

OPINION

DAILY JOURNAL

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"The Daily Journal is dedicated to community service, to defense of individual rights and to providing those checks upon government which no constitution can ensure."

SCOTT ALEXANDER
founding editor, 1963

AT ISSUE

Michael Dean Overstreet is on death row for the murder of Kelly Eckart.

OUR POINT

The Indiana State Supreme Court should turn down his latest effort to change his sentence.

Overstreet sentence correct, should stand

The Daily Journal

On Sept. 26, 1997, 18-year-old Kelly Eckart was on her way home to Boggstown.

The Franklin College student had been working at the Franklin Wal-Mart.

She never arrived. Three days later, her body was found in a Brown County ravine. She had been raped and strangled to death.

Michael Dean Overstreet was arrested and charged in her death. In 2000, he was convicted and sentenced to death.

Since then, he has sought three times to have his sentence altered. His first appeal was the state's mandatory high-court review of a death sentence. In February 2003, the justices determined the sentence was appropriate.

He then asked the trial judge, Johnson Superior Court Judge Cynthia Emkes to review his sentence and reduce it. In 2004, after months of reviewing trial testimony and arguments, she upheld the death sentence.

Overstreet's lawyers brought a third appeal, this one again to the Indiana Supreme Court. Last week, they raised questions about the performance of his trial attorneys, his mental status and how the original case was conducted.

Lead defense attorney Tom Hinesley argued that Overstreet's trial attorney failed to make sure that essential information was given to three medical experts evaluating his mental status.

He said that if all the experts had been given a social history showing that Overstreet had a history of mental illness, they would have diagnosed him with schizophrenia.

A deputy Indiana attorney general countered by saying that, through family and expert testimony, Overstreet's lawyers were able to show mental problems that existed as far back as his childhood.

The justices will review the arguments and render a decision in several weeks.

The U.S. judicial system is designed to give a defendant a fair trial. The appeals process is designed to allow the courts to reverse errors.

But there appears nothing wrong with the way the Overstreet case was conducted and no reason to alter his sentence.

Meanwhile, the anguish continues for Eckart's parents, Dale and Connie Sutton. They expect it will be another 10 years before Overstreet is put to death.

Dale Sutton told WISH-Channel 8, "I think about him being in there and that's where he belongs, but I wish the process would hurry up and be done."

The Suttons have created a Web site, www.noveljustice.com, which is dedicated to their daughter. But its primary emphasis is to present information that will be helpful to other crime victims.

The family is trying to move on. The state should move on, too. Overstreet's sentence should not be reduced.

He deserves the punishment the original court handed down. He deserves the death penalty.

Focus: Tax cuts

Third time no charm for failed economic plan

Minneapolis-St. Paul Star Tribune

At a Washington luncheon in 1974, economist Arthur Laffer told some friends about his theory that the government could cut tax rates and, by triggering a burst of economic activity, actually increase its overall tax collections. The "Laffer Curve" became a hit among conservative intellectuals, helped President Ronald Reagan pass a big tax cut in 1981 and won an enduring place in public opinion about government finance.

