

## Rokita enters Gov's constitutional fray

Showdown with General Assembly now centers on who can represent state

By **BRIAN A. HOWEY**

INDIANAPOLIS – While Gov. Eric Holcomb has governed with unprecedented Republican super majorities for more than four years, he continues to have an attorney general problem.

Ten months after Attorney General Curtis Hill was defeated for re-nomination at the Indiana Republican convention, his successor, Todd Rokita, vaulted into a legal showdown between

Holcomb, Speaker Todd Huston and Senate President Pro Tempore Rod Bray this week by saying the governor doesn't have standing to file a suit.

Holcomb asked a trial court judge to find key provisions of HEA1123 unconstitutional and to issue a permanent injunction to prevent them from being used. Holcomb



has long maintained that only a governor can call the General Assembly into special session. "I took an oath to uphold the Constitution of the State of Indiana and I have

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## The party activist

By **MARK SOUDER**

FORT WAYNE – Mary Trausch-Martin faced a dilemma. She was aggressively supporting Congressman Todd Rokita in a three-way Republican primary for U.S. senator. Mary is what would have historically been called a Republican activist, a lead volunteer at the heart of the party. She does nothing moderately. She has strong opinions on just about everything. Mary was also the vice chairwoman of the 3rd District Republican Committee.

When Mike Braun, a candidate competing with Rokita, asked Mary for potential contacts at some meet-and-greet events in DeKalb and Steuben counties for his campaign, and then asked



**"We're trying to do everything we can to get vaccine out, to look at different avenues, to continue the conversation, to continue the education. We have a lot of work to do."**

- Dr. Lindsay Weaver, ISDH chief medical officer, on state's 45th ranking in vaccination.



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her to basically set them up, she was faced with the dilemma: Should she help him?

When parties were dominant, as opposed to candidate organizations, there were differing expectations. The county parties could offer jobs and had quasi-publicly funded resources. Some public funding was direct (e.g., 2% club), some indirect (e.g., license bureaus), and other means were pressure-forced indirect (e.g., pay-to-play contracts). The precinct workers theoretically elected the party leaders, but basically the party leaders picked themselves unless they became so calcified that somehow a challenger would emerge (usually during a transition, like in Allen County after Orvas Beers).

**In the broader** scheme, two basic factions in Indiana Republican politics emerged going back to at least the Eisenhower-Taft era, to some degree, isolationist vs. more internationalist. To some degree, more limited government versus more aggressive government action. To some degree, northern versus southern which evolved into variations of Indianapolis versus everyone else or big counties versus small counties. All factions were pro-business, mostly conservative and pre-abortion legalization; social issues were not particularly a dividing line. In some counties, the factions formed different branches of the parties.

The leaders of the county parties generally picked county and city candidates. Potential candidates sought out those informal endorsements. The party leaders, in constant interaction with the people who supplemented quasi-public funding with private money, would steer money to the favored candidates if someone dared challenge their choice.

In Fort Wayne, Graham Richard – a Goldwater fan as a kid – told me that he had wanted to be a committeeman but Orvas told him no, he needed to work his way up. Graham did, but as a Democrat. My understanding is that Win Moses had wanted to run for council, and was also told not to. So, Win filed as a

Democrat and defeated the Republican incumbent.

The county chairmen and their allies, in other words, slated the precinct slots and not just top-of-the-ticket candidates. I once participated in an attempted precinct coup against Orvas Beers in Allen County in the early 70s. We polled all the committeemen and vice committeemen. We had some old 1964 Goldwater lists as well as some early Reagan lists as well as some other conservative lists. (They later were important for Quayle in his 1976 primary.)

A high percentage of the



committee people were active, had not joined because of a particular candidate, had been elected not appointed, were very loyal to the chairman, and had polled their neighbors during campaigns. In other words, they had some influence.

**They were also** party loyalists. Not quite like the "yellow dog" Democrats of the south (they were called that because, it was said, they would vote for a yellow dog as opposed to a Republican) but they were party loyal. They did not waffle, or care that much about a candidate beyond whether he was an "R." But already, in the early 70s, a third were ready to revolt for a more ideological, less "win at all costs" role for the party. In other words, on both sides, the trend toward the sharper ideo-

logical divisions was beginning.

As the political parties evolved, and the core of housewife volunteers – the less recognized vital heart of the Republican Party – declined due to opportunities for women in the out-of-home workplace, the volunteer power switched more and more to candidates and advertising. The precinct posts were filled by more ideological people, or candidate-chosen people, who did not have the same loyalty. Just because a candidate won the Republican nomination did not necessarily deliver that much support from the party.

**Initially, Republican** candidates who were not as conservative as the conservative Goldwater and Reagan factions began to get labeled “RINOs” (Republican in Name Only) because they weren’t much more conservative than moderate Democrats (when they used to exist). RINO eventually evolved into today’s chaos where it has nothing to do with conservative, or Republican, but literally has come to mean this, you don’t back the same Republican that I back.

All these changes meant that the local Republican party power declined steadily. But is it gone? I would argue that it is not. Mary Trausch-Martin is an example of why it survives, and potentially could rise even more in importance.

As mentioned earlier, Trausch-Martin is not a person who doesn’t care about ideas. Before Rokita, she worked with a very young Jim Banks who was working as a consultant for a conservative candidate who lost in a northwest Ohio Republican primary. When Mary moved to Steuben County, she became an activist for Banks’ first congressional campaign as well as in the Steuben GOP.

However, she took her selection as district vice chair in a traditional, not candidate-partisan, way. When Braun called, she agreed to help – though it was not without some personal anguish and amazement that she had been asked. Braun understood that, while she actually had helped him, it did not diminish her active support for Rokita. But she viewed her district job as one that helped all Republicans.

Braun’s campaign clearly illustrates the newest trend in politics: Not all candidates move up the traditional stepping stone system. This is especially true of the more expensive races, that are driven by dollar-purchased name ID but is increasingly moving down ballot. But just because media purchased campaigns are now the bulk of many political campaigns does not mean that the party and personal activists are irrelevant. In fact, people like Mary Trausch-Martin may become more valuable to add a personal touch to a predominantly media campaign, and especially valuable because such activists, while not extinct, are fewer.

**Political parties may not** be as powerful as they once were, but they are still important and have the potential of becoming more so. In the case of Mary Trausch-Martin, she remains a vocal Banks and Rokita supporter. Sen. Braun asked her to be his regional coordinator. And a few weeks ago, she was chosen to be the secretary of the Indiana Republican Party. In other words, she survived her dilemma because principled but loyal Republican activists are so valuable. ❖

**Souder is a former Republican congressman from Indiana.**

## Rokita, from page 1

an obligation do so,” Holcomb said Tuesday. “This filing is about the future of the executive branch and all the governors who will serve long after I’m gone,” Gov. Holcomb said of the action filed in Marion County Circuit Court.

Holcomb vetoed HEA1123 on April 9, saying, “I am vetoing HEA1123 because I firmly believe a central part of this bill is unconstitutional,” Holcomb said. “The legislation impermissibly attempts to give the General Assembly the ability to call itself into special sessions, thereby usurping a power given exclusively to the governor under Article 4, Section 9, of the Indiana Constitution. As such, it seeks to accomplish that which the Indiana Constitution clearly prohibits.

“This bill also violates the separation of powers principle enshrined in Article 3, Section 1, of the Indiana Constitution because it constitutes a legislative encroachment on the governor’s power as head of the executive



branch from intrusion by another,” Holcomb continues. “If HEA1123 becomes law and can be used by the General Assembly, it will create a significant uncertainty and solidify the controversy over its constitutionality. This is a matter of immediate and substantial public interest.”

Holcomb added that any action taken during an unconstitutional special session “will be void and thus open and subject to legal challenges to set them aside.” He added that “avoidable legal challenges during a state of emergency will only serve to be disruptive to our states. I do want to be clear that I support efforts to increase partnership and collaboration between the legislative and executive branches during states of emergency.”

A few hours later, Attorney General Rokita suggested in a statement that Holcomb had no authority to file the suit. “Under Indiana law, only the attorney general may determine and advocate the legal position of all of state government,” Rokita said. “And that exclusive author-

ity exists for good reason – so that Indiana speaks in court with a single legal voice.”

Rokita cited *State ex rel. Sendak v. Marion Cty. Superior Ct.*, 268 Ind. 3, 6–7, 373 N.E.2d 145, 148 (1978) as legal precedent. “In declining to authorize outside counsel to represent the Governor here, the Office of the Attorney General is not beset by a conflict of interest but is instead fulfilling its core purpose – setting a single, unified legal position for the State as a whole,” he said.

The Governor’s press secretary Rachel Hoffmeyer acknowledged that Rokita denied the governor’s request to hire outside counsel (Weaver, IBJ). “We believe under the unique circumstance of this situation that his approval is not necessary,” Hoffmeyer said in an email. “The positions taken by the attorney general were known, discussed and fully evaluated. Gov. Holcomb made it known that he and his legal team disagreed with those positions which will be decided by the court.”

The Indiana Lawyer reported that Holcomb is being represented by Lewis Wagner attorneys John Trimble, A. Richard Blaiklock, Aaron Grant and Michael Heavilon. However, Rokita indicated he did not want the governor’s office to hire its attorneys.

### Rokita lays out case history

According to Rokita spokesman McKenzie Barbknecht, “HEA 1123 is constitutional, and it clearly lays out a plan to address future crises. Nothing in the new law curtails a governor’s Article 4 authority to call the General Assembly into session, and that same Article 4 specifically allows the General Assembly to ‘appoint by law’ the day for ‘commencing’ its sessions, and to ‘fix by law’ (and) ‘the length and frequency of [its] sessions.’ (Ind. Const. Art. 4 § 9). HEA 1123 does just that.

“In addition,” Barbknecht continued, “the balance of power ensures that no single branch of government can usurp the authority of another. The proposed legal course of action being pursued by attorneys purporting to represent the Office of the Governor is a threat to the stability and proper functioning of our branches of government as it would mean one branch could sue the other for any action or inaction. Accordingly, in keeping with our statutory directive, the Office of Attorney General will defend HEA 1123 against an appropriate constitutional challenge timely brought by an external party who claims a real, direct injury.”

