the president! Apparently, "zero tolerance" does not apply when it's the president. (History may not be so kind.)

7. President Trump enjoys wide support among evangelical leaders ranging from Revs. Franklin Graham to Jerry Falwell Jr. to Tony Perkins (who gives Trump a "mulligan" for his adulterous one-night stand with porn star Stormy Daniels). On Tuesday, we watched our president call the porn star "Horseface" and she responded by calling him "Tiny." We have fallen that abjectly far in the cultural realm. Evangelical leaders cite King Cyrus from the ancient Book of Ezra – a heathen king who was an ally to the people of God. So Cyrus' excesses are excused and forgiven. But the cultural impact in modern America is a slippage of norms, where adultery and sexual harassment are forgiven if it's an avenue to greater political ends (like Justice Brett Kavanaugh and the coming abortion showdowns on the Supreme Court). Voters no longer seem to care, at least for now, or until another Clinton emerges. Mike Pence's 1990s writings of the presidency as a beacon for cultural and moral integrity are now far away, tinny echoes.

So, Indiana is not immune to the zeitgeist of our times, when it appears that to accuse is to convict, and "alternative facts" and "narratives" abound, along with rationalizations for heretofore unacceptable behavior. A slippage of ethical and legal norms, twisted context, and double standards persist in America in October 2018.

I wonder how the suburban, educated female voter will sort all of this out, and what verdict might she render on Nov. 6? ❖

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pared to \$1.9 million for Braun. As of Sept. 30, Donnelly had raised \$8,339,000 in individual contributions (67% of all such contributions to the major-party candidates); Mike Braun had raised \$4,119,000 (33%).

Braun has led in only one poll this fall, Fox News on Sept. 8-11 by a 45-43% margin, while a subsequent Fox Poll on Sept. 29-Oct. 2 had Donnelly up 43-41% with Brenton at 6%. That was taken after the explosive Senate Judiciary testimony surrounding Justice Kavanaugh and Donnelly's decision to vote against his nomination.

We are hearing different takes on whether "Kavanaugh effect" is still relevant, or whether other issues are beginning to take hold.

State Sen. Mike Delph, running in a tossup race in SD29 in Marion and Hamilton counties, tells HPI that the Kavanaugh effect is motivating the suburban female vote to his detriment. But House Republican Campaign Committee polling in several suburban districts around the state show voter intensity increasing among both Republican men and women. The Democratic intensity is still there, but Republicans have caught up. That's good news for Braun.

There are four issues surfacing this past week that might overtake any Kavanaugh effect.

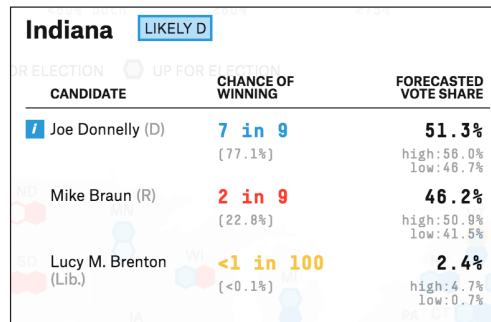
- The first is the murder of Washington Post columnist and Indiana State University graduate Jamal Khashoggi in Saudi Arabia's consulate in Istanbul on Oct. 2. President Trump suggests that the Saudi king and crown prince are innocent with "rogue killers" responsible for the grisly incident. But evidence grows daily that henchmen of Crown Prince Mohammad bin Salman were on the scene, including a forensic expert equipped with a bone saw used in what Turkish intelligence describes as a dismemberment. Americans continue to watch a video feed of Khashoggi walking into the consulate never to emerge again. Those are powerful optics.

- Second, the Wall Street Journal reports that the budget deficit has risen from \$666 billion last year to \$779 billion this year, a 17% increase. This gives Sen. Donnelly cover on his vote against tax reforms, insisting that it will be our kids and grandchildren who will bear this burden. The New York Times reported Wednesday that the tax cuts are not and will not likely "pay for themselves." NYT reporter Jim Tankersley writes: "The Congressional

Budget Office predicted the government would take in \$3.53 trillion in revenues for the fiscal year. On Monday, the Treasury reported that revenue was actually \$3.33 trillion for the year — \$200 billion short." And this comes with the economy hitting on all cylinders. That should be good news for Braun, but this election doesn't appear to be hinging on the robust economy. President Trump views it as a referendum on himself, though he said Tuesday that should Democrats take control of Congress, it won't be his fault.

- Third, Senate Majority Leader Mitch McConnell called the skyrocketing deficits "very disturbing," but blamed mandatory spending on entitlements such as Social Security, Medicare and Medicaid. This gives Donnelly

DATES	POLLSTER	SAMPLE	WEIGHT	DONNELLY / BRAUN		MARGIN	ADJUSTMENTS			
				LIKELY VOTER	TIME-LINE		HOUSE EFFECTS	ADJUSTED MARGIN		
SEP 29-OCT 2	Fox News	695 LV	1.53	43%	41%	D+2.0	—	◀0.1	◀1.5	D+3.7
SEP 12-19	Ipsos	1,181 LV	1.09	46%	43%	D+3.0	—	0.1▶	◀0.5	D+3.4
SEP 8-11	Fox News	677 LV	0.33	43%	45%	R+2.0	—	0.2▶	◀1.5	R+0.6
AUG 26-29	Marist College	576 LV	0.39	47%	42%	D+4.5	—	0.1▶	1.4▶	D+3.0



and Democrats an opening to tell voters that Republicans will seek to raise the retirement age and cut Medicare benefits. Those could be "third rail" debate points in a close race.

- Finally, President Trump continues to denigrate women. On Tuesday, he called porn star Stormy Daniels "Horse-face." She responded by calling him "Tiny" years after their infamous one-night stand. On Sunday night, he defended his derision of Kavanaugh accuser, Dr. Christine Blasey Ford, on "60 Minutes," saying, "Had we not made that speech, we would not have won." While some believe this rekindles the Kavanaugh effect, it also underscores a series of nasty comments Trump has made about women. That could spur more women to turn out on Nov. 6.

While the campaigns and their Super PAC allies continue to castigate their "Mexico Joe" and "China Mike" businesses, Donnelly has succeeded in focusing much of the late campaign debate on health care issues. Donnelly assailed Braun on seeking to end pre-existing condition coverage. Braun has responded with a TV ad saying he "fought the insurance companies" and will "always" cover pre-existing conditions. But fighting over that issue should be to Donnelly's advantage.

A Donnelly ad, in which he vows not to end ICE, seeks to build the border wall, and backed military spending increases while citing President Reagan's "peace through strength" mantra was seen by some as a desperate move to keep Republicans from fleeing in the wake

of his vote against Kavanaugh. The Donnelly campaign views it as another attempt at appealing to and slicing off a portion of the Trump base, particularly union workers who defected Democrats in 2016.

The other [key ad](#) this past week began airing last Friday and features Vice President Mike Pence. In the National Republican Senatorial Committee ad, Pence says, "President Trump and I have been delivering results to the people of Indiana every day. It's no thanks to Sen. Joe Donnelly. When it came time to cut your taxes, Joe voted no. Repeal and replace Obamacare? Joe voted no. Even when it came time to confirm Justice Kavanaugh, Joe voted no. Indiana, it's time vote 'no' on Joe and send Mike Braun to the Senate." Suburban polling HPI has seen from Hamilton and Marion counties in late September indicates President Trump's approve/disapprove was 41/55%, while Pence stood at 45/50%. So, this ad is another attempt to shore up Braun's standing with the Trump base.

Donnelly downplayed the ad, telling HPI Sunday evening, "The best response is the reason he's doing that is because he's struggling." That was in reference to Braun, who has trailed Donnelly in two of the last three polls by 2-3% and hasn't been able to escape the low 40th percentile of support. Donnelly reiterated he votes with Trump 62% of the time, and 77% on his judicial nominations. The Democrat concedes he is in "a close contest; it's hard-fought."

Pence made the case for Braun at the Indiana Republican Fall Dinner last Friday night in Indianapolis. "A vote for Joe Donnelly is a vote to make Chuck Schumer the majority leader of the United States Senate, quite possibly," Pence said. "I have a message, on behalf of myself and the president and conservatives everywhere, it's time to vote 'no' on Joe Donnelly."

Braun gave cautionary remarks to the GOP. "If we get it right, the conservative agenda will be in place for decades; if we get it wrong, we're all going to be miserable for decades," Braun said. One aspect he looked at was demographics. "The most disturbing thing in 2016,



Vice President Pence's TV ad against Sen. Joe Donnelly (top). Indiana Pacer Victor Oladipo endorsed Donnelly, who campaigned at Capri on Sunday.

about the election, is that if Millennials had voted, we would've carried only two states, West Virginia and Kentucky," Braun said. "That tells you the narrow window of opportunity we've got."