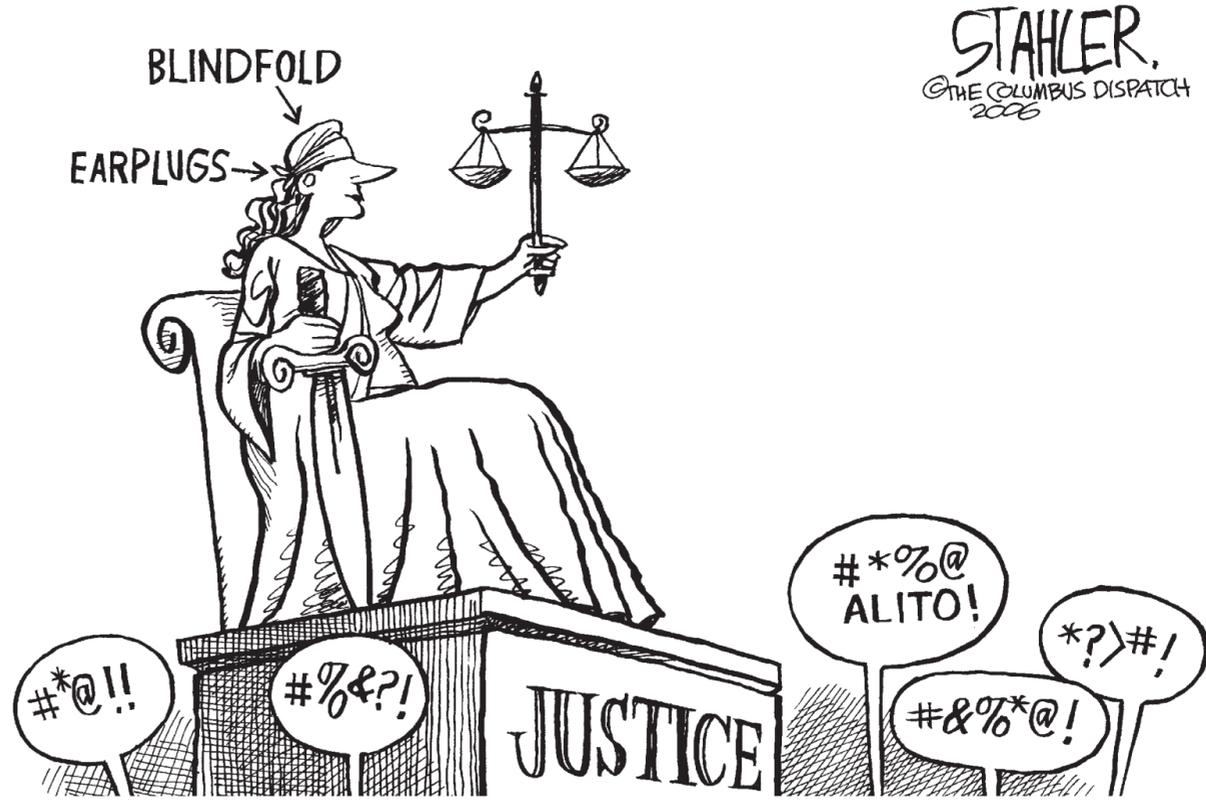
So enduring, in fact, that no amount of historical experience and debunking by academic economists can dislodge it from the public's mind. President Bush embraced it while pushing a big tax cut through Congress in 2003, and his budget director, Joshua Bolten, has invoked it at least once.

So it's good to see that the Congressional Budget Office, the government's top arbiter of fiscal matters, has put the idea under a microscope and exposed its fallacies. It's time that members of Congress stopped selling tax cuts on the idea that they can be repaid with free money.

Laffer's theory really breaks down into two assertions. The first is that tax relief will stimulate the economy by encouraging people to spend more, work harder and save more. In a new study, the CBO modeled a 10 percent cut in federal taxes on all individual income and found that it would raise the nation's economic output over a decade by up to 1 percent, or many billions of dollars.

The second question is whether this spurt in economic activity would produce enough new taxes to replace the revenue lost in the original tax cut. The CBO modeled this question using nine different assumptions about individual behavior and government borrowing and found that in no case did the tax cut replace more than 28 percent of the lost revenue over a decade.

All this might be so much abstract theory except that the GOP Congress is preparing to vote on about \$90 billion in new tax cuts in the next few weeks, despite a large and stubborn budget deficit, and lawmakers already have begun arguing that the tax cuts will pay for themselves. Well, it didn't work in the 1980s, it's not working now, and honest political leaders would quit pretending that it does.



Probe into downloading fees not music to industry's ears

For the past five years or so the major record labels have had their way with consumers of music, online and offline. They sell CDs containing a dozen or so songs, perhaps one or two of which are marketable as singles, to a music-hungry public for \$12 to \$16 or more and give the artist a couple of pennies from each sale.

Then, they sue thousands upon thousands of everyday law-abiding citizens, including grandmas and unsuspecting teenagers, for copyright infringement when they download songs from the Internet in order to get around the high CD prices.

The music industry whines and cries that its bottom line is shrinking in light of all the piracy going on. A shrinking bottom line might more easily be explained by the slothful nature of the industry in embracing 21st century technology and the online market.

Thanks to Apple Computer's Steve Jobs, that is beginning to change. Jobs introduced his iTunes music site along with Apple's iPod music player that has become a must-own for most teens these days.

Apple made arrangements with all four major record labels to sell individual song titles for 99 cents each via the Internet. Other companies followed suit, such as a reformed Napster. Wal-Mart also sells songs online for 11 cents cheaper per song than the standard.



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But now, the recording industry is whining that it is not able to control the prices charged for downloads. Record labels say they want to be able to charge more for the popular new releases and less for the slow-moving older tunes.

The major labels are alleged by some to be colluding on pricing of online music. So New York Attorney General Eliot Spitzer is saying "Not so fast." He has stepped in and launched an investigation of the music industry.

All four major labels have confirmed that they have received requests for information from Spitzer. Online music retailers have received similar requests.

So the shoe apparently is now on the other foot. The recording industry has been putting the squeeze on consumers by suing and overcharging; now, the music industry is getting squeezed by New York.

The move is apparently working; music industry plans to change the pricing structure for online music are on hold. Some insiders claim the recording industry has been victimized by Jobs and his one-

size-fits-all pricing system that has been adopted widely.