Barbknecht said “the duty of Indiana’s Attorney General is to protect the State’s legal interests, both short-term and long-term, independent of any one branch of state government. Adherence to well-grounded legal principles that have served Indiana successfully across a variety of extraordinary circumstances for decades is criti-

cal for ensuring individual liberty. Departing from those principles even in the midst of an emergency, including a pandemic, would degrade the boundaries separating our branches of government and limiting the powers they exercise. Allowing a part of the Executive branch to litigate a difference of opinion against members of the Legislative branch, all at taxpayer expense, is such a departure.

“There is a real danger of eroding the State’s defenses and immunities across the legal spectrum in the event this case is allowed to progress,” he concluded.

The Office of Attorney General cited case law:

- First, under Indiana statutory and case law, only the attorney general may determine and advocate the legal position of all of state government—Ind. Code § 4-6-2-1; Ind. Code § 4-6-3-2; Ind. Code § 4-6-1-6; Ind. Code § 4-6-5-3. And that exclusive authority exists for good reason — so that Indiana speaks in court with a single legal voice. In creating the Office of the

Attorney General, the General Assembly resolved precisely this sort of situation — where two parts of the state government disagree on a legal question. And as the Indiana Supreme Court recognized more than 40 years ago, the Attorney General exists to resolve such disagreements and “to establish a general legal policy for State agencies.” *State ex rel. Sendak v. Marion Cty. Superior Ct.*, 268 Ind. 3, 6–7, 373 N.E.2d 145, 148 (1978). In declining to authorize outside counsel to represent the Governor here, the Office of the Attorney General is not beset by a conflict of interest but is instead fulfilling its core purpose — setting a single, unified legal position for the State as a whole.

- Second, the Indiana Supreme Court has squarely held that no state agency or office holder may file a declaratory judgment action because allowing “state agencies to resort to the judicial system for review of every statute passed in the state would foster legislative irresponsibility and unnecessarily overburden the courts into issuing essentially advisory opinions.” *Ind. Fireworks Distrib. Ass’n v. Boatwright*, 741 N.E.2d 1262, 1264-65 (Ind. Ct. App. 2001), *aff’d*, *Indiana Fireworks Distrib. Ass’n v. Boatwright*, 764 N.E.2d 208 (Ind. 2002).

- Third, the Executive branch lacks standing to bring a case because there is no immediate danger of a legally cognizable direct injury. An abstract claim of diluted power is an insufficient basis for a lawsuit, lest the courts be dragged into interbranch political disputes. *Raines v. Byrd*, 521 U.S. 811, 826–28 (1997).

- Fourth, members of the General Assembly are immune from suit challenging the legislation they have passed. “The principle that legislators are absolutely immune from liability for their legislative activities has long been recognized in Anglo-American law.” *Bogan v. Scott-*



Harris, 523 U.S. 44, 48 (1998). Such legislative immunity ensures legislative independence to enact laws.

"The Governor has done laudable work to shepherd our State through this pandemic," Barknecht said. "Now, the General Assembly has voted to ensure its own role in future statewide emergencies — a law the Governor contests. To proceed in court with litigation, however, would fracture foundational legal principles—principles that have served Indiana citizens well by providing the basis for divided and limited government and properly accountable policy making and execution. Private counsel represents only the present interests of a single official, the Governor, not the broader interests of the State in safeguarding the various claims, defenses and immunities that protect an array of state agencies and governmental activities from legal attack."

Former Supreme Court justice Frank Sullivan disagreed with Rokita's statement. "Resolving such disputes is a power that the Constitution entrusts to the judicial branch, not the attorney general, so the governor has acted properly by asking the judiciary to resolve this dispute," Sullivan told the Statehouse File.

## The Yergy's case

Gov. Holcomb's executive power limits were tested this past winter in the Yergy's State Road BBQ, LLC vs. Wells County Health Department case recently. The lawsuit filed in Wells Circuit Court by Yergy's alleges it was "aggrieved and adversely affected" when the Wells County Health Department shut down its eatery on Aug. 28 for violating the governor's mask mandate and capacity limits. The department of health, the State of Indiana, and Gov. Holcomb were all named in the lawsuit.

But in the Yergy's case, Attorney General Rokita took a very different position because he must represent the state's position. You can tell Rokita is very concerned about how the Yergy's case affects his standing with strident conservatives, who have been extremely critical of Holcomb's emergency powers that shut down non-essential businesses and religious gatherings in the spring of 2020 due to the COVID-19 pandemic.

This latest legislative dustup gives him a chance to better appeal to the political right, but with Yergy's still out there, he will struggle to thread that needle. The pro-Trump crowd viewed him as their main ally among statewide officials, but once in office he took several positions out of step with their ideology. Rokita seeks to shore up his position with that base, both generally and with 2024 in mind.

In a Twitter sequence on March 18, Rokita appeared to be defensive as conservatives assailed his position. "In the case of Yergy's Barbecue vs. Holcomb and the State of Indiana, it is my statutory duty as the Attorney General and the state's chief legal officer to vigorously defend the State of Indiana, its officials and its laws — even the laws that personally I may not like," Rokita tweeted.

In a subsequent Tweet, Rokita added, "This is no

different from the vigorous defense you would expect from your lawyer regardless of the circumstance. This lawsuit is about current state law, which I have always said needs to be updated — now more than ever. I also said I would work with the General Assembly to improve the law. This is exactly what the legislature is doing now and it's what I have been doing, given my many discussions with lawmakers about their various ideas and questions."

Finally, Rokita tweeted, "My expectation is that we will have a better law with clearer direction for a governor when it comes to longer duration emergencies and a constitutionally sound mechanism for participation by the people's representatives during an emergency declaration. That is the real value of the Yergy lawsuit, regardless of the legal positioning being undertaken at this phase of it."

## 2024 implications

That Rokita aspires to succeed Gov. Holcomb and seek the governorship in 2024 is no secret. Rokita has kept a robust schedule of political events since taking office. Just in the past week he has made political stops in Tipton and Johnson counties, Southport, at Avon HS and spoken at the Linton-Stockton Chamber of Commerce. He has launched the "Rokita Review" newsletter.

Rokita finished a distant third in the July 2016 Indiana Republican Central Committee caucus to replace Gov. Mike Pence after he resigned from the nomination to run for vice president, with Holcomb edging out U.S. Rep. Susan Brooks on a second ballot. In 2018, Rokita ran under the MAGA banner (though he did not receive an endorsement from President Trump) for the U.S. Senate with the motto "Defeat the Elite." He finished second to now U.S. Sen. Mike Braun.

In his 2020 challenge to the embattled Attorney General Hill, Rokita trailed the incumbent on the first two ballots before winning the nomination with 52% of the vote.

## Holcomb's 4th veto

Gov. Holcomb vetoed a controversial E15 ethanol fuel labeling bill that sharply divided the Hoosier agriculture sector. It is his fourth veto since taking office in January 2017. In a letter to Sen. Bray, Holcomb said, "I am vetoing SEA303 due to its requirement of a duplicative label at every pump that disperses E15 blends of fuel in the state. The EPA already mandates that all E15 pumps have a label clearly advising consumers of the possible implications of using the fuel in certain engines. I find this additional layer of government unnecessary and confusing."

Still awaiting action from the governor are SEA389 that would end protections for 60% of the state's wetlands, SEA5 that would allow local elected officials to overrule public health mandates, and HEA1577, the medically dubious "abortion reversal" bill. SEA5 and HEA1577 haven't reached Holcomb's desk as of Tuesday, according to press secretary Rachel Hoffmeyer. ❖

# Delayed sine die trips up Sullivan campaign

By BRIAN A. HOWEY

INDIANAPOLIS – When legislative leaders began floating the idea for extending sine die for most of the rest of the year as they grapple with the constitutional issues with Gov. Eric Holcomb, Howey Politics Indiana raised the executive and legislative ban on campaign fundraising as a potential issue. GOP sources indicated that legislation would deal with that issue.

On Monday, Gov. Holcomb signed HB1372, which extended the sine die through Organization Day in November, while maintaining the ban on political fundraising through April 29, the constitutional sine die date. But the nascent campaign of newly appointed Secretary of State Holli Sullivan didn't get the memo.

Her Monday Facebook announcement that she would seek a full term included a pitch for donations. It was flagged in a Facebook page screen capture of the Sullivan announcement: "Now more than ever, we need conservative leadership to defend our elections and fight for Indiana's future. Watch my message to Hoosiers below, and join me in our campaign! Sign up today for updates and to volunteer at [link removed] or donate at [link removed]," part of the Facebook announcement made by Secretary of State Holli Sullivan on April 26 at 12:02 p.m.

"If you are vying to be elected to head the office that oversees elections and enforces campaign finance laws it would probably be a good idea to not break those laws," said Libertarian Chairman Evan McMahon. Under Indiana code 3-9-2-12 candidates for the legislature or any statewide office are prohibited from soliciting or accepting campaign contributions from the start of the budget session until after the legislature has adjourned sine die.

"To avoid the appearance of impropriety and to maintain the integrity of the office, the Libertarian Party of Indiana calls on Secretary of State Sullivan to recuse herself and her office, which includes the Indiana Election Division, from investigating and adjudicating this matter,"



McMahon said.

"After review of changes made to Indiana campaign finance law during this legislative session, the Committee to Elect Holli Sullivan has determined that it made an improper solicitation of campaign funds," the Sullivan campaign acknowledged. "These public solicitations have been removed and all contributions have been returned."

It prompted Newton County Commissioner Kyle Conrad to tell HPI on Wednesday, "Less than 60 days into this and we're already seeing why election experience is vitally important in the resume of our secretary of state and any potential candidate. You can talk all you want about election security, integrity, and transparency, but if you don't understand the process and haven't been on the front lines of elections, this is the likely result."