While Pence was speaking in Indianapolis, former Vice President Joe Biden appeared at a Donnelly rally with Indiana Pacer star Victor Oladipo at the Hammond Civic Center. "If there's any time we need more character in the United States Senate, it's now," Biden said as Donnelly looked on. "There's a desperate need, in both parties, for women and men with character, who put their country above their party, above a president, above their own self-interests. And that's Joe. That's Joe Donnelly. Joe has more character

in his little finger than the vast majority of the men and women I've worked with in my career." Pacer Oladipo told the crowd that the state is his adopted home and then said, "Vote Donnelly."

As for the week ahead, after the debate in Westville, Donnelly noted that a bill he authored is on Trump's desk awaiting his signature. It would allow for telemedicine options for rural counties and speed up the research by Eli Lilly and other pharma companies on non-addictive painkillers, saying that "it could change everything." Donnelly said in Westville he expected Trump to sign it last week. Does he still expect President Trump's signature? "I do," Donnelly told HPI. Asked if politics might be cause for delay, Donnelly said, "I hope not. I trust the president. I think he'll make sure it moves forward. It's on his desk and actually I hope it happens this week."

When President Trump signed the Right to Try bill, he gave a shout-out to Donnelly, which ended up in a TV ad for the senator. So, the president might be reluctant to give Donnelly that kind of cover here in the home stretch.

Donnelly and Braun debate again on Tuesday, Oct. 30, in Indianapolis. This race will likely remain close through that final showdown. Always in the back of everyone's mind is that "October surprise" that could alter this race. Some thought it might be Kavanaugh. Or Khashoggi. Or it could be something we can't foresee or fathom at this point. **Horse Race Status:** Tossup. ❖

Donnelly takes on Braun's blue shirts

By JACK COLWELL

SOUTH BEND – Sen. Joe Donnelly is seeking to turn Mike Braun's blue shirt inside out, seeking to make the Republican challenger look funny, phony.

Braun's trademark blue shirt was positive attire for him in defeating two formidable Republican congressmen in the GOP primary. He contrasted his open-collar look with cardboard cutouts of the congressmen, each with coat and tie, Washington lookalikes. His TV ads on that theme, blue-shirt outsider from the business world vs. Washington suits, were acclaimed as best in the Indiana primary, key to his victory.



Blue shirt giveth. Could blue shirt taketh away?

The Democratic Senate Majority PAC, supporting Donnelly, has countered Braun's claim as an

open-collar-blue-shirt kind of guy, mocking him in a series of TV ads as really a millionaire businessman mistreating workers and falsely denying selling "Made in China" stuff.

One TV spot featured two Mikes in blue shirts. One is identified as Mike Hunter, an electrician who "wears a blue shirt to work." The other is Braun, "who wears one to hide the truth."

Another showed multiple pictures of Braun in his blue shirt, while a narrator declares: "How to act like you stand up for workers: Wear a blue shirt . . . again, and again and again. Just ask millionaire Mike Braun. But a blue shirt can't hide a bad record. Mike Braun's company has been cited 122 times for workplace violations, including unsafe conditions and refusing overtime for workers who earned it."

Some viewers, maybe many, will find mocking of the blue shirt kind of funny, just as many viewers found Braun's mocking of the suits, the congressmen, funny in the primary campaign.

Belittling suits worked. Will belittling of Braun's blue shirt as phony work now? If Donnelly wins re-election in this toss-up race, those blue-shirt TV ads could be acclaimed, just as Braun's ads were this spring.

One of the most effective campaign strategies is to take a positive part of the opponent's image and turn it into a negative. The congressmen Braun defeated had positive credentials for a Republican primary with their voting records in Washington. Braun turned that into something negative, portraying them as cookie-cutter members

of a Congress with low approval.

Now, how many voters looking at Braun will find his blue shirt something positive? How many will come to view it as a symbol of phoniness, something negative?

Donnelly picked up the theme in the first debate, telling his opponent: "Mike, you need to do more than take your tie off to gain the trust of the people of Indiana."

There actually was speculation before the debate that Braun might show up in different attire. Did he fear his trademark blue shirt had become a joke?

But what could he do? Abandon the trademark attire that had brought success? Wear a red shirt to show readiness to counter any blue wave? Wear an extremely long tie to stress admiration of President Trump? Wear blue suede shoes to match his shirt and attract the votes of Elvis fans?

While both candidates stress cooperating with President Trump, there's no doubt that Braun, endorsed by Trump, would be more supportive of everything Trump. And there's no doubt that Donnelly, a moderate who has often sided with Trump proposals, would be more likely to vote against some future Trump proposals.

There are important issues in the Senate race. Health care ranks No. 1. So, should a blue shirt be an issue? Why not? Image is important. Nothing new.



Political consultants, making a living by burnishing or bashing images, could after Nov. 6 advise all male candidates in Indiana to wear open-collar blue shirts. Always. Or they could warn that winning with the blue shirt could lead to losing in the political image battles on TV if your opponent turns your blue shirt inside out. ❖

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

After a year of change at Statehouse, eyes on Bosma, Lanane races

By **BRIAN A. HOWEY**

INDIANAPOLIS – For the past dozen years, leadership of the Indiana General Assembly has been remarkably stable. Senate Pro Tem David Long, House Speaker Brian Bosma and their finance teams firmly entrenched through the three Republican governorships of Mitch Daniels, Mike Pence and now Eric Holcomb. Bosma lost

the speakership when Democrats took control of the House between 2007 and 2011, but he's emerged to become one of the most powerful speakers in Hoosier history, using his influence to guide ambitious and sometimes

transformative legislative agendas. Bosma is, literally, the second most powerful leader in the state.

But 2017-18 began a gradual breakup of this power structure, first with the departure of Senate Appropriations Chairman Luke Kenley, then Tax & Fiscal Policy Chairman Brandt Hershman, and finally with Long's forthcoming retirement. For House Democrats, Minority Leader Scott Pelath has passed the torch to Terry Goodin.

On the eve of this year's mid-terms, there may be a significant amount of uncertainty for the first time in a generation in the leadership of the General Assembly. On the fiscal front, Ways & Means Chairman Tim Brown's critical injuries in a Michigan motorcycle accident seem to require a prolonged recovery. Some of Bosma's key lieutenants, Reps. Bill Friend and Kathy Kreg Richardson, are retiring.

Bosma is weathering the report of an alleged (and aged) consensual sexual relationship with an intern that he vociferously denies, while also facing a challenge from Democrat Poonam Gill in a suburban district that has changed demographically since the crafting of the 2011 maps. And Senate Democratic Leader Tim Lanane finds himself fending off an ardent challenge from Republican attorney Zaki Ali.

With Trump-era politics in a state of disruption and destabilization, where Democratic waves can breach into Republican tsunamis almost overnight, there looms the specter of a wholesale change in General Assembly leader-

ship inside of a year.

While it's unlikely at this writing, what if Bosma and Lanane were to suffer the same type of wave-year defeats that Speakers J. Roberts Dailey and Michael K. Phillips did in 1986 and 1994? What if in January 2019, at the advent of the long legislative session, Hoosiers woke up with a new president pro tem, a new speaker, rookie minority leaders, and fiscal leaders in both chambers who have never before drafted, crafted or negotiated a \$30 billion budget deal?

Bosma's race against Poonam Gill

Our analysis makes no judgment regarding the allegation against Bosma in an Indy Star story that surfaced last week. Our analysis simply acknowledges the published articles and public reactions to date. The Star reported what purports to have been a consensual sexual relationship between Bosma and the former intern, Kandy Green, more than two decades ago. It was based on a campaign finance report showing Bosma paid attorney Linda Pence \$40,000 to research the allegations.

"This unsubstantiated story from over 26 years ago is unequivocally false," Bosma told the Star. "My engagement of Linda Pence, a well-respected attorney and Democrat, was for the purpose of protecting my reputation from a false story by the Indianapolis Star."

More than a year into the #MeToo movement that has seen sexual harassment and assault allegations aimed at leaders in business, the media, Hollywood, Congress and state legislatures across the nation, an allegation can put a lengthy career on the ropes. Multiple allegations – as have occurred with Sen. Al Franken, Hollywood mogul Harvey Weinstein, and public personalities ranging from Charlie Rose and Matt Lauer to the late Roger Ailes and Les Moonves – can end those careers.

That Bosma retained legal counsel and launched an pre-emptive investigation is a new emerging reality. Other public persons, such as Indiana native Tavis Smiley and NBC legend Tom Brokaw, have faced sexual allegations and fought back with public statements and legal means, such as counter-suits.

The twist for Bosma is that last spring, he and Long instigated what was essentially a human resources investigation into March 15 allegations made by a Democratic legislator and three legislative staffers against Attorney General Curtis Hill, who is now the subject of inspector general and special prosecutor probes. Once the resulting report became public, Bosma, Long, Gov. Eric Holcomb and Lt. Gov. Suzanne Crouch all called on Hill to resign, citing "zero tolerance" for sexual harassment.