Conrad is still weighing a bid for the nomination at the Republican Convention in June 2022. He applied for Gov. Holcomb's nomination after former Sec. Connie Lawson announced she would retire last winter. Conrad was appointed Newton County clerk and then served two full terms. "I've breathed elections since 1991 and believe I would be one of the most qualified SoS candidates in recent memory," Conrad said. Diego Morales is also seeking the Republican nomination.

In making her pitch on Monday, Sec. Sullivan said, "I am running for secretary of state to bring my proven record of conservative leadership to defend the integrity of Indiana's elections. Hoosiers deserve a secretary of state who will fight for our future by standing up against an overreaching federal government, and threats at home and abroad, to keep our elections safe. Indiana's

elections are free, fair, and secure. Now more than ever, we need leadership in the secretary of state's office to protect public trust in our democracy and Indiana's record as a national leader in election security."

## Congress

### Indiana to keep 9 CDs

As expected, Indiana did not lose any congressional seats when preliminary U.S. Census data was released to states on Monday. Indiana's population grew about 5% during the past decade to nearly 6.8 million residents and the state held onto its nine U.S. House seats. According to the Associated Press, the Census figures released Monday show that Indiana's population grew 4.7% between 2010



and 2020, from about 6.5 million residents in 2010 to about 6.8 million in 2020, for a net gain of nearly 302,000 residents. Indiana lost one seat after the 2000 count, but held onto its nine congressional seats in 2010 and now in 2020. In 1910, Indiana had 13 House seats, but it lost one seat each in 1930, 1940, 1980 and 2000 as the nation's population shifted.

## Presidential

### Biden says 'America is rising anew'

President Joe Biden declared last night that "America is rising anew" as he called for an expansion of federal programs to drive the economy past the coronavirus pandemic and broadly extend the social safety net on a scale not seen in decades (AP). Biden's nationally televised address to Congress, his first, raised the stakes for his ability to sell his plans to voters of both parties, even if Republican lawmakers prove resistant. The Democratic president is following Wednesday night's speech by pushing his plans in person, beginning in Georgia on Thursday and then on to Pennsylvania and Virginia in the days ahead.

In the address, Biden pointed optimistically to the nation's emergence from the coronavirus scourge as a moment for America to prove that its democracy can still work and maintain primacy in the world. Speaking in highly personal terms while demanding massive structural changes, the president marked his first 100 days in office by proposing a \$1.8 trillion investment in children, families and education to help rebuild an economy devastated by the virus and compete with rising global competitors.

His speech represented both an audacious vision and a considerable gamble. He is governing with the most slender of majorities in Congress, and even some in his own party have blanched at the price tag of his proposals. At the same time, the speech highlighted Biden's fundamental belief in the power of government as a force for good, even at a time when it is so often the object of scorn. "I can report to the nation: America is on the move again," he said. "Turning peril into possibility. Crisis into opportunity. Setback into strength."

While the ceremonial setting of the Capitol was the same as usual, the visual images were unlike any previous presidential address. Members of Congress wore masks and were seated apart because of pandemic restrictions. "America is ready for takeoff. We are working again. Dreaming again. Discovering again. Leading the world again. We have shown each other and the world: There is no quit in America," Biden said.

This year's scene at the front of the House chamber also had a historic look: For the first time, a female vice president, Kamala Harris, was seated behind the chief executive. And she was next to another woman, House Speaker Nancy Pelosi. The first ovation came as Biden greeted "Madam Vice President." He added, "No



president has ever said those words from this podium, and it's about time."

### Sen. Scott, Rep. Banks respond

Sen. Tim Scott accused Democrats on Wednesday of dividing the country and suggested they're wielding race as "a political weapon," using the official Republican response to President Joe Biden's maiden speech to Congress to credit the GOP for leading the country out of its pandemic struggles and toward a hopeful future (AP). Scott, R-S.C., in his nationally televised rebuttal of Biden's address, belittled the new president's initial priorities — aimed at combating the deadly virus and spurring the economy — as wasteful expansions of big government. "We should be expanding options and opportunities for all families," said Scott, who preaches a message of optimism while remaining a loyal supporter of former President Donald Trump, "not throwing money at certain issues because Democrats think they know best."

U.S. Rep. Jim Banks tweeted: "If we really want to help working class families, we should reopen the economy now and let Americans work, get kids back to school, stop the Chinese from undermining our economy and end the border crisis."

### Pence's first post-office speech tonight

Former vice president Mike Pence will give his first speech tonight since leaving the White House, a move aimed at laying the groundwork for a possible run for president in 2024 (Politico Playbook). It's no coincidence he's giving the address in the early primary state of South Carolina — to an organization, the Palmetto Family Council, that champions "biblical values" in government. Per a source familiar with his remarks, Pence will compare the accomplishments of the Trump-Pence administration with the first 100 days of Biden's White House. He'll blast Biden for moving to the left under pressure from progressives. And Pence will talk about how a return to a "positive" policy agenda rooted in conservative ideological principles can help the party flip the House and Senate. He'll also talk about his faith and the causes that he's backed his entire career, such as opposing abortion and advocating for religious liberty. This would be Pence's most promising lane in a potentially crowded GOP primary if Trump doesn't run. ❖

# National GOP grapples with race, siege

By **BRIAN A. HOWEY**

INDIANAPOLIS – After Memorial Day last year, a nation watched a Minneapolis cop squeeze the life out of George Floyd with a knee on the neck in a video that lasted more than nine minutes. The initial police report prior to the video surfacing described Floyd’s death as a “medical event.” On Jan. 6, Americans witnessed for more than five hours an unprecedented siege of the U.S. Capitol that killed five people and injured 130 police officers, while supporters of President Trump called for the execution of Vice President Mike Pence.

But seeing is no longer believing with a significant part of the Republican rank and file. A CBS/YouGov Poll last weekend revealed that just 46% of Republicans view the conviction of former Minneapolis cop Derek Chauvin as the right verdict, contrasting with 90% of Democrats and 75% of independents who thought it was the right call.

As for the Capitol insurrection, an Atlas Poll conducted from Jan. 15-19 revealed 14% of Republicans backed the “storming” of the Capitol. In a Jan. 10-12 Economist YouGov Poll, 42% of Republicans called the siege “mostly peaceful.” In a Jan. 10-13 Washington Post/ABC News Poll, 51% of Republicans felt that congressional leaders “didn’t go far enough” to overturn the election. In a Nov. 15-17 Economist/YouGov Poll, 80% of Republicans believe that Joe Biden “did not legitimately win the election.” An April 2 Ipsos poll found “55% of Republicans believe (President) Trump’s 2020 election loss resulted from illegal voting or election rigging. Paradoxically, 35% of Republicans agreed with both of the following theories: That the people who gathered at the U.S. Capitol on Jan 6 were peaceful, law-abiding Americans, and that it was actually led by violent left-wing protestors trying to make Trump look bad.”

A Yahoo Poll (April 6-8) found 77% of Republicans believe that the election was stolen from Trump due to rampant fraud.

“Three months after the Jan. 6 attack on the U.S. Capitol, the Republican Party still won’t fully renounce it,” observed Slate’s Will Saletan. “In Congress, Republicans are opposing an investigation of the attack unless other incidents are included. On Friday, sponsors of a conference at former President Donald Trump’s Miami resort proudly displayed photos of the crowd that had gathered before the attack. On Saturday, Republican donors cheered as Trump boasted about the Jan. 6 crowd and complained that his allies should have fought harder to prevent the certification of his defeat.”

But the polling has its nuances. The NBC Poll from last weekend reveals the risk for the GOP to continue its

embrace of Trump. His fav/unfav rating among all adults stands at 32% favorable, 55% unfavorable, which is down from his rating in January (40% favorable, 53% unfavorable among registered voters), as well as where he was in the poll right before the election (43% favorable, 52% unfavorable among registered voters).

Even Trump’s pull within his own party appears to have lessened, with 44% of Republicans saying they’re more supporters of Trump than the GOP, versus 50% who say they’re more supporters of the GOP than the former president. “It’s the first time since July 2019 when party supporters have outnumbered Trump supporters in our poll, and it’s also the first time that party supporters have reached 50% on this question,” noted Meet The Press Daily. “Strikingly, these numbers are coming as the PERCEPTION of Trump’s pull within his party couldn’t be stronger.”

Peter Wehner, the former Bush administration official, writes in The Atlantic, “The hope of many conserva-



tive critics of Donald Trump was that soon after his defeat, and especially in the aftermath of the January 6 insurrection, the Republican Party would snap back into its former shape. The Trump presidency would end up being no more than an ugly parenthesis. The GOP would distance itself from Trump and Trumpism, and become a normal party once again. But that dream soon died. The Trump presidency might have been the first act in a longer and even darker political drama, in which the Republican Party is becoming more radicalized. How long this will last is an open question; whether it is happening is not.”

Mark Leibovich, writing in the New York Times Magazine last weekend, describes the Feb. 3 House Republican Conference meeting, three weeks after Conference Chair Liz Cheney became one of 10 members who voted to impeach President Trump. She said of the Jan. 6 insurrection just prior to the Senate impeachment vote, “There has never been a greater betrayal by a president of the United States of his office and his oath to the Constitution.”

After she was censured by the Wyoming Republi-

can Party in early February, Cheney said on Fox News Sunday, "The oath that I took to the Constitution compelled me to vote for impeachment, and it doesn't bend to partisanship; it doesn't bend to political pressure. People have been lied to. The extent to which the president, President Trump, for months leading up to Jan. 6 spread the notion that the election had been stolen, or that the notion that the election was rigged, was a lie."

At the Feb. 3 GOP conference meeting, Leibovich reported that Cheney said she was "deeply, deeply concerned about where our party is headed," and added, "We cannot become the party of QAnon. We cannot become the party of Holocaust denial. We cannot become the party of white supremacy."

"We all watched in horror what happened on Jan. 6," Cheney said.

When House Minority Leader Kevin McCarthy suggested the conference adjourn on Feb. 3, Cheney insisted on a vote to determine her status. She won the secret ballot 145-61. No member of the Indiana Republican delegation has publicly revealed how they voted.

On Tuesday, McCarthy was asked if Cheney was a "good fit" for GOP leadership. McCarthy told a room full of reporters that "if you're sitting here at a retreat that's focused on policy, focused on the future of making America next-century, and you're talking about something else, you're not being productive."

That same day, Politico reported on the growing chasm between McCarthy and Cheney. She has called for a commission that needs to be tightly focused on Jan. 6. "If we minimize what happened on Jan. 6 and if we appease it, then we will be in a situation where every election cycle, you could potentially have another constitutional crisis," she said. McCarthy wants a broader scope that explores all kinds of political violence.

Trump put out a statement on Tuesday, saying, "Liz Cheney is polling sooo low in Wyoming, and has sooo little support, even from the Wyoming Republican Party, that she is looking for a way out of her Congressional race. She'll either be yet another lobbyist or maybe embarrass her family by running for president, in order to save face. This warmongering fool wants to stay in the Middle East and Afghanistan for another 19 years, but doesn't consider the big picture – Russia and China!"

The Bulwark's Charlie Sykes observed Wednesday, "Back in February, I noted that it was worth remembering that Cheney is neither a RINO nor a squish. She is decisively not a Biden-Republican and isn't making any ideological moves to win the strange new respect of progressives across the aisle or on cable TV."

FiveThirtyEight explained, "Over her career, she



voted with Trump nearly 93% of the time. In his first two years in office she was pro-Trump on nearly 96% of her votes."

Sykes added, "While she occasionally (and rarely) bucked the president on immigration and spending bills, she loyally backed his legislative agenda, including his attempts to overturn Obamacare. But Cheney did not merely vote to support Trump's policies, she also lined up to support Trump's behavior. In February 2019, she voted to uphold Trump's constitutionally questionable emergency order on funding the Mexican border wall. July, 2019, she voted against a resolution condemning Trump for his racist comments about four Democratic congresswomen. Cheney also opposed the first effort to impeach Trump over his call to the president of Ukraine.

"In other words," Sykes continued, "she was one of the GOP legislators who had signed onto the Faustian bargain with Trump. Whatever her personal doubts, she was a hyper-loyal and reliable foot soldier. Until she wasn't anymore. And then all her loyalty counted for nothing."

## Republican Accountability Project

This past week, the Republican Accountability Project led by William Kristol (a former aide to Vice President Dan Quayle), Elizabeth Neumann (former deputy Homeland Security secretary under Trump), and former VP Pence national security aide Olivia Troye graded GOP members of Congress on their response to the Jan. 6 Capitol siege and a significant portion of the Indiana delegation flunked.

RAP's democracy grade is determined by evaluating members of Congress based on four criteria:

1. Did he or she sign on to the amicus brief filed along with Texas' lawsuit to the Supreme Court that sought to nullify votes cast in Michigan, Wisconsin, Pennsylvania and Georgia?
2. Did he or she object to the certification of Electoral College votes from at least one state?
3. Did he or she make public statements that cast doubt on the legitimacy of the 2020 election?
4. Did he or she vote to hold Trump accountable via impeachment or conviction?

Receiving "F" grades were U.S. Reps. Jim Banks, Jim Baird, Jackie Walorski and Greg Pence, whose brother was an assassination target of the Jan. 6 Capitol MAGA mob. U.S. Rep. Larry Bucshon received a "C-" as did U.S. Sens. Todd Young and Mike Braun, U.S. Rep. Victoria Spartz received a "D" (she affirmed all Electoral College votes), and Rep. Trey Hollingsworth a "D-" (he, too, affirmed all EC votes).

Of Sens. Young and Braun, as well as Rep. Bucshon, RAP noted that they did not sign the Texas amicus brief and affirmed certification of all states' Electoral College votes. But they were panned for not making public statements about the election and voting against Trump's

impeachment.

## Indiana members and a 1/6 Commission

Howey Politics Indiana reached out to Indiana's Republican congressional delegation with this simple question: Where do you stand on the creation of a Jan. 6 commission?

Rep. Walorski is a cosponsor of HR275, to establish the National Commission on the Domestic Terrorist Attack Upon the United States Capitol. "The Jan. 6 attack on the Capitol and the police officers who protect it was nothing less than a direct assault on our democracy," Walorski told HPI. We need a 9/11-style bipartisan commission to fully account for what happened and ensure it never happens again. It's time for Speaker Pelosi to stop playing politics with this serious matter and work in good faith with Republicans."

U.S. Rep. Jim Banks, who heads the House Republican Conference Committee, said in a statement to HPI, "Political violence in America skyrocketed in 2020 and 2021 and Congress must respond. Speaker Pelosi still hasn't shown Republicans a draft proposal of her January 6 commission, so I can't say if I'll support it. But I can say I would support a commission to investigate the riot on Jan. 6, along with the hundreds of other politically motivated riots that destroyed billions of dollars in property and killed dozens of Americans this past year. Every violent rioter should be prosecuted to the full extent of the law. If Speaker Pelosi were to focus exclusively on one riot while ignoring the about 570 other violent riots this year, she'd be telling Americans that Congress is only concerned by a certain kind of political violence. That is wrong. Political violence is reprehensible no matter which side is responsible."



U.S. Rep. Victoria Spartz, who on Jan. 6 had just been sworn into office with an oath vowing to defend the U.S. Constitution from enemies both foreign and domestic, explained, "It is important to look into what happened on Jan. 6 to understand why such a breakdown of communication and security occurred, so improvements can be implemented."

Spartz also wrote Speaker Nancy Pelosi on Jan. 8, saying, "Based on my experience on Jan. 6, 2021, it appears to be that the House of Representatives was not adequately prepared to respond to events that occurred. The House sergeant at arms is responsible for all issues relating to the safety and security of the members of Congress and the House side of the Capitol complex. Please advise what processes were directed by you to provide enhanced security for the joint session of the House and Senate in the House chamber in light of the known and anticipated major public demonstration on Jan. 6."

A spokesman for Rep. Bucshon told HPI, "The most critical element of any commission is that it be structured in such a way to ensure that the American people

accept the findings. That is why Congressman Bucshon believes that any commission set up should be a truly bipartisan commission in the same vein as the 9/11 Commission, not a political propaganda panel set up by Speaker Pelosi to rubber stamp a predetermined outcome that she has chosen."

Rep. Jim Baird said, "A fully bipartisan commission to investigate what occurred at the Capitol on Jan. 6 is needed, but the commission's scope must also include other violent acts that have occurred around the Capitol complex to ensure we get a comprehensive overview of all our protocols."

Sen. Braun responded, "Wherever Speaker Pelosi's political calculations end up regarding a commission into the events of Jan. 6 in the House of Representatives, my

Senate Appropriations Subcommittee on the Legislative Branch is digging deep into what resources – human and equipment – Capitol Police, Senate sergeant at arms, and architect of the Capitol need to prevent future security breaches and protect the men and women who protect our U.S. Capitol building, and the architect of the Capitol has just started a study under the supervision of the subcommittee to determine what security

investments need to be made."

Sen. Young's office did not respond to HPI's request for comment.

## INGOP on race

As for the rank and file polling on the Derek Chauvin verdict, the Indiana GOP has attempted to set an inclusive tone, though after Attorney General Curtis Hill's 2020 convention nomination defeat, has no African-American elected officials at the state and federal levels.

Last August, Gov. Holcomb delivered a statewide address on racial disparities following the murder of George Floyd, declaring race relations in the U.S. and state were at an "inflection point." Holcomb said, "If you want change, don't throw a brick; use a brick to lay a foundation for something better. That's what I and my team intend to do: Shape change."

Last July, the Indiana Republican Party launched the Indiana Republican Diversity Leadership Series, a seminar and leadership training program that will provide the preparation and resources needed to increase the engagement of minority Republican leaders in Indiana.

"Hoosiers continue to trust Republicans leaders up and down the ballot to lead our state and our communities," said Chairman Kyle Hupfer. "And with that trust comes a responsibility to provide not just a voice, but real solutions for all Hoosiers. We're launching this leadership series as the next step of building relationships among diverse communities, helping mentor and empower future government and political leaders from these historically under-represented communities." ❖

# Your final exam in Hoosiers politics

By JACK COLWELL

SOUTH BEND – With the school year drawing to a close, it's time for final exams. See how you do on this test.

**1. Since Indiana is listed among unhealthy states, especially when it comes to smoking, the state legislature took what action on the state's low cigarette tax:**



- a. Doubled it to curb smoking.
- b. Increased it 50 cents, modest but slight anti-smoking stand.
- c. Let it stay really low to keep from curbing cigarette sales.

**2. On the eve of Earth Day, Hoosier legislators sent a bill to the governor to:**

- a. Eliminate protections for the state's diminishing wetlands.
- b. Prohibit tree planting that might add cost to future building.
- c. Crack down on major air and water polluters.

**3. When Indiana's legislators return for redistricting, chances they will refrain from partisan gerrymandering are:**

- a. Good because of one-party control.
- b. Enhanced by calls for fair redistricting.
- c. About the same as chances were for Democrats to win the 2020 governor race.

**4. If there were no gerrymandering in Indiana, voting patterns indicate the legislature and congressional delegation would be:**

- a. Solidly Democratic.
- b. Solidly Republican.
- c. Split evenly.

**5. Census changes, off-presidential-election trends and the already trimmed Democratic House majority suggest the most likely House Speaker after 2022 voting is:**

- a. Kevin McCarthy.
- b. Nancy Pelosi.
- c. A.O.C.

**6. Former Republican House Speaker John Boehner says in his book that too many Republicans in the ill-fated government shutdown "were on the Titanic playing chicken with an iceberg – and a loud-mouthed jerk from Texas was at the helm." He was**

**referring to:**

- a. Former President George W. Bush.
- b. Sen. Ted Cruz.
- c. Dallas NFL owner Jerry Jones.