Speaker Bosma and Ways & Means Chairman Tim Brown. (HPI Photo by Mark Curry)

In the Bosma case, Gov. Holcomb has not acted, saying he has not received an “official report” on the matter. Beyond the initial Star reporting, the Bosma/Hill allegations created some weird optics at the Indiana Republican Fall Dinner last Friday. Both had sponsor tables adjacent to each other, with Hill seated beside businessman Forrest Lucas, a long-time GOP donor to all involved. Holcomb recognized Bosma in his remarks, but not Hill.

Our analysis is that sans an “official report” concerning Ms. Green or the emergence of other women with similar allegations, Bosma is likely to weather the current controversy, which has been churning in the Statehouse rumor mill for decades. But, Bosma does have a Democratic challenger, Poonam Gill. The Purdue engineering graduate is highly regarded in Democratic circles. The speaker’s HD88 is a suburban district, and as HPI reported on Sept. 27, Republicans acknowledge the Indianapolis portion of the district is changing demographically while the 2011 maps added GOP strongholds from Hancock County.

Gill reacted to the Indy Star story, saying on Twitter, “Earlier today I learned of the troubling allegations that Speaker Bosma intimidated and harassed a former female intern over an alleged sexual encounter. If true, it is disheartening and wholly unacceptable that he would choose to use his position of power, authority and resources to treat her in such an undignified manner. Not only would such behavior be personally devastating to the woman at the center of this situation, it would have a significant chilling effect on other young women with similar experiences. We deserve better from our leaders of Indiana.”

House Democratic sources, speaking on background, told HPI on Tuesday that Gill has raised “north of \$100,000” and will begin digital, cable and direct mail advertising this week. “Poonam has done everything right in this campaign. She’s a great candidate,” the Democratic operative told HPI on background. “This is the kind of district that cares about that stuff. She needed a break to win and she got that break.”

The Democratic source told HPI that an ethics complaint on House Rule 166 is coming; it’s the rule that holds House members to the “highest integrity.” The source said: “I don’t think paying a law firm \$40,000 to harass a victim is of the highest integrity.”

HPI has seen polling from a neighboring suburban Indianapolis district, as well as SD29 where Sen. Mike Delph is attempting to

ward off a stiff challenge from Democrat J.D. Ford. In both districts, as well as Bosma’s HD88, suburban female voters are highly motivated and, according to GOP sources, the impacts of allegations against Supreme Court Justice Brett Kavanaugh are actually cutting against Republicans, the opposite of their effects in more rural, conservative Indiana districts. Delph told HPI on Monday that the so-called “Kavanaugh effect” has actually become another hurdle in



Democrat Poonam Gill (third from left) campaigns with her door-to-door canvassing team.

what he describes as a tossup race in his district.

But a Republican operative, again speaking on background, has been polling suburban districts in the state over the past week, including HD88, and doesn’t see a wave materializing. They are seeing tight races in HD19 with Rep. Julie Olthoff and HD26 with Rep. Sally Siegrist, with polls showing heightened interest from Republican men and women. “Democratic intensity was already there,” the source said. “Republicans have caught up.”

In these districts, President Trump’s approval hovers around 40%, his disapproval is above 50%, and Vice President Pence polls at 45% approval. Sen. Joe Donnelly



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strategic content creation and deployment

had comfortable leads over Republican Mike Braun.

In our most recent analysis of the race, we expressed skepticism that HD88 was actually in play. We noted that in 1986, Speaker Dailey had a specific cultural issue working against him (he opposed a lottery referendum). In 1994, Speaker Phillips was the victim of a giant Republican wave and suppressed Democratic turnout.

This year, that potential cultural issue has surfaced with Bosma. The so-called "blue wave" doesn't appear to be manifesting itself across Indiana, but there are suburban islands where it could, and the speaker represents one of them. Bosma will have ample financial resources to respond to any dangerous challenge. His yard signs are in the ground, and he will commence radio ads later this week.

Further allegations or the manifestation of a wider wave could create a dramatic three-week homestretch, but at this point neither seem to be materializing. **Horse Race Status:** Likely Bosma.

Lanane's intense challenge in SD35

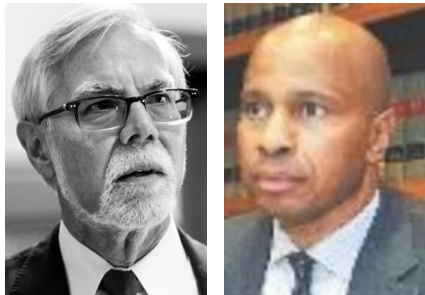
Senate Minority Leader Tim Lanane easily turned back a primary challenge from Anderson Councilman Tami Dixon-Tatum. He won the race with 65% and the councilwoman said she would support him in the fall. But informed and reliable sources say that Lanane is concerned. Not only has the so-called wider "blue wave" failed to materialize, but he has been plagued with a series of local issues.

Anderson Herald-Bulletin reporter Ken de la Bastide calls this "a tight race." He said of Lanane, "He's out working all the time.

It's the hardest I've seen him work." So has his Republican opponent Zaki Ali, focusing his campaign on the Delaware County portion of the district. "He's been getting help from the national party," de la Bastide noted.

In addition to Ali, Lanane is reckoning with "simmering problems" in Anderson. Two African-American council members held up the budget for several weeks in the wake of a State Board of Accounts audit that found the city had no policy for employee credit card use. "They were really digging in at Mayor Broderick," the reporter said.

Then there was Evan Broderick's DUI. He is the mayor's son and worked as a deputy city attorney to Lanane. He was suspended without pay until he resigned on Tuesday. Combined, they are not only creating day-job headaches for Lanane, but they stoke up some of the simmering west-side resentments that prompted Council-



Senate Minority Leader Tim Lanane is facing an intense challenge from Republican Anderson attorney Zaki Ali.

woman Dixon-Tatum to run in the first place.

As with Bosma, we still see this as Lanane's race to lose. But there are external events and pressures coming into play during the homestretch. **Horse Race Status:** Leans Lanane.

SD26: Open (Sen. Doug Eckerty retiring). **Republican:** Madison County Councilman Mike Gaskill. **Democrat:** Anderson Fire Chief Dave Cravens. **Analysis:** Money is spilling into this race in the final weeks. Cravens got \$9,650 from the Indiana Democrats; Gaskill has received a total of \$40,259 (\$11,100 from Senate Majority Campaign Committee, \$10,159 from GOP State Committee, \$2,000 from Indiana Manufacturers PAC, \$1,000 from Braun Timber Industries, and \$15,000 from Mark Messmer's committee). **Horse Race Status:** Tossup.

SD29: **Republican:** Sen. Mike Delph. **Democrat:** J.D. Ford. **Analysis:** Delph is running cable TV ads now. Ford received \$24,000 from the Business Advocacy Committee while Delph has reported \$35,500 from Senate Majority Campaign Committee. Delph was endorsed by the National Federation of Independent Businesses (NFIB). The Ford campaign has a direct mail piece saying that Delph voted to legalize sawed-off shotguns. The Delph campaign tells HPI that this measure was to bring Indiana in alignment with federal law and that it was supported by State Sens. Greg Taylor, Reps. Justin Moed and Karlee Macer, as well as the Minority Leader Scott Pelath. Another Ford flier quotes Delph's predecessor, Murray Clark, as calling him "the most controversial senator in the past 25 years." Clark put out a statement denying the quote, saying Wednesday, "The quote attributable to me is a blatant falsehood. I am asking the State Democrat Party and Mr. Ford to issue an immediate retraction of the mailer they just sent. I never said the comment in question nor would I. Mr. Ford owes Senator Delph and me an apology."

Horse Race Status: Tossup.

SD31: **Republican:** State Sen. Jim Merritt. **Democrat:** Derek Camp. **Analysis:** Merritt has received a total of \$9,904 in late contributions (\$6,404 from Indiana Republican State Committee, \$1,000 from Pfizer PAC, \$1,000 from Community Health Network, and \$1,500 from Thomas Sheehan). No late cash report from the Camp camp. **Horse Race Status:** Leans Merritt.

SD38: **Republican:** State Sen. Jon Ford. **Democrat:** Chris Gambill. **Analysis:** Sen. Ford pulled off one of the big upsets in 2014, defeating Sen. Timothy Skinner 13,585 to 12,580. Late money is also spilling into this race, with Ford receiving a total of \$21,500, including \$12,800 from SMCC and \$8,700 from Indiana Republican State Committee. There were no late money reports for Gambill. **Horse Race Status:** Tossup.

SD45: **Republican:** Chris Garten. **Democrat:** Jeffersonville Councilman John Perkins. **Analysis:** This is an open seat, vacated by the retiring State Sen. Jim Smith, who defeated Democrat Julie Berry 19,827 to 16,994. Garten received \$7,600 from Michael Allgood. Perkins has not

received any late funding. **Horse Race Status:** Tossup.

HD19: Republican: Rep. Julie Olthoff. **Democrat:** Lisa Beck. **2016 results:** Olthoff 15,236, VanDenburgh (D) 14,895, Demaree (L) 1,288. **Analysis:** Both Republican and Democrat operatives tell HPI this race continues to be a pure tossup. It's suburban and Democrats believe that Beck is in position for a pickup of this seat. Republicans tell HPI that Olthoff's gender gives her a better chance at winning reelection. A male candidate wouldn't be expected to fare as well in this environment. **Horse Race Status:** Tossup.

HD26: Republican: Rep. Sally Siegrist. **Democrat:** Chris Campbell. **2016 Results:** Siegrist 11,067, Woeste (D) 9,980. **Analysis:** Monday opened Tippecanoe County's roving satellite voting stations, which will hit nearly two dozen retirement homes, high schools and supermarkets, in addition to the daily presence in the elections office, before the Nov. 6 election (Bangert, Lafayette Journal & Courier). But in 2014, a midterm election with no presidential race in play, nearly four weeks of early voting netted 9,822 ballots on the county's way to a 30% turnout. The first four days this year, including Monday at Purdue, saw 1,934 voters. (In the 2016 presidential election year, Tippecanoe County had 32,921 early voters, which was slightly more than half the total by November.) Coffey said the number of in-person voting, compared to the same time in 2016, is running at just shy of 90%. **Horse Race Status:** Tossup.

HD24: Republican: State Rep. Donna Schaibley. **Democrat:** Naomi Bechtold. **Libertarian:** Donald Rainwater III. **2016 results:** Schaibley (R) 29,297, Cetinok (L) 6,450. **Analysis:** While Democrats believe that suburban female voting will help boost their candidates, GOP sources tell HPI that Schaibley continues to have a double-digit lead in this race. **Horse Race Status:** Likely Schaibley.

HD71: Open (Rep. Steve Stemler (D) is retiring). **Republican:** Matt Owen. **Democrat:** Dr. Rita Fleming. **Libertarian:** Thomas Keister. **2016 results:** Stemler 18,728, Keister (L) 4,578. **Analysis:** Since winning her primary in May, Fleming says she has been focused on talking one on one with residents (DePompei, News & Tribune). Two things dominated Fleming's conversations with voters: "People are sick and tired of extreme partisanship ... of a situation where there always has to be a very clear winner and a very clear loser," she said. "I try to tell them not to be too discouraged, and I try to tell them this is why I'm running for office." The second? Health care, a topic Fleming says often comes up before people learn she's a physician. If elected, Fleming says she would work to make sure people with pre-existing conditions, and the public at large, have access to affordable health care. "[But the public] needs to realize that it goes both ways, that health care is a right, but that we also need to take some responsibility for taking care of ourselves." Fleming wants more emphasis on preventive care, including

educating the general public, and turning to employers to incentivize healthy habits. As a shift commander for New Chapel EMS, Owen's mind is also on health, particularly on the ongoing opioid epidemic. "We deal with it weekly, still," he said. Owen wants to see more access to treatment, and clearer pathways to getting there. But it's workforce development that tops Owen's priority list. He wants to make sure that the millions of state dollars allocated for job training benefits Southern Indiana. **Horse Race Status:** Likely Fleming.

HD81: Republican: Rep. Martin Carbaugh. **Democrat:** Kyle R. Miller. **2016 results:** Carbaugh 13,925, Haddad (D) 8,938. **Analysis:** GOP sources are telling HPI that this race is extremely competitive. **Horse Race Status:** Tossup.

HD89: Republican: Rep. Cindy Kirchofer. **Democrat:** John F. Barnes. **2016 Results:** Kirchofer 13,683, Burke (D) 11,367. **Analysis:** Kirchofer went up on TV three weeks ago. GOP sources tell HPI it was nothing more than attempt to get her message out before the U.S. Senate race dominates TV advertising. HRCC gave Kirchofer \$5,000 in late money. HRCC polling has Kirchofer with a double-digit lead. But Barnes told HPI on Sunday night, "Our polling tells us it's a 50/50 district and it really depends on voter turnout. We're getting a great reaction in both southern Lawrence Township and Beech Grove. We feel like it's ours to win at this point. Right now, like the opioid epidemic and payday loan issues are big. There are concerns about Cindy's stands on these issues." As for Kirchofer's early advertising, Barnes said, "She went up on TV three weeks ago. There aren't any other legislative candidates on TV, so that tells us she's very concerned." **Horse Race Status:** Leans Kirchofer.

Congress

2nd CD: Hall has \$665k cash

Democrat Mel Hall ended the 3rd quarter with \$665,374 cash on hand. He has loaned his campaign a total of \$2.1 million of the \$3,2018,830 he has raised. Walorski reported \$779,528 cash on hand and has raised \$2,580,624 for the cycle. Hall's campaign announced Wednesday night that they have been added to the DCCC's Red to Blue program. It's a big boost for the Second District challenger, who most pundits agree is facing tough odds in his bid to unseat Rep. Jackie Walorski. The program gives campaigns additional organizational and fundraising support. A Hall campaign press release included a statement from DCCC Chairman Ben Ray Lujan. "From serving as a minister in impoverished communities to building a health care company that created hundreds of jobs, Mel Hall has a wealth of experience that has prepared him to tackle the priorities that matter to Hoosier families. His grassroots campaign and focus on issues like health care and retirement security are clearly resonating with voters and creating a contrast with his opponent.

Mel has shown he has what it takes to win, and no one is going to work harder than him to make it happen and flip this seat." The campaign also included their own statement. "This is good news, and another sign that this race is neck and neck," said Andrew Galo, spokesman for the Hall campaign. "We will continue to remain focused on issues important to Hoosiers in the 2nd District, like protecting health care and cleaning up Congress." **Horse Race Status:** Likely Walorski.

3rd CD: Tritch outraises Banks again

Democrat Courtney Tritch outraised Republican incumbent Jim Banks in the most recent FEC reporting period of 2018. From July 1 - Sept. 30, Tritch reported \$248,128.15 in contributions, while Rep. Banks reported \$151,008.91. This is the third time Tritch has outraised Banks this election cycle. While Banks received the majority of his funding from PACs, 96% of Tritch's total contributions in this most recent period came from individuals. "I want to thank our thousands of dedicated supporters for their willingness to invest in this movement and demand change in Indiana's 3rd District," said Tritch. "With three weeks left until Election Day, it's clear that the people of northeast Indiana are ready for new leadership." **Horse Race Status:** Safe Banks.

6th CD: Pence's 'submarine strategy'

Republican congressional candidate Greg Pence is re-deploying the game plan that won in the primary election: Dodge the media, avoid debates and spend time with voters at parades and festivals (Slabaugh, Muncie Star Press). Pence's campaign has ignored his Democratic opponent, Jeanine Lee Lake, who has accused him of "hiding." The state Democratic Party chairman calls Pence "a chicken." The Star Press newspaper, based in the district's largest city (Muncie), was denied an interview with Pence for the primary election, and this fall has been unable even to get through to his communications director, who has not returned repeated phone calls and emails since Sept. 10. "They must have a 'submarine strategy' of run silent, run deep," observed Chad Kinsella, an assistant professor of political science at Ball State University. **Horse Race Status:** Safe Pence.

9th CD: Watson posts \$874K

Democrat Liz Watson posted \$874,028 raised in the third quarter of the year. That is the biggest fundraising quarter for the campaign and shows some momentum heading into the final three weeks. Watson is challenging U.S. Rep. Trey Hollingsworth. "Voters are getting serious about who they want to represent them in Congress and they see a clear contrast," said Brian Peters, the Liz for Indiana campaign manager. "Liz has always fought on behalf of working families. Trey has only ever fought for himself." Hollingsworth only raised \$234,861.45, which is less than previous quarters. Ninety-three percent of the

third quarter donations for Watson came from individuals and the candidate has pledged not to take corporate PAC money. **Horse Race Status:** Likely Hollingsworth.

Statewides

Holcomb ad for GOP ticket

Gov. Eric Holcomb is featured in a TV ad boosting the Republican ticket of Secretary of State Connie Lawson, Treasurer Kelly Mitchell and Auditor Tera Klutz. Holcomb



says, "Results. That's what we need in state government. And it's what we get with Connie Lawson, Tera Klutz, and Kelly Mitchell. Secretary of State Connie Lawson safeguards the safety of our

elections ... and protects seniors against scams. We can count on Auditor Tera Klutz to keep delivering government transparency and accountability. And Treasurer Kelly Mitchell's experience means she's built a strong track record of protecting Hoosier taxpayers. Connie, Tera, and Kelly have my vote... I hope they have yours, too." **Horse Race Status:** All Safe Republican.