**7. Boehner hails positive influence in his life from:**

- a. Gerry Faust.
- b. Charlie Weis.
- c. Brian Kelly.

**8. In Trumpsterspeak, a corporation is irresponsible if described as:**

- a. Broke
- b. Woke.
- c. Okey doke.

**9. That theory of ingesting bleach to kill COVID-19 was tried and marketed by a Florida family. They were:**

- a. Commended by Dr. Fauci, who apologized for having doubted the effectiveness.
- b. Nominated for a Nobel Prize in medicine.
- c. Indicted, with federal prosecutors saying at least seven people died from drinking the stuff.

**10. In the fight against COVID-19, the Indiana legislature sided with:**

- a. The popular Republican governor.
- b. Local health experts.
- c. Scoffers at virus precautions.

**11. In an NRA bankruptcy hearing, Wayne LaPierre, NRA chief executive, said he twice fled to a yacht for personal safety because:**

- a. There are too many nuts out there with guns.
- b. Lots of folks were angry with him after Sandy Hook and Parkland school shootings.
- c. With so many bullets flying around all over the land, he needed to get off shore.

**12. Democrats were clobbered in key races and nearly lost control of the House because of:**

- a. Republicans stealing votes.
- b. The coattails of Donald Trump.
- c. The Democratic brand not selling down ballot.

**13. The most likely Republican presidential nominee in 2024 appears now to be:**

- a. Mike Pence.
- b. Donald Trump.
- c. Liz Cheney.

**14. If they competed, the most likely Democratic presidential nominee in 2024 would be:**

- a. Joe Biden.
- b. Pete Buttigieg.
- c. Kamala Harris.

**15. People charged after storming the Capitol often cite which defense:**

- a. Mike Pence deserved to be hanged.
- b. They were following directions of their president.
- c. They were there to hug Capitol cops.

**ANSWERS:** 1-c; 2-a; 3-c; 4-b; 5-a; 6-b; 7-a; 8-b; 9-c; 10-

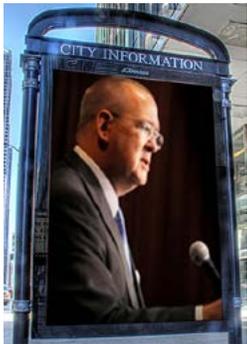
c; 11-b; 12-c; 13-b; 14-a; 15-b. ❖

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

# Why are we hearing about a labor shortage?

By **MICHAEL HICKS**

MUNCIE – Many businesses are reporting difficulty in finding workers. I hear this from business owners whose judgement I trust. I also read about it on social media, here in Indiana and around the country. These



reports don't square with the data that show very large numbers of unemployed. There are more than 130,000 fewer workers in Indiana than in February 2020. So, one would imagine there are plenty of available people to take open positions. There are a few possible explanations for the feeling that there is a labor shortage.

One of the most popular arguments is that government benefits, especially the generous CARES Act supplementary unemployment payments, cause people to avoid work. That is surely true for some workers, but the notion that this is widespread is just not supported by the evidence.

First, the benefits are generous, but temporary. There's just not a lot of evidence that workers make long-term decisions about work based on short-term benefit programs. Second, the program expired in a few states, including Indiana, late last year as President Trump delayed signing the extension bill. That experience didn't cause an increase in employment that would be consistent with workers going back to work as benefits end.

**The biggest argument** against benefits as the leading barrier to employment growth is data on help wanted ads. First quarter 2021 help wanted ads in Indiana were only about 7.0 percent higher than the same three months of 2020. Keep in mind, the economy entered recession in February 2020, and were already recession-like by early 2019. Not only that, but employment crashed in late March 2020 due to COVID. As of three weeks ago, there was just no evidence of a spike in hiring.

Moreover, there is little secondary evidence, beyond help wanted ads, that businesses are even trying to increase hiring in any meaningful way. Indiana has created only 30,000 new jobs since September, and only 6,000 so

far in 2021. At the rate of job growth so far in 2021, it will take six years and two months to return to February 2020 levels of employment. That's June 2027 if you are wondering.

Still, with few jobs being created, it seems more likely that jobless Hoosiers would be scrambling for these scarce opportunities. That makes stories about a labor shortage more worrisome. What else could be occurring?

**Joblessness during** the COVID downturn was almost wholly concentrated among low-wage workers. Employment levels for workers with a college degree have climbed back to 2019 levels and are likely to fully recover by year's end. Employment for workers with only a high school degree are lower than at any time over the past 30 years for which we've been gathering monthly data.

The demographics of joblessness suggest many workers may be training for better jobs. This could take a year or more, and would explain the experience employers have with fewer available workers. One of the few good things to come out of this pandemic would be a cohort of workers with better job skills. Still, college and workforce training programs haven't seen enough of an enrollment spike to account for the reports by businesses of difficulty finding workers.

Remote work may also play a role. I personally know three people who've started remote work in the past few months that replace local jobs. So, maybe displaced workers have concentrated their job searches on finding jobs they can do at home. These jobs often have more flexible work conditions, so may be very appealing. Over the past 30 days (mid-March to mid-April), 3,082 jobs with 'remote' in their description were advertised in Indiana. Nationally, 7.5% of open job applications have 'remote' in their description. So, employees might be finding work, just not at the occupations and firms they left during COVID.

**Many of the jobs lost** to COVID were in occupations with considerable exposure to the virus. The risk of returning to these jobs is not trivial, and many workers might be unwilling to return to work at the same place, for similar wages. So, some firms might find themselves facing higher wage costs to rehire the same workers.

Another explanation is that many displaced workers may have chosen not to return to work. In the 13 months since the recession started, the labor force has shrunk by 3.89 million. Overall, the Labor Force Participation Rate is lower than it was last summer, suggesting a

significant share of people who were working last year aren't actively seeking a job today. Importantly, these people should not be counted on the rolls of those currently receiving unemployment benefits. However, the source of collecting data on the unemployed differ, so there is surely some overlap.

**In recent decades**, the dwindling Labor Force Participation Rate has been worrisome, occurring disproportionately among young, poorly educated men. Over the past year, the rate for men has dropped more than for women, but it remains much higher for men. The reason for concern about this is that women leave the labor force primarily to care for children. The experience of young men is different and far less productive.

Child care is probably the most productive non-market exchange within the economy. If adults are voluntarily choosing to work less and remain home to raise children, it is not a policy problem. In fact, it may well generate significant benefits. It is too early to know if this is happening in large numbers, but it seems certain that an event as significant as this pandemic would result in these types of changes.

Workers may also elect not to work through more than child care duties. Many workers might have retired early, while others might be attempting to remain in school

longer. These are not uncommon during a recession. Likewise, the family disruptions of the past year, which also caused a loss of close to 575,000 lives, may have altered the work interest of many Americans. The value of limited time with family may be worth more than the additional earnings from a job for some family members.

Finally, labor markets adjust imperfectly to quickly changing conditions. Businesses and workers might have very different expectations about pay, working conditions, benefits and scheduling. A job isn't created because of an ad, but because a worker and employer agree on wages, schedules and work conditions. A fast recovery, which we are anxious to see, could contribute to the sense that there is a labor shortage.

**As of early May 2021**, it is clear many businesses feel starved for new workers. It is not at all clear why that is, and whether or not it is a transient matter, or longer-term consequence of COVID. ❖

**Michael J. Hicks, PhD, is the director of the Center for Business and Economic Research and the George and Frances Ball distinguished professor of economics in the Miller College of Business at Ball State University.**

## Property taxes are not gross

By **MORTON J. MARCUS**

INDIANAPOLIS – Gross assessed value may be the best indicator of economic progress for a neighborhood, city, county, or state.

We don't have good numbers on the market value of real estate. Sales disclosure forms may not do the trick, if they are not audited. The gross valuations of county assessors can be challenged by property owners. No one challenges when the assessments are too low. So these gross assessments are a minimal statement of value.

The GAV of the property we own is listed with our property tax bills. It changes as the market value of homes in our neighborhoods change, if there are a minimal number of home sales in the neighborhood. Assessors follow a manual from the Indiana Department of Local Government Finance (DLGF), so there should be statewide uniformity.

**DLGF's data base provides** the net assessed value of property, but those figures are the result of political fiddling with presumably objective values to lower the

taxes of selected groups of property owners.

Homeowners and farmers are the primary beneficiaries of our property tax practices. In a state that pretends to treat all persons the same, persons with a mortgage on their primary residence get a \$3,000 deduction in their assessed value. Plus, every such homeowner gets a standard \$45,000 deduction.

Then there's the granddaddy of deductions. An assessment under \$600,000 drops by 35% (25% over \$600,000). That's a whopping \$35,000 on a \$100,000 home. Thus, a home with a GAV of \$100,000 has \$83,000 in deductions, leaving a net taxable value of just \$17,000.

**We're not done yet.** The legislature has designated part of the flat-rate local income taxes to reduce local property taxes. They also bamboozled Indiana voters into putting a constitutional cap on property taxes.

For homeowners' primary residences, that cap is 1% of the GAV or \$1,000 on that \$100,000 home. Indiana's median property tax rate in 2020 was \$2.04 per \$100 of assessed value, or \$347 in property tax on that home with the \$17,000 taxable value. Since the tax (\$347) is less than the \$1,000 cap, the homeowner gets no value from the constitutional amendment and pays \$347.

With homeowners getting lower assessments, the costs of local functions do not decline. Hence, lower assessments require higher tax rates to come up with the funds supporting public services.

However, legislators have instituted controls on property tax rates and made local governments dependent on state funding or special tax referendums. Thus did our



state legislators get their desired control over the local governments they consider inferior, if necessary, creatures.

**Confused? Thank a legislator.** If GAV approximates market value, why not just use GAV times a lower tax rate to raise the necessary funds for localities? Want smaller government, then simplify government practices.

❖

## How much social media policing do we want?

By **KELLY HAWES**  
**CNHI News Indiana**

ANDERSON – As the nation braced for an outcome in the trial of former Minneapolis police officer Derek Chauvin, Facebook announced it was on alert.