Secretary of state race focuses on security

Election security has been the focal point of the three-way race for secretary of state this year (Kelly, [Fort Wayne Journal Gazette](#)). Incumbent Republican Connie Lawson defends work done under her tenure to ensure the integrity of Indiana's elections, while Democrat Jim Harper and Libertarian Mark Rutherford say she hasn't gone far enough. Indiana's secretary of state is the state's chief election officer, but the office also regulates auto dealers and securities as well as chartering new businesses. The term lasts four years and pays about \$82,500 annually. Lawson pushes back on questions about whether Indiana's elections are secure, saying repeatedly that voting machines aren't hooked to the internet. Harper says Lawson should have more to show for her six years in office. He said all counties should have machines that print out a receipt of each ballot cast to the voter so evidence is available if a recount is necessary or election tampering occurs. Rutherford agrees with Harper, saying Indiana needs to ensure that an individual's vote can be verified. ❖

Walorski, Hall was as predictable as the first

By JACOB CURRY

INDIANAPOLIS – The second, and reportedly final, debate between the 2nd CD incumbent Rep. Jackie Walorski and her Democrat challenger Mel Hall on Tuesday night was, for the most part, just as predictable as the first.

The candidates were given a chance to repeat their views on health care, immigration, gun control and trade. They revisited attacks used in the previous debate, which have also been prominent in campaign ads, like questions over Hall's D.C.

residence and Walorski's accessibility to the district.

Retreading these points comes as no surprise. Both candidates have devoted much of their campaigns to the issues of healthcare and trade, and the exchange of suspicions and accusations has been ramping up throughout this month and September. So, it was another debate that went pretty much as expected.

However, for all the plainness of this debate, there was one strange moment toward the end. After a voter-submitted question mentioned fatigue with the negative ads, the candidates quickly jumped to negativity. After assailing each other over campaign financing, Walorski attacked Hall for donating money to Hillary Clinton's 2016 campaign (which is backed up by FEC records) and casting his vote for her, saying he's "not from this district." Hall seemed stunned at Walorski's comment, wondering where she gained the "clairvoyance" to prove his voting record before moving on. It was an admittedly off-putting moment, is St. Joseph County – which Clinton won narrowly in 2016 – no longer part of the Second District?

Still, the hour-long debate did cover several new topics. A South Bend Tribune article published the day of the debate alleged that public tax and voting records indicated that Hall had resided in the nation's capital (at least as a primary residence) for longer than he had initially stated. Walorski's campaign has made the D.C. residency a big talking point, and the congresswoman was quick to use the article to question Hall's trustworthiness.

The Democratic candidate tried to deflect whenever the issue was raised, at one point lifting up a small postcard and reading off a short list of the money Walorski has received from businesses and PACs when she pressed him on lying. After another attack, Hall accused Walorski of ignoring the issues: "These are the kinds of things that people are focused on. My opponent is focused on accusations that I was a lobbyist. I was not." Things went similarly on that point for the rest of the debate.

On the issues, two questions were raised on abortion and the deficit. Neither issue has really been given a

prominent position in the messaging between these two campaigns, but again the responses were what you might expect from a congressional race in this type of district.

Hall cited the personal struggles within the community that he witnessed as a minister in Detroit for his guidance on the issue of abortion. He stated that it should be a woman's choice, "along with her faith," to decide what to do – not the government's.

Walorski, on the other hand, reiterated her staunchly pro-life views. Noting that she understood the difficulty as a woman, Walorski continued, "I believe every single baby deserves to be born," and then mentioned her endorsement by pro-life groups.

The representative came under fire from her opponent when it came to the deficit. Walorski said Republican plans to further reduce regulations and slice revenue would prove a long-term fix to the budget issues. It wasn't a satisfactory answer for Hall, who criticized Walorski and Congress for a lack of results. "Under your watch, the national debt has exploded," Hall charted. "You were there. You didn't do anything to curtail it"

Hall advocated for closing avenues of overseas tax evasion for multinational companies and cutting unnecessary healthcare costs on paperwork and other such regulations.

When it was time to discuss the ability to get results in Washington and to work with the White House, the candidates' answers mirrored one another. Both Hall and Walorski described themselves as believers in the middle-ground. Hall has repeatedly called attention to his "relentless pragmatism" this campaign, while for her part Walorski often speaks about "common sense solutions." Both candidates also accused their opponent of towing party-lines. In other words, more of the standard messaging on these questions.

The final three weeks of this 2nd CD campaign will not feature another debate, but we can expect to see more of that standard messaging in one form or another.

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The old shell game when it comes to NDAs

By **LINDA CHEZEM**

MARTINSVILLE – With all the various sexual harassment stories popping up in the news, one is reminded of the old walnut shell game. Wondering which shell hides a kernel of corn is fun for a child, but for adults hunting for kernels of truth in the name of fairness, the political shell game is troubling.



What factors hide the truth when public officials are charged with sexual harassment or other objectionable conduct? Universally, there are unwritten codes of conduct to not be a tattletale. Additionally, when an elected official holds perceived power over staff or other office holders, then support or silence may be seen as a critical political

survival tactic.

If the conduct and the threat of public knowledge are serious enough, an accused officeholder may make a payment or a settlement that includes a provision that the settlement or payment cannot be disclosed. This kind of agreement is known as a non-disclosure agreement (NDA) and has historically withheld the kernel of truth from public scrutiny.

Such agreements or settlement are rumored to be fairly common. Who knows whether Indiana has legislators who have paid for such agreements? There are no requirements for public disclosure about sexual harassment claim payments and Indiana officeholders. Whether any public funds have been used to pay claimants of harassment is not easily ascertainable by the public.

Regardless of what may be happening in Indiana, there are several indications that the confidentiality of such payments may be short-lived, at least in states other than Indiana. A number of states have considered and a few have enacted legislation about non-disclosure agreement enforcement.

The National Conference of State Legislatures reports that “2018 has brought an unprecedented amount of legislation on sexual harassment and sexual harassment policies. Some 32 states have introduced over 125 pieces of legislation.

States have [introduced legislation](#) to expel members, criminalize sexual harassment in legislatures, and mandate harassment training within the legislature, among other topics.”

One example of a state’s legislative activity was enacted by the Legislature of the State of Arizona: 2 Section 1. Title 12, chapter 6, article 12. Confidentiality agree-

ments; disclosure of information relating to sexual assault or sexual harassment; applicability.

A. A confidentiality agreement that restricts the disclosure of factual information that is related to a sexual assault or sexual harassment, including factual information that is related to an allegation of or attempted sexual assault or sexual harassment, is against this state’s public safety and policy and is void and unenforceable.

B. A person may not enter into a confidentiality agreement that restricts the disclosure of factual information that is related to an allegation of or attempted sexual assault or sexual harassment by an elected official.

C. This section does not apply to the disclosure of a minor crime victim’s medical or personal identifying information or to other information that is specifically protected from disclosure by law.

Indiana is [not the only state](#) that is dealing with these questions. Wisconsin taxpayers paid \$75,000 to a former lawmaker’s aide who complained of sexual harassment and discrimination and filed a complaint alleging she was wrongfully fired from her job, records show.

As the states consider various provisions, there are strong policy reasons to require public disclosure of such agreements by elected or appointed officials.

What is the fair balance for protection of the privacy of a legitimate victim as well as for the protection of wrongfully accused public official? Being a victim should not require one’s sacrifice of privacy just as being a public official should not put a target on one’s back. The argument is stronger for requiring disclosure when public officials are involved than when an agreement is between two private parties. When public trust is assailed on all sides and transparency is bandied about like a political shibboleth, maybe it is time to consider what must be disclosed.

The National Conference of State Legislatures prepared a memo on Sexual Assault in the Workplace and it was updated in June 2018. The [memo](#) provides a state-by-state review.

Do I think the Indiana General Assembly is going to deliberate upon any question of appropriate disclosure of NDA? Nope! I am predisposed to believe that past experience is often indicative of the future in Indiana.

Rep. Matt Pierce from Bloomington introduced House Bill 1237 last session and it was promptly assigned to the House Judiciary Committee by Indiana House Speaker Bosma, never to see the light of day. Rep. Pierce apparently thought the subject matter presented an emergency need for this bill and included language for the law to become effective on July 1, 2018.

Here is the rather simple, easy to understand, language of the bill:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION1. IC 34-12-4 IS ADDED TO THE INDIANA CODE

AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE APRIL 3 1, 2018]:

Chapter 4. Certain Nondisclosure Agreements

Sec. 1. This chapter applies to agreements or contracts entered into after March 31, 2018.

Sec. 2. (a) Except as provided in section 3 of this chapter, a provision in any agreement or contract that has the purpose or effect of concealing details relating to a civil claim or settlement or resolution of any civil claim of:

- (1) sexual assault;
- (2) sexual harassment; or
- (3) sexual discrimination;

is declared to be contrary to the public policy of Indiana and void.

(b) The claim described in subsection (a) includes:

- (1) a formal or informal internal complaint; or
- (2) threatened, anticipated, or commenced litigation.

Sec. 3. The name of the person who claims to be the victim of:

- (1) sexual assault;
- (2) sexual harassment; or
- (3) sexual discrimination;

And who is a party to an agreement or contract described in section 2 of this chapter shall be withheld from disclosure at the person's request or by court order.

SECTION 2. An emergency is declared for this act.

Beyond Indiana, at the federal level we see some slight advancement of the public policy argument to discourage non-disclosure terms in settlement agreements in the tax code. The Internal Revenue Code §162(q) as recently passed by Congress in the 2017 Tax Cuts & Jobs Act) states:

No deduction is allowed for any settlement or payment related to sexual harassment or sexual abuse if the settlement or payment is subject to a nondisclosure agreement. No deduction is permissible for attorneys' fees related to a confidential sexual harassment settlement or payment. These payments remain tax-deductible, however, if they are not subject to a nondisclosure agreement.

It is interesting that the tax code is aimed at private taxpaying employers. Prior to the tax code revision, many settlement agreements included confidentiality or nondisclosure clauses. The strategy behind the change appears to be to force employers to decide whether to forfeit tax benefits to retain secrecy or be able to deduct the payments as business expenses. If the provision was intended to discourage companies and their executives from hiding these claims about sexual conduct in the workplace from public scrutiny, what about public officials?

Current events are raising lots of questions about who benefits and when is a public interest to be served by non-disclosure agreements. These questions are just not publicly discussed in Indiana.

Don't you just love sunlight along the Wabash? ❖

Watch for alligators in the statistical swamp

By **MORTON MARCUS**

INDIANAPOLIS – Allow me to put a few numbers before you to illustrate the problem with facts. I'm not referring to "fake facts" which is what real facts are called by the ideologically unbalanced. Some of these people are on the light-weight left and even more are on the degenerate right.



The latest figures from the IRS based on income tax returns are for 2016. In 2004, a dozen years earlier, the United States had 133 million individuals and households filing the 1040 income tax return. In 2016 that figure was up to nearly 150 million, a 12.6% increase. But it is money, not the number of

returns, that counts and the Adjusted Gross Income (AGI) entered on those forms rose by 51%.

As we look closer into the data, we find that returns showing AGI of \$200,000 or more rose by 125% in numbers and 109% in dollars between 2004 and 2016. The \$200,000+ bracket accounted for 2.3% of all returns in '04 and 25% of AGI. It's a lot of money for a small minority.

By 2016, the \$200,000+ bracket doubled to 4.6% of tax filers and had 35% of AGI. Still a robust domination of income recipients. But the average return in this bracket fell by 7.4%, from \$554,000 to \$514,000.

It would be easy to cite at this point the figures for the under-\$50,000 group and then do the same for Indiana federal tax filers. However enchanting (or horrifying) more data would be for you, we need to bring inflation into the discussion.

From 2004 to 2016, the Consumer Price Index (CPI) rose by 27%. Since wages generally move with prices, the incomes reported in 2016 needed to be 27% higher than in 2004 to sustain the same buying power. That \$554,000 needed to become \$704,000 instead of falling to \$514,000. The real loss in 2016 buying power was not \$40,000, but \$190,000. Where are the tears for the afflictions of the rich?

Bracket creep distorts the data. A taxpayer may have earned \$45,000 in 2004 and \$55,000 in 2016 and thereby be classified in a higher income bracket. But in 2016, that taxpayer needed \$57,200 to retain the buying power of 2004.

With inflation, lower brackets will lose membership while higher brackets grow unless the brackets themselves are adjusted. This is not possible with these data unless done by the IRS itself or its contractors.

We can use the data to confirm some things we do know well. In 2004, the average AGI for Hoosier taxpayers was 12% (\$6,000) below the national level. By 2016, our situation had deteriorated to 16% (\$10,900) below the nation.

Seems working hard hardly works in this "State that Works." ❖

Mr. Marcus is an economist; reach him at morton-jmarcus@yahoo.com. His views and those of John Guy can be followed on "Who gets what?" wherever podcasts are available.

Maybe the casinos will actually work for Gary

By **RICH JAMES**

MERILLVILLE – Maybe, just maybe, this casino thing will work out for Gary when all is said and done.

Former state Sen. Earline Rogers, D-Gary, was the driving force that launched the casino industry in Indiana.



She thought the casinos would do two things for Gary – make a drastic cut in unemployment and provide a huge revenue source for the city. Neither, unfortunately, happened.

With the Horseshoe Casino in Hammond and the Ameristar Casino in East Chicago capturing the bulk of the traffic from Chicago, the Majestic Star Casino in Gary has remained at the bottom of the revenue stream. Initially, both the Majestic Star and Trump casinos were in Gary. When Trump bailed out, the two casinos both came under the Majestic Star name.

A year after opening, I remember a Trump official saying they thought they could get enough Chicagoans south on Cline Avenue to make things work in Gary. It never happened.

But now, 22 years after the Gary casinos opened, there is hope.

Two firms have studied Gary's potential and there is a plan to develop the Buffington Harbor area on Lake Michigan into a transportation, freight and logistics hub. State Sen. Eddie Melton, D-Gary, who replaced Rogers when she retired, is carrying the plan for the development in conjunction with state assistance. Melton said that with Lake Michigan, national rail lines, several interstate highways, the Gary/Chicago International Airport and the proximity to Chicago make Gary the ideal site for development.

But the casinos will have to find a new home. And this brings us back to the beginning.

Initially, Gary wanted its casino to be built along Interstate 94, the state's busiest highway, to benefit from



Sen. Melton with former Sen. Earline Rogers.

the heavy traffic. But when it was decided that the casinos had to be on water, thoughts about I-94 traffic vanished, even though some held out hope for putting a casino in a small pond at the intersection of I-94 and I-65.

Now, Melton sees the development at Buffington Harbor and moving the casino to the highway as a double boost for Gary's staggering economy. Melton acknowledges that moving the casino to the interstate would draw opposition from Hammond and East Chicago. Hammond Mayor Thomas McDermott Jr. likely would lead that opposition, just as he has in the past for projects that he thought would help Gary and hurt his city.

The Indiana legislature approved casinos, both in northwest Indiana and along the Ohio River, because they would be viewed as riverboat casinos and not carry the stigma of land-based casinos. But, much has changed since legalized gambling came to Indiana. Land-based casinos operated by Native American tribes have opened in New Buffalo, Mich., not far from the Blue Chip Casino in Michigan City, as well as in South Bend.

And, the threat grows stronger each year that land-based casinos will be approved for suburbs surrounding Chicago, including near the Indiana state line. ❖

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

What does it mean to be an American?

By **LEE HAMILTON**

INDIANAPOLIS – Tell me: What does it actually mean to be an American? In the press of day-to-day events and amid the ongoing tumult of politics, we don't think about this much. Yet it's a crucial question, one that each generation in this country is called upon to answer for itself.



Despite our differences, there are some traits that I think we and our predecessors would recognize, characteristics to being an American that resonate with most of us, regardless of our age or our political beliefs. For instance, I believe the aim of our representative democracy is to enhance the liberty of free people, and to offer them the opportunity to make the most of their talents. This lies at the root of what it means to live in a representative democracy: Extending respect to all and wanting every

person to be aware of his or her political importance.

Perhaps the most eloquent expression of this view is the awe-inspiring Declaration of Independence, which remains a core inspiration both for our political values and our shared identity. The notion that all people are created equal, that we possess God-given inalienable rights, including to life, liberty, and the pursuit of happiness, these are beliefs that undergird our democracy.

They suggest that our country can, and should, be an example to the world of what a government of liberty can mean in the lives of citizens. And that we should never stop trying to make the world a better place. Bringing these values into our policies and our politics depends on all of us, another notion embedded in this country since the beginning.

Often people ask, "Where are the Jeffersons or Lincolns in this time of need?" They understand that the quality of our elected leaders makes all the difference, and that bold, decisive, thoughtful leadership is essential for our country's success. Yet while I recognize the need, ultimately our success as a nation will rest on the strength and capabilities of our citizens. The Founding Fathers spoke often of the need for citizens of virtue and talent, for people capable of governing themselves.

We do so through our political institutions, within a framework set out in our Constitution. While our system is not perfect, it has provided us with the tools to meet our challenges, and in a better fashion than any likely alternative.

Politics as it is practiced in our country can bring despair and crushing defeat. But it can also produce splendid achievements. If you enter politics, you have to be prepared for both. I know that a lot of people view politics with disdain and disapproval, yet over the course of a long political life, I never felt the desire to escape it. Just the opposite, in fact. I knew a lot was at stake in the battles, and I embraced them.

To be sure, I pursued them at a time when it was possible to find common ground across partisan divides, and when respecting one's opponents did not bring immediate censure from donors and primary voters. The atmosphere is different now. Yet the basic need, for using the political system to resolve fundamental challenges, has not changed.

Nor has one of its most basic features: A permanent tension between the preservation and expansion of individual freedom on the one hand, and the stability and strength of the nation on the other.