“Our teams are working around the clock to look for potential threats both on and off of Facebook and Instagram so we can protect peaceful protests and limit content that could lead to civil unrest or violence,” Monika Bickert, Facebook’s vice president of content policy, wrote in a blog post. She promised the platforms would be proactive.

“We know this trial has been painful for many people,” she wrote. “We want to strike the right balance between allowing people to speak about the trial and what the verdict means, while still doing our part to protect everyone’s safety.”

And then she offered what for many might have been a revelation. “As we have done in emergency situations in the past,” she wrote, “we may also limit the spread of content that our systems predict is likely to violate our community standards in the areas of hate speech, graphic violence, and violence and incitement.”

For folks like Daniel Kelley, associate director of the Anti-Defamation League’s Center for Technology and Society, that raised an obvious question: If Facebook can be more vigilant in “emergency situations,” why doesn’t it take that approach all the time?

“Hate is an ongoing problem on Facebook,” Kelley told the Los Angeles Times, “and the fact that Facebook, in response to this incident, is saying that it can apply specific controls to emergency situations means that there is more that they can do to address hate, and that ... for the most part, Facebook is choosing not to do so.”

At the same time, an online organization called Avaaz has made a mission of rooting out lies and misconceptions circulating on social media. The organization

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uncovered 65 posts pushing 15 false narratives on George Floyd’s murder.

Avaaz flagged the posts in September, but a review after the verdicts showed 43 of the posts and 14 out of 15 false narratives were still circulating. The organization told USA Today that four out of five posts claiming Floyd was still alive remained on the platform on the day after the verdicts. Only one had been labeled as “false information.”

“Instead of playing a positive role in protecting marginalized communities from disinformation and hate,” the group’s Fadi Quran said in a statement, “Facebook is still allowing its platform to be weaponized to spread this content.”

**In a report released in August,** Avaaz suggested Facebook’s algorithm represented a threat to public health. “In order to assess Facebook’s response to misinformation content spreading on its platform,” the report said, “we analyzed a sample set of 174 pieces of health misinformation published by the networks uncovered in this report, and found only 16% of articles and posts analyzed contained a warning label from Facebook. And despite their content being fact-checked, the other 84% of articles and posts Avaaz analyzed remain online without warnings.”

Among the most egregious lies Avaaz uncovered was an article claiming a Bill Gates-supported polio vaccination program led to the paralysis of almost half a million children in India.

Avaaz proposes a two-step solution it says could reduce the belief in misinformation by nearly half and cut the reach of those lies by up to 80%: First, correct the record by providing all users who have seen misinformation with independently fact-checked corrections, and second, “detox the algorithm” by making disinformation less likely to spread.

Will Facebook take that advice? Should it? Some worry what will happen if social media giants take on the role of deciding what information is worth sharing and what isn’t. Others worry what will happen if they don’t. ❖

**Kelly Hawes is a columnist for CNHI News Indiana. He can be reached at [kelly.hawes@indianamedia-group.com](mailto:kelly.hawes@indianamedia-group.com). Find him on Twitter @Kelly\_Hawes.**

# A sheep session in wolf's clothing?

By ANNE LAKER

INDIANAPOLIS – Was the 2021 legislative session a sheep in wolf's clothing? It depends on who you ask.

Lawmakers and advocacy organizations concerned about the environment, justice reforms, and voting rights ended up with a proverbial mixed bag, with a few cliffhangers still remaining on the desk of Gov. Holcomb.



From an array of voices, here are the poison-tipped arrows, the deservedly dead, the fallen righteous, and the universally beloved.

## 1.) In your eyes, what was the worst piece of legislation (most damaging to Hoosiers and our state's future) that passed this session?

**Jeff Stant, Indiana Forest Alliance:**

"SEA389 is the worst piece of legislation to pass this session. IDEM estimates that SB389's passage will result in the loss of all legal protection for 550,000 to 600,000 acres of the 800,000 acres of wetlands remaining in Indiana, 69% to 75% of all the wetlands we have. A large amount of the wetlands that will be lost are forested wetlands, some of the most biologically important forests in the state. They can be degraded to the status of Class I wetlands (that lost all protection in SB389), simply by logging them. The fact that the House Majority Leader, Rep. Matthew Lehman (R-Berne), personally lobbied hard for the second reading (floor) amendment that stripped the compromise language from SB389, that Chairman Douglas Gutwein of House Environmental Affairs had negotiated with IDEM, and replaced it with far more destructive language that the builders wanted shows the hypocrisy that the House Republican leadership was willing to engage in to get what the builders wanted done. For any other bill, they strongly defend their committee system, deferring to what the committee chairs report out. But not for this one. The fact that Speaker Huston personally voted in support of the second reading floor amendment and third reading final passage (when speakers often don't vote) also was intended to tell Republicans to ignore their own committee chair. There were Republicans in both chambers, like Sens. Glick and Crider and Reps. Gutwein, Slager, and Abbott, that fought this bill hard and at least a dozen in the House and nine in the Senate who voted with every single Democrat to oppose this legislation." The League of Women Voters of Indiana (LWVIN), Rep. Earl Harris Jr. (D-East Chicago), vice chair of the Indiana Black Legislative Caucus, and Jesse Kharbanda of Hoosier Environmental Council

concurred that SEA389 is the worst of the worst. "LWVIN and many of our local leagues signed with over 100 other organizations a letter to Gov. Holcomb asking him to veto the bill," said Linda Hanson of LWVIN.

**Sen. Taylor** (D-Indianapolis), minority floor leader: "SR39 specifically says that Indiana will not follow any legislation passed by the federal government to establish necessary gun control measures in our nation. Our country and state are being ravaged by gun violence. Rejecting common-sense efforts to address that issue is a shameful position to take as a state and was one of the most disappointing moves the General Assembly made this session."

**Rep. Shackelford** (D-Indianapolis), chair of the Indiana Black Legislative Caucus: "HB1198 will set a very harmful precedent of charging an adult for their juvenile crime."

**Kerwin Olson, Citizens Action Coalition:**

"HEA1191 directly interferes with communities', consumers', and developers' plans for creating sustainable communities and implementing climate mitigation strategies. Furthermore, it significantly limits consumer choices and further embeds the control and influence of the monopoly utilities."

## 2.) The most damaging bill or amendment that – thank goodness – died.

**Julia Vaughn, Common Cause Indiana:** "I'd say the bill whose death I most celebrated would be SB353. That bill was bad as introduced (would have required people registering to vote to show proof of citizenship – that was amended out in the Senate committee) and it morphed into several horrible policy provisions as it went through the process. All of these bad ideas were predicated on the big lie, that voting by mail is insecure and legislators need to make it harder to access. It died in conference committee." Rep. Earl Harris concurred: "We should not pass legislation which will disenfranchise voters by adding unnecessary requirements to a process which has already been proven to work. It is good for voters that this bill died."

**Jesse Kharbanda, Hoosier Environmental Council:** "SB411 would have effectively stripped victims of pollution from being able to obtain relief in court if the offending polluter was otherwise compliant with environmental laws."

**Jeff Stant, Indiana Forest Alliance:** "The amendment by Rep. Ellington added to HB1337 in the House Local Government Committee to remove county authority to regulate logging outside of a municipality. This amendment was stripped by HB1337's Senate sponsor, Sen. Jim Tomes, in the Senate Local Government Committee before the whole bill was killed in that committee. The idea that a county should not be able to regulate logging on steep slopes with highly erodible soils that drain directly into the county's water supply is abhorrent public policy."

**Kerwin Olson:** "The amendment to HB1191 which would have provided any holder of a Class 6I permit from the EPA immunity from liability and the right to con-

demn private property with no notification or compensation to the property owner, which was pushed for aggressively by the developers of the Wabash Valley Resources project in West Terre Haute." Adds Stant of IFA: "[We cannot] afford to foist this biomass boondoggle on Hoosiers or grant the same legal precedent of this amendment to all the other greenhouse gas generators that will demand equal treatment."

**Sen. Taylor:** "SB168 [proposing a study committee on the administration of the Indianapolis Marion County police department], thankfully, died this session without a committee hearing or vote. This was yet another big government bill introduced this session to meddle into the affairs of Marion County and I'm grateful that more logical minds got involved to keep this bill from moving forward."

### 3. ) Best bill that was not heard / did not pass:

**Rep. Shackelford:** "HB1202, which would have given a second chance to offenders in prison, prisoners that should be released according to our updated 2014 criminal code. Also, HB1333, which would have ensured our health care providers were trained to effectively communicate and care for our diverse population."

**Jesse Kharbanda:** "Indiana is dramatically trailing other conservative states like North and South Carolina in dealing with the risks to our drinking water resources from unlined coal ash waste pits. In those states, the utility companies are excavating their coal ash from these waste pits and moving the toxic ash to lined landfills. In Indiana, with our state environmental agency (IDEM)'s consent, the utilities are overwhelmingly keeping the coal ash in place, even though the coal ash is leaching toxins into groundwater resources and the waste pits are in floodplains. Senate Environmental Chair Mark Messmer would not even hear SB367, though it had four bipartisan sponsors and could have seriously helped address one of Indiana's biggest environmental health threats."

**Julia Vaughn:** "The bill that didn't even get a hearing but is really needed is SB103, which would have put some standards in place that legislators would have to follow when they draw new districts later this year. Currently there are very few redistricting rules in place, which is one reason partisanship can easily take over and drive the process." Hanson of LWVIN seconded that: "We could have used a law that would have at least spelled out a redistricting process and prescribed transparency."

**Jeff Stant:** "HB1222, authored by Reps. May and Cook. This was the 'Old Forest Bill' to set aside 10% of each state forest from logging. It never received a hearing by the House Natural Resources Committee. Also, we are also pretty disappointed by the failure of SB373 [establishment of carbon markets] to pass."