Government must have enough power to protect the national interest and to be capable of addressing deep-seated problems. It must secure and enlarge personal liberties while maintaining order and stability. It must provide the national security necessary for the preservation of freedom.

These are not contradictory goals, but they do rub against each other. How we interpret them — how far in one direction or the other we go as our national circumstances change — is a constant challenge. Being an American means not shying away from that task, but instead embracing it as part of our birthright. ❖

Lee Hamilton is a Senior Advisor for the Indiana University Center on Representative Government; a Distinguished Scholar, IU School of Global and International Studies; and a Professor of Practice, IU School of Public and Environmental Affairs. He was a member of the U.S. House of Representatives for 34 years.

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

Democrats close to winning House

By **KYLE KONDIK**

CHARLOTTESVILLE, Va. – A race-by-race analysis of Democratic House targets shows the party is close to winning the majority, but they do not have it put away, in our judgment, with Election Day less than three weeks away.

■ Barring a big, positive late change in the political environment in favor of Republicans, the bare minimum for Democratic House gains is in the mid-to-high teens. The needed 23-seat net gain is not that far beyond that and there are many different paths Democrats can take to achieve it. So the GOP is still at a disadvantage overall.

■ There are 11 ratings changes this week, seven in favor of Democrats and four in favor of Republicans.

■ Note: With the election so close, and with the Crystal Ball planning to eventually offer a projection in every general election House, Senate, and gubernatorial race (as per our tradition), we are working to reduce the number of Toss-ups in our ratings, not add to them.

■ We are not making any changes to the Senate and gubernatorial ratings this week, but we are including our current assessment of the state of play in Maps 1 and 2 before focusing exclusively on the House this week.

For all the talk of the House generic ballot, President Trump's approval rating, and other big-picture factors that point to the overall direction of the fight for the House, the battle for the majority comes down to a district-by-district slog.

And it is a district-by-district assessment that shows the Democratic path to the House majority -- and the remaining avenues for Republicans to block it.

We have previously described Democrats as being "soft favorites" in the race for the House, and that's basically where we're still at. As this roadmap hopefully will demonstrate, Democrats may yet blow open the battle for the House and win the majority comfortably. But there are paths for the Republicans to hold on as well, and a Democratic House majority is not yet written in stone.

This is the third update of a piece we first published in February and updated in May. For consistency's sake, we've kept the same districts in the same groupings, but to reflect the changing battlefield, we've added a 13th category (there were 12 originally) as a way to account for some prime Democratic targets that we did not account for previously. We also have added a few races to the various preexisting categories where warranted.

Also, this listing does not take into account every single Democratic House target. Remember, this is just a way of assessing the Democrats' path to a bare majority, or a 23-seat net gain. If Democrats gain significantly more

than that, they very well might win districts that are not mentioned here. As has become clear in recent days, even Democrats in longshot districts are running real races and raising tons of money. We're not going to obsess over the overwhelming third quarter Democratic fundraising here, but one overall point is this: If the Democrats don't win the House, it won't be for lack of resources. Many Republicans used to safe races will still win but with reduced vote shares and higher stress levels. Some may even get caught unaware, producing shocks on Election Night.

Still, we think the 66 Republican-held districts listed as part of this roadmap are the Democrats' best targets, collectively, and the ones that are likeliest to make (or break) their quest for the majority.

We went with the name "Drive for 25" as an homage to a 2012 House Democratic slogan and to reflect the fact that while Democrats need to net 23 seats, they probably are going to lose

at least a couple of seats they currently hold to Republicans. Even in years where one side makes substantial gains in the House, the other side almost always flips at least a seat or two. This year, Republicans appear to be guaranteed at least one pickup: PA-14, an open seat in southwestern Pennsylvania that is a more Republican-leaning version of the old PA-18, the seat now-Rep. Conor Lamb (D) won in a special election in March. Lamb is running against Rep. Keith Rothfus (R) in a new district, PA-17 (more on that race below).

Republicans also are targeting two open seats in Minnesota, MN-1 (covering southern Minnesota) and MN-8 (covering the northeastern part of the state, including the traditionally Democratic but GOP-trending Iron Range). The president carried both of these districts by about 15 points. We're moving one, MN-8, from Toss-up to Leans Republican this week after the Democratic Congressional Campaign Committee appeared to write off the district. The GOP may very well end up picking up MN-1 as well, which remains a Toss-up. If so, that would mean Democrats would have to win 26 currently Republican-held seats to win the House. Additionally, two competitive, Democratic-held open seats in Nevada, NV-3 and NV-4, seem highly competitive. We still favor Democrats in both but it wouldn't be a shock if the GOP picked off one or the other. Again, Democrats would have to make up any GOP gains through gains of their own among current Republican seats. To us, the five seats mentioned above are the only truly real GOP offensive targets; two other districts, the open, frequent battleground district NH-1 and a Trump-won seat held by Rep. Matt Cartwright (D, PA-8) in northeast Pennsylvania, move from Leans Democratic to Likely Democratic in this update, as we feel Democrats are in better shape to hold both even as each may be very competitive in future cycles. ❖



The Arab Iron Curtain

Publisher's Note: This is Jamal Khashoggi's final Washington Post columnist, published in today's edition. The Indiana State University graduate was apparently murdered on Oct. 2 in the Saudi Arabian consulate in Istanbul.

By JAMAL KHASHOGGI

WASHINGTON – I was recently online looking at the 2018 "Freedom in the World" report published by Freedom House and came to a grave realization. There is only one country in the Arab world that has been classified as "free." That nation is Tunisia. Jordan, Morocco and Kuwait come second, with a classification of "partly free." The rest of the countries in the Arab world are classified as "not free."



As a result, Arabs living in these countries are either uninformed or misinformed. They are unable to adequately address, much less publicly discuss, matters that affect the region and their day-to-day lives. A state-run narrative dominates the public psyche, and while many do not believe it, a large majority of the population falls victim to this false narrative. Sadly, this situation is unlikely to change.

The Arab world was ripe with hope during the spring of 2011. Journalists, academics and the general population were brimming with expectations of a bright and free Arab society within their respective countries. They expected to be emancipated from the hegemony of their governments and the consistent interventions and censorship of information. These expectations were quickly shattered; these societies either fell back to the old status quo or faced even harsher conditions than before.

My dear friend, the prominent Saudi writer Saleh al-Shehi, wrote one of the most famous columns ever published in the Saudi press. He unfortunately is now serving an unwarranted five-year prison sentence for supposed comments contrary to the Saudi establishment. The Egyptian government's seizure of the entire print run of a newspaper, al-Masry al Youm, did not enrage or provoke a reaction from colleagues. These actions no longer carry the consequence of a backlash from the international community. Instead, these actions may trigger condemnation quickly followed by silence.

As a result, Arab governments have been given free rein to continue silencing the media at an increasing rate. There was a time when journalists believed the Internet would liberate information from the censorship and control associated with print media. But these governments, whose very existence relies on the control of

information, have aggressively blocked the Internet. They have also arrested local reporters and pressured advertisers to harm the revenue of specific publications.

There are a few oases that continue to embody the spirit of the Arab Spring. Qatar's government continues to support international news coverage, in contrast to its neighbors' efforts to uphold the control of information to support the "old Arab order." Even in Tunisia and Kuwait, where the press is considered at least "partly free," the media focuses on domestic issues but not issues faced by the greater Arab world. They are hesitant to provide a platform for journalists from Saudi Arabia, Egypt and Yemen. Even Lebanon, the Arab world's crown jewel when it comes to press freedom, has fallen victim to the polarization and influence of pro-Iran Hezbollah.

The Arab world is facing its own version of an Iron Curtain, imposed not by external actors but through domestic forces vying for power. During the Cold War, Radio Free Europe, which grew over the years into a critical institution, played an important role in fostering and sustaining the hope of freedom. Arabs need something similar. In 1967, the New York Times and The Post took joint ownership of the International Herald Tribune newspaper, which went on to become a platform for voices from around the world.

My publication, The Post, has taken the initiative to translate many of my pieces and publish them in Arabic. For that, I am grateful. Arabs need to read in their own language so they can understand and discuss the various aspects and complications of democracy in the United States and the West. If an Egyptian reads an article exposing the actual cost of a construction project in Washington,



then he or she would be able to better understand the implications of similar projects in his or her community.

The Arab world needs a modern version of the old transnational media so citizens can be informed about global events. More important, we need to provide a platform for Arab voices. We suffer from poverty, mismanagement and poor education. Through the creation of an independent international forum, isolated from the influence of nationalist governments spreading hate through propaganda, ordinary people in the Arab world would be able to address the structural problems their societies face.