**Kerwin Olson:** SB420 introduced by Sen. Yoder which have not only extended the phase-out of net-metering, but would have significantly expanded net-metering to make it available to more consumers. Additionally, it would

have directed the IURC to create a better successor tariff to net-metering rather than the arbitrary and prescriptive tariff passed as part of SEA309 in 2017 which only promises to thwart, if not end, the rooftop solar market in Indiana."

### 4.) Best thing to come out of the session overall:

**Jesse Kharbanda:** "For all of the challenges of this session (and there were many), HEC and our allies did secure victories for environmental health, endangered open spaces, mass transit, and pollinator-friendly solar. And I've never seen the full spectrum of the Indiana environmental/conservation community – which can be quite diverse in goals and approaches – come together with such unity as the community has regarding SB389. If we can sustain and deepen this broad-based collaboration, we will, together, be a bigger influence over state public policy, and Indiana could open up a new era of improved environmental health and much more protected land and water, and be at the forefront of clean, safe zero-carbon technologies."

**Rep. Earl Harris Jr.:** "The easy answer is HB1001, the budget bill which received bipartisan support, something not often seen for the state budget bill. Bolstered by funds from the Biden Administration's American Rescue Plan and a better fiscal forecast than expected, its positive impact will be seen in areas such as education, food banks, law enforcement training, and health care. In terms of historic impact, though, the answer has to be HB1006. Authored by Rep. Gregory Steuerwald and IBLC Chair Robin Shackelford, this piece of legislation, in my opinion, will be a role model for other states to follow. The legislation will make de-escalation training for law enforcement officers mandatory, limits the use of chokeholds, penalizes officers who turn off body cameras and works to stop problematic officers from easily moving to another law enforcement department."

**Rep. Shackelford:** "Bipartisan support of HB1001 State Budget, which greatly benefited the minority community. HB1199, which extended the traffic amnesty and will financially assist suspended drivers get back on the road. And SB368, which will give our youth an automatic second chance and keep them protected as they navigate the judicial system."

**Jeff Stant:** "The \$25 million in funding for conservation land acquisition and \$60 million for trails (in the Next Level Trails program) in HB1001, the budget bill. While there is some concern that the conservation land acquisition monies didn't go straight to the Benjamin Harrison Trust – perhaps they will revert back to the General Fund if IDNR doesn't spend them within the biennium – the state sorely needs to buy more public park, forest and wildlife land."

**Kerwin Olson:** "No question, it was the budget. It was refreshing to end a mostly dismal session with bipartisanship and some hope for better things to come in the future." ❖



tricting process in the Land of Lincoln. In the Empire State, voters created an independent redistricting commission in 2014, but Democrats now hold supermajorities in the state legislature that could allow them to overrule the commission, and they also are pushing a November ballot issue “that would make it easier for Democrats to enact their own redistricting plan without support from Republicans,” Russell Berman of the Atlantic wrote in a helpful overview of the New York state of play. So Democrats might be able to gerrymander New York too.

Let’s assume they do and that Democrats eliminate a Republican seat in both Illinois and New York. Our running tally is now -3 R.

### Hazy situation on Big 10 states

The situations in Michigan, Pennsylvania, and Ohio are hazy.

Republicans control the process in Ohio, but state voters imposed some restrictions on redistricting in a 2018 ballot initiative. That hypothetically could rein in partisan gerrymandering, but may not do so in practice. One natural seat to be eliminated is Rep. Tim Ryan’s (D, OH-13) Akron-to-Youngstown district, which was drawn to be a Democratic vote sink but only voted for Joe Biden by a few points as Donald Trump won over many usually-Democratic voters in eastern Ohio. Ryan’s just-announced Senate campaign doubles as an acknowledgment that he would have had a difficult path back to the House. Let’s say the lost Ohio seat is a Democratic one. That’s -1 D, -3 R.

Michigan now has a new nonpartisan commission, created by voters, while Pennsylvania has divided government. The fair thing to do here in an unclear situation is probably just to say that each party will lose a seat apiece, although the Democrats easily could lose a seat in each state. Some current Democratic districts in Detroit and Pittsburgh are losing population, so they likely will need to expand outwards, which could hurt some surrounding Democrats in competitive suburban districts.

Still, let’s say -2 D, -4 R for our overall tally.

For the first time ever, California is losing a seat. Even after a four-seat net Republican gain in the Golden State in 2020, Democrats still hold a massive 42-11 statewide edge in California, up from 34-19 in advance of the 2012 election. California uses a nonpartisan process that

Democrats successfully influenced in the last redistricting cycle. We gave the Democrats the benefit of the doubt in the discussion of Michigan and Pennsylvania, so let’s give the Republicans the benefit of the doubt here. According to the website Redistricting and You, produced by the Center for Urban Research at the Graduate Center of the City University of New York, Democratic-dominated Los Angeles County includes many districts that are currently underpopulated. Perhaps one of those Democratic districts there or elsewhere gets eliminated, so let’s say Democrats lose a California district. That’s -3 D, -4 R.

So under these loose projections, Republicans lose a little more than Democrats. But that’s only half of the story; let’s look at the states gaining seats.

Florida (+1), North Carolina (+1), and Texas (+2) are gaining a total of four new seats. Republicans control the redistricting process in all of these states, although they may eventually be constrained by courts. Based on a 2010 voter-passed constitutional amendment, Florida

forbids partisan gerrymandering, and the state’s Supreme Court used the constitution’s language to untangle a Republican gerrymander there in advance of the 2016 election. North Carolina’s Democratic-controlled state courts also forced a redraw of a Republican gerrymander there in advance of the 2020 election. But Republicans have gained in both states’ courts in recent years, and it’s unclear if those courts will strongly intervene this time.

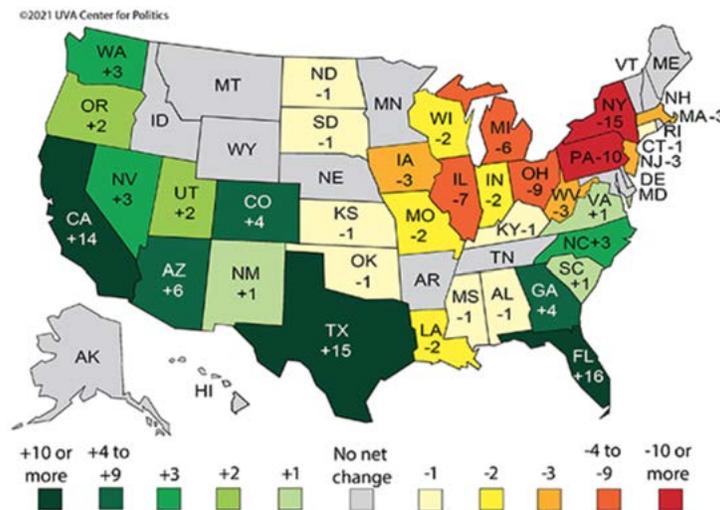
We think a baseline assumption should be that Republicans will work

to net all of the new seats being apportioned to Florida, North Carolina, and Texas, and they very well may be successful. If they are, the calculation here would be +4 R, +0 D. Republicans likely are disappointed that Florida only added one seat instead of two, and that Texas only added two instead of three. We were prepared to say that Republicans would have been favored to make even bigger gains in these states had they gotten those extra seats, although they may be able to otherwise gerrymander in those states to help themselves.

Republicans may achieve these ends by perhaps granting the Democrats a new seat in one part of the state but then dismantling a Democratic seat elsewhere.

For instance, Rep. Charlie Crist (D, FL-13) ran for the House in 2016 after his Tampa Bay-area seat was made more Democratic in the court-ordering Florida redistricting. Now he is apparently considering another run for governor, which likely is influenced by the possibility of

**Map 2: Change in House seats from 1960 to 2020 census**



his district becoming less Democratic (it is competitive as drawn).

Rep. Filemon Vela (D, TX-34) is retiring from his South Texas seat, which might make it easier for Republicans to draw a GOP-leaning seat in this usually Democratic region where Donald Trump performed quite well in 2020 relative to usual Republican performance.

But again, let's keep a narrow focus here on just the seats lost and added.

Colorado has a nonpartisan process that is difficult to handicap, but the state's overall trajectory is clearly Democratic. Let's say Democrats are able to get the new seat. That's now +4 R, +1 D.

Montana used to have two districts prior to the 1990 census, and it's getting the seat back this time. The state has an independent redistricting commission, and if the districts look like they did under the state's traditional split – one district covering the more populous western third of the state, and another covering the less populous eastern two-thirds – the western district would likely be competitive but Republican-leaning. Let's assume the GOP wins the new Montana seat: +5 R, +1 D.

Finally, in Oregon, Democrats – who control the governorship and both chambers of the state legislature – recently came to an agreement with Republicans that essentially removes the Democrats' advantage in congressional redistricting. They did this in return for Oregon Republicans agreeing to limit legislative obstruction tactics on other matters. The House map at the End of the Trail is 4-1 Democratic, but two of the Democratic-held seats are competitive, and even if Democrats had total gerrymandering power, they might have been hard-pressed to draw a secure 5-1 Democratic map. So it seems like Republicans should be able to get the new seat in Oregon; that leaves the overall tally in states gaining seats at +6 R, +1 D.

**Conclusion**

All told, this adds up to a possible 6-1 Republican edge among the new House seats being drawn. Combine

that with the loss projections laid out above, and Republicans come out of this hypothetical reapportionment scenario with a net two-seat gain. They lose four seats to the Democrats' three, but they win six of the seven new seats.

The reality of the situation almost certainly will be different than what we've described above. Additionally, we made a number of assumptions above that reasonable people might not agree with – others have and will make different ones, and that's fine.

But even with different assumptions on a state-by-state basis, we think the overall takeaway is that Republicans should be able to get the better of the Democrats, on net, in reapportionment.