Tim Swarens, IndyStar: So the Speaker of the Indiana House is accused of having a sexual encounter with a 20-year-old legislative intern and hiring an attorney who's now accused of trying to intimidate the woman into silence. And Eric Holcomb's response when asked to take action on the scandal amounts to, "Don't look at me. I'm only the governor." Well, governor, that's not good enough. A month ago, I wrote a column praising Holcomb for being a no drama, quietly efficient chief executive. It's a welcome contrast in style from the histrionics we so often see in national politics, and overall, Holcomb has performed well in his first two years as governor. But there are times when leaders, in doing the right thing, need to insist on drama. When a key leader in state government is accused of serious ethical wrong-doing, it's one of those times. Step up. Send a message. Set a standard. Accept the drama that sometimes comes with true leadership. ❖



John Krull, Statehouse File: For years, the rumors about Indiana House Speaker Brian Bosma, R-Indianapolis, and a female intern were as much a part of the Statehouse as the building's stone walls and marble floors. Everyone had heard the story about the young woman performing oral sex on the rising political star. Jokes circulated like the air moving through the ventilation system. Each time Bosma delivered, as has been his penchant, a pronouncement on the sanctity of marriage or yet another lecture on old-fashioned morals, the whispers and the snickers gained new life. But, for more than two decades, that's where the story stayed, an undercurrent in the life and flow of the people's house, never on the surface, but also never too far below it. Until a few days ago, that is. That's when The Indianapolis Star reported that Bosma had spent \$40,000 in campaign funds on legal fees trying to "contain" the former intern's story. The intern, Kandy Green, says Bosma's lawyers and others tried to bully and intimidate her into silence. Green says Bosma's team sent people around to her family, her friends and her ex-husband to dig up dirt on her. Bosma denies everything. So does his lawyer. And 64 Republican legislators and former lawmakers, with some prompting from Bosma's camp, have signed a letter signaling support for the speaker. At a press conference the day after the Star story broke, Holcomb fielded question after question about Bosma. The governor fielded them with all the grace of a rhinoceros trying to dance "Swan Lake." Holcomb said he didn't see the need for an investigation. He suggested there was a difference between Hill's situation and Bosma's but couldn't articulate what that difference was. The governor looked like a man who desperately wanted to find the exit. Who can blame him? Who would want to comment on a story this sordid featuring this much sheer stupidity? Brian Bosma didn't make the story hard to find. He dropped 40,000 breadcrumbs leading the reporters right to it. ❖

Joel Simon, Committee to Protect Journalists: Journalists over the past two decades have encountered some terrible fates. American reporters Daniel Pearl, James Foley and Steven Sotloff were abducted and beheaded by Islamist terrorists. Investigative reporters Anna Politkovskaya from Russia, Javier Valdez from Mexico and Daphne Caruana Galizia from Malta were all victims of targeted assassination. But if what is alleged about the disappearance on Oct. 2 of Post columnist Jamal Khashoggi is true — that he was lured into the Saudi consulate in Istanbul, then murdered and dismembered by a team dispatched by the Saudi royal court — it would be in a category of depravity all its own. What makes Khashoggi's alleged murder so chilling is its sheer brazenness. Perhaps the reason is that those who use violence and repression to censor the media rarely face significant consequences. Maybe this is also why so many journalists are being imprisoned and murdered. A record 262 journalists were jailed around the world at the end of last year, according to research by the Committee to Protect Journalists, the organization I lead. As the war in Syria has ebbed, the total number of journalists killed annually has come down from the low-to-mid 70s, but the number of murdered journalists has risen dramatically this year, to 27; there were 19 such deaths in all of 2016, and 18 last year. In about 90 percent of these cases, the perpetrators went unpunished. ❖

Anne Applebaum, Washington Post: Twelve years ago this month, Anna Politkovskaya, a journalist whose reporting came too close to the truth about Russia's war in Chechnya, was gunned down in the elevator of her Moscow apartment block. One year ago this month, Daphne Caruana Galizia, a journalist whose reporting came too close to the truth about corruption in Malta, was murdered by a car bomb next to her house in Bidnija. Seven months ago, Jan Kuciak, a journalist whose reporting came too close to the truth about the mafia's role in Slovak business, was murdered in his home outside Bratislava. The murderers in all these cases were contract killers. But that's the only real difference between them and the government-employed hit men who are alleged to have murdered Saudi journalist Jamal Khashoggi, a journalist whose reporting came too close to the truth about the hypocrisy of the Saudi crown prince, Mohammed bin Salman — a man who claims to be a "reformer" but is himself a corrupt oligarch, as well as an authoritarian who jails his critics. Over the past two decades, there have been dozens, if not hundreds, of similar cases — and there will be more. The murders are the consequence of the clash between a 21st century technological revolution, which has made it possible to obtain and spread information in new ways, and a 21st century offshore banking revolution, which has made it possible to steal money in new ways, to hide it in new ways and to use it to maintain power. These two rapid changes have had a dramatic impact on democracies. ❖

Young wants Saudi arms suspension

WASHINGTON – Treasury Secretary Steven Mnuchin faces growing pressure to back out of Maher Abdulaziz Mutreb's annual investment conference this month—billed as "Davos in the Desert"—to signal U.S. alarm ([New Yorker](#)). "America's basic and fundamental values demand a suspension of arms sales to Saudi Arabia," the Indiana Republican Todd Young, another member of the Foreign Relations Committee, tweeted on Tuesday. "I continue to believe that Secretary Mnuchin should not attend the investment conference in Riyadh next week." Several big names in technology, business, and finance have withdrawn, including J.P. Morgan Chase, Ford, Mastercard, and Blackrock. The crisis is generating domestic political fallout too, with the midterm elections approaching. On the Hill, Democrats chastised the President for broadcasting the Saudi version of events, which he first mentioned out of the blue to reporters, on Monday. "Been hearing the ridiculous 'rogue killers' theory was where the Saudis would go with this," Connecticut Democrat, Christopher Murphy, another member of the Senate Foreign Relations Committee, tweeted. "Absolutely extraordinary they were able to enlist the President of the United States as their PR agent to float it."

Early vote up in Indy, Hamilton County

INDIANAPOLIS – Voter registration and the first few days of early voting both have showed improvement in Marion and Hamilton counties for the latest midterm election (Erdody, [Inside Indiana Business](#)). In Marion County, a total of 1,309 voters cast a ballot during the first three days of early voting last week, according to Marion County Clerk's Office Deputy Director Russell Hollis. That's nearly triple the amount of early voting during the same time period in 2014 for the last midterm election.



It's down about 53 percent from 2016, but turnout is usually higher during presidential elections. The number of registered voters is now higher for November's general election than it was during May's primary. Marion County had close to 630,000 registered voters during the primary, and preliminary numbers show more than 653,000 registered voters for the general.

A.G. Hill defends abortion law

INDIANAPOLIS – Indiana's recent request for the nation's highest court to review an abortion law struck down by federal courts has some legal watchers wondering whether the case could be a gateway for dismantling of abortion rights (Stancombe, [Indiana Lawyer](#)). The Indiana attorney general's office filed a petition for writ of certiorari with the U.S. Supreme Court on Friday, requesting that the high court review and reverse a 7th Circuit Court of Appeals decision that found certain provisions of an Indiana abortion law unconstitutional. The case is *Planned Parenthood of Indiana and Kentucky Inc. v. Commissioner of the Indiana State Department of Health, et al.*, 17-1883. Signed into law by then-Governor and now Vice President Mike Pence, House Enrolled Act 1337 would have barred women from obtaining an abortion based on gender, race, or disability of the fetus.

Calls for Lake Co. recorder to resign

CROWN POINT – A local government official is calling on Lake County Recorder Michael B. Brown to resign over allegations he had sex with a former office employee (Dolan, [NWI Times](#)). Darren Washington, a member of the Calumet Township advisory board and a political activist, spoke Wednesday before the Lake County Board of Commissioners to express his disgust with Brown and a

\$185,000 payment taxpayers must bear to settle sexual harassment claims made by Estela Montalvo. Washington said Brown should resign and if he refuses, the state needs to change the law to permit voters to remove Brown from office through a recall referendum process. Washington also complained that Brown is rarely in his office and said new legislation is needed to require elected officials attend to their offices, their staff and official duties.

Cohen talking to prosecutors

NEW YORK – Michael Cohen and his attorney met Wednesday with a group of state and federal law enforcement officials investigating various aspects of President Donald Trump's family business and charitable organization, according to people familiar with the meeting (CNN). The group, which included the federal prosecutors from the U.S. Attorney's Office for the Southern District of New York who charged Cohen in August and officials from the New York Attorney General's office, met at the Midtown New York City office of Cohen's attorney, Guy Petrillo, these people said. CNN observed Cohen leaving Petrillo's office building Wednesday afternoon. Assistant U.S. Attorney Tom McKay, the lead prosecutor on the Cohen case, had entered the building earlier in the day.

Indy Councilman Kreider resigns

INDIANAPOLIS — Councilman Scott Kreider, an influential first-term Republican, announced Wednesday that he is resigning from the council effective Friday. Kreider, an attorney, this month joined the law firm Alerding Castor LLP, taking on a work load that requires him to step away.