Every seat matters; Republicans will only need to win five seats more than the 213 they won in 2020 to flip control of the House. Reapportionment could help them, on balance, even without taking into account the broader redistricting process as well as the actual campaign season to come. ❖

**Feds raid Giuliani home, office**

NEW YORK – The Justice Department sharply escalated an investigation into former President Donald Trump's longtime confidant and lawyer Rudy Giuliani Wednesday by executing search warrants at his Manhattan home and office. The actions were part of a long-running probe into Giuliani's dealings with a shadowy cast of characters in Ukraine during Trump's presidency ([Politico](#)). The FBI also arrived Wednesday morning at the D.C.-area home of another attorney who had dealings with Ukrainians and remains close to Giuliani and Trump, Victoria Toensing, and took her cellphone pursuant to a search warrant, according to a person familiar with the episode. Toensing's home was not searched and officials indicated that she is not a focus of the probe, the person said. ❖



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**James Briggs, IndyStar:** If you're looking for unity, this is about as good as it gets: Indiana lawmakers passed a two-year, \$37.4 billion budget with near unanimity before heading out of town Thursday. To be sure, the full-throated support for this budget among Republicans and Democrats is powered by the euphoria of spending a one-time COVID-19 stimulus allocation from the federal government. Lawmakers socially distance using the floor and balcony in the Indiana Senate chamber on Organization Day at the Indiana Statehouse in Indianapolis, Tuesday, Nov. 17, 2020, marking the start of the 2021 legislative session. But that doesn't diminish the budget's features: \$1.9 billion in new spending on schools (which "restores more than half" of the per-student decline since 2012, according to Ball State University economist Michael Hicks), \$900 million for infrastructure, \$250 million to expand internet access in rural areas, a total of \$30 million for police body cameras and much more. The last-minute infusion of cash capped an Indiana General Assembly session that turned out pretty well against the backdrop of bitter squabbles over everything from policing to face masks. The legislature passed some good bills, rejected most of the bad ones and showed that democratic accountability still exists in Indiana. The session could have gone down much differently. I've spent a lot of time, for example, criticizing efforts among Republican lawmakers to pass legislation that would penalize Indianapolis for its leftward tilt. There were bills that would have led to a state takeover of the Indianapolis Metropolitan Police Department; stripped zoning power from the mayor and City-County Council; and made it harder for IndyGo to proceed with its bus rapid transit plan. By the end, none of those proposals passed as originally drafted. ❖



**Abdul-Hakim Shabazz, IndyPolitics:** Although Indiana lawmakers have temporarily adjourned, they will come back later this year to draw the legislative maps. There's already private chatter going on as to who is going to end up in the same district and possibly running against each other. The main reason being is that for the last 10 years, the population in rural parts of the state has either declined or stayed stagnant, putting the GOP Supermajority in jeopardy. In 2010 there were 74 rural counties with populations less than 100,000, which is one of many measures. From 2000 to 2010 those counties saw 67,630 new residents (0.28% annual growth). In the remaining 18 counties, the annual growth rate was .89%, and there were 330,047 new residents. From 2010 to 2017, the 74 rural counties had a population growth of 2,825 (annual growth of 0.016%), while the urban counties had 173,964 new residents (0.62 annual growth). However, in the urban counties, Vigo, LaPorte, Delaware, Madison, and Lake all lost residents as well. Even including these declining urban places, urban growth rates are like 3,700 times faster than rural growth rates. Redistricting will also very likely remove representation

from Lake County, Terre Haute, Muncie, and Anderson, along with nearly every rural county, so it will be interesting to see which lawmakers end up in the same district. The new numbers are expected to be out in May. "I've looked at some 2019 predictions and estimates, so we do expect to lose some rural population and the corresponding gain will be in larger cities and suburban areas and that will create some challenges. Some of those districts will look larger in the rural areas because they are sparsely populated," said Senate President Pro Tem Rod Bray. "If you're asking if there will be some changes around the state I think the answer has to be yes, just to follow those population trends." The counties with the most growth since 2010 are Hamilton, Boone, Hendricks, Johnson, Hancock, Tippecanoe, and Bartholomew. The counties that have lost the most population since 2010 are Blackford, Pulaski, Wabash, Randolph, Grant, and Jay. ❖

**Aaron E. Carroll, New York Times:** During the pandemic, good management and guidance have often been lacking. If we want to make our exit from the crisis better than our entrance and passage through it, we've got to start planning now. A good first step would be to agree on our definition of an ending. When can we declare the pandemic over? Not yet, of course. Cases are stalled or rising in many areas. Virus variants are becoming more prevalent. While many people are vaccinated, many more are not. Hospitalizations and deaths are still occurring, especially in those groups not yet fully immunized. Community spread is far too rampant, and risks still abound. Recently the director of the Centers for Disease Control and Prevention, Dr. Rochelle Walensky, warned of "impending doom" from a fourth surge if we aren't careful. But things are significantly better than they were a few months ago. As we continue to improve, it would be useful to have guidance on how we might ease the policies that have kept us protected. Too many people, though, are unwilling to talk about any lowering of our guard — even in the future — because some danger still exists. They want to know that no one is dying of Covid-19 in their community anymore, or they want to know that there are no cases in the area and that there is no chance of their being exposed. Normal has never meant "perfectly safe." A safer world will likely still have Covid-19 in it. Ideally, we should reduce restrictions gradually while we closely monitor the situation. First, we might liberalize outdoor gatherings and open schools and maybe even camps more fully. If all goes well, we could allow for denser indoor public events, with masks. We could allow restaurants and bars to increase to full capacity in stages. A professor of medical ethics and two researchers argue that vaccines should be mandated for health care workers, students attending in-person classes and others. Bottom line: We can sometimes collectively act to reduce risk, but we almost never eliminate it. ❖

## Indiana ranks 45th in vaccine rate

INDIANAPOLIS — Indiana continues to lag most of the nation in the percentage of people who are fully vaccinated, despite high-profile efforts by the state to roll out mass vaccination clinics and offering same-day, walk-in or drive-in shots (Russell, [IBJ](#)). The Hoosier state ranked 45th among all states, with just 25.4% of residents aged 16 and older fully vaccinated, according to the Centers for Disease Control and Prevention's data tracker, as of Tuesday morning. Indiana health officials on Wednesday urged Hoosiers to get vaccinated, pointing out that hospitalizations from COVID-19 have climbed 50% since late March, to 955 patients as of Monday. The demand for vaccines in Indiana has leveled off in recent weeks, despite the push to get more of the population vaccinated.



"Hoosiers, COVID is still here and it is not going away any time soon," Dr. Kris Box, Indiana health commissioner, said Wednesday during a press conference. "Please stay vigilant. Please don't let your guard down." "We're trying to do everything we can to get vaccine out, to look at different avenues, to continue the conversation, to continue the education," said Dr. Lindsay Weaver, chief medical officer at the state health department. "The bottom line is we have a lot of work to do."

Box said a big challenge is the low percentage of people in rural counties that are getting vaccinated. She said the state is working with the Indiana Rural Health Association, the Purdue Extension and the Indiana Farm Bureau to try to increase the rate. As of Wednesday, nearly 1.8 million Hoosiers, or 33% of people aged 16 and older, are fully vaccinated, state officials said. That figure is higher than the 1.7 million people, or 25.4% of the eligible population,

reported Tuesday by the Centers for Disease Control. According to WIBC's Eric Berman, the lowest rates of #COVIDvaccination (at least one dose), by county: LaGrange 23.1%, Newton 24.5%, Switzerland 25.3%, Franklin 25.7%, Daviess 27.1%, Carroll 29.2%, Parke 29.2%, Starke 29.6%, Miami 29.8% and Crawford 30.5%.

## Michigan concerns health officials

INDIANAPOLIS — The counties near Indiana's border with Michigan are showing persistent risk of coronavirus spread, with top state health officials saying Wednesday they were trying to turn around declining COVID-19 vaccination rates ([AP](#)). The ongoing risk comes as Indiana's COVID-19 hospitalizations are at their highest since mid-February with Michigan remaining the national hotspot for infections and hospitalizations. Indiana's rate of people receiving vaccine shots has dropped by about one-third over the past couple weeks. The State Department of Health's weekly tracking map updated Wednesday showed four of the five Indiana counties that border Michigan with orange risk — the second highest of the four ratings. Two other nearby counties also have orange ratings, while 10 more northern Indiana counties have the next-highest yellow rating. Indiana officials have been watching those northern counties because Michigan has posted more new COVID-19 cases than any other state in the country over the past two weeks. Those infections could continue to spread among unvaccinated people with so much travel between the two states, health officials said.

## Hammond braces for MAGA protest

HAMMOND — A flap over a profanity-adorned flag in Hammond is prompting the mayor to muster possible police security and prepare for threatened protests by conserva-

tive groups outside of his home and City Hall, he said Wednesday (Carden, [NWI Times](#)). An Evansville-based group of Donald Trump supporters say they're planning to drive more than five hours to Hammond Saturday to protest outside City Hall and McDermott's home. The Young Conservatives of Southern Indiana claim to be organizing a "Trump Caravan/Rally" in response to McDermott's efforts to get a Hammond homeowner living adjacent to Riverside Park to remove a flag flying in his front yard featuring the words "F--- Biden" in large type, and in smaller type: "And f--- you for voting for him!" A photo of the mayor's home and his address have been posted on the group's social media page. "Let's make some noise," the group posted on its Facebook page. "If they're coming here to do violence, I would like to remind them that I'm a mayor, and my wife is a judge. And I have a feeling there's going to be people concerned for our safety," McDermott said. "They're not going to let people ransack my house; that's not happening."

## Toyota to invest \$803M in Indiana

PRINCETON — Toyota is investing \$803 million to further expand its facility in southwest Indiana. This is the most recent major investment the Japanese automaker has made over the last few years. The money will go to add production of two new SUVs at the facility and hire an additional 1,400 workers. The new automobiles are a part of the company's electric vehicle plans. One will be under the Toyota brand and the other will be a part of the Lexus line — a first for the facility in Princeton. Gov. Eric Holcomb said the plant has come a long way after starting almost 25 years ago in a cornfield and expanding over time. "We are the single largest Japanese investment state in America, per capita," said Holcomb. "And it's because of days like today that keep us in that pole position."