The poor record companies are now victims? How sad for them. But they are getting absolutely no sympathy from the online community. They've made a lot of enemies of their own customers over the past few years, and they know it.

I have no doubt the industry will come out on top. Ultimately, the big corporations always do.

Everyone listens to music, and traditionally, the only way you could get it was to buy it from the record labels, at whatever price they decide to charge.

They still want to do that. Old habits die hard.

But it could be that the tide has begun to turn, if only just a little.

There are now many recording artists who are skipping the major labels altogether and putting their music directly onto the Internet for downloading.

And now, at least one state's attorney general is pulling the plug on a potential price-fixing plan by the record companies in its anti-trust probe.

If consumers are lucky, these will be remembered as the first steps in a battle to rein in the greedy multinational record labels and make them accountable for their indifference to the listening public.

Jerry Wilson writes this weekly opinion column for the Daily Journal. Send comments to letters@thejournalnet.com.

Abramoff's influence-peddling plea unlikely to end Capitol Hill bribery

WASHINGTON

Tempting as it is to say a pox on all their houses, we are confronted with the question of the extent of corruption in Washington's political circles.

Are government officials and actions, in fact, for sale?

The once-flamboyant, multi-hatted Jack Abramoff, whose name is now synonymous with political turpitude, survived and thrived because many powerful members of Congress eagerly accepted his contributions to their re-election campaigns.

Politicians from President Bush on down through the ranks of Congress took the Abramoff largesse because they wanted to be re-elected. To stay in power, pols raise millions of dollars to defeat opponents. Inviting the Abramoffs of the country to White House socials pays off with bigger cash dividends than shaking a thousand hands at a state fair or making a hundred calls to friends for donations.

There are no vicuna coats in this scandal, as far as we know (fur being politically incorrect at the moment). No call-girl ring has been busted on Capitol Hill (albeit the aphrodisiac of power will be with us until the end of time). But this latest spate of revealed corruption will do far more harm because it is so entrenched, so sophisticated and so sickening.

What lobbyists such as Abramoff seek is a seat at the table when laws are written and regulations are finalized so that their clients' interests hold sway.

There is not one aspect of human life untouched by congressional hands. The air we breathe, the food we eat, the cars we drive, the medicines we take, how we invest our money, the care we get when we're sick or old, the way we die — it all is regulated, and Congress has oversight over everything.

We do not yet know whether the



Ann McFeatters

latest West Virginia coal-mine tragedy was caused by violation of safety rules. We do know that the Bush administration has not issued one significant coal-mine safety regulation in five years.

We do know that despite promising mammoth increases in penalties for safety violations, the administration has yet to act to demand them. We do know that the first person the administration put in charge of mine safety came from the mining industry and had vehement views on the need to get government off its back. We do know that congressional oversight on mine safety has been abysmal.

There is a line between excessive regulation, which stultifies business expansion, and too light a federal hand on business, which means the worker and the consumer get shafted.

This administration has worked hard to lift the heavy hands of federal regulators off the shoulders of big business (less so off small business). Strident voices such as Ralph Nader's have been loudly complaining, but for many reasons have been ignored.

Sometimes critics cried wolf too often. Sometimes the intricacies of the issues they raised were too daunting for all but the most dedicated zealots to unravel. And when fewer people buy newspapers, there are fewer reporters paid to dig into mounds of arcane records searching for evidence of fraud and abuse. (TV sometimes tries but is woefully unable to

commit the needed manpower to investigative reporting.)

There is a noble purpose to lobbying. No legislator can be adequately familiar with every aspect of every bill. Lobbyists from all sides of an issue — for example, for the coal company, for the worker, and for the environmental group — compete to get their interests written into legislation.

What is unfair and illegal is when lobbyists with big bucks spread them around in a way calculated to get the votes of lawmakers.

Some lawmakers refuse to have anything to do with the bad lobbyists who lurk on Capitol Hill. They are the good guys. The legislators who took money from Abramoff and his ilk convinced themselves they were just doing what everyone else does to stay in office so they can do good and pass legislation that matters.

Most of them did not take the money to get rich. For one thing, that's too easily traced. Many of them passionately believe in what they are doing.

But what these witless co-conspirators have done is further undermine public confidence, chisel away at the credibility of government and give comfort to enemies convinced the democratic system is no better than any other and maybe even worse.

Assistant Attorney General Alice Fisher said the Abramoff pleas of guilty to felonious bribing of lawmakers, evasion of taxes and bilking of clients show that federal officials and government action are not for sale.

But as the investigation continues into how many webs Abramoff has spun, we have no confidence her statement is true.

Ann McFeatters is Washington bureau chief of the Pittsburgh Post-Gazette and the Toledo Blade. Send comments to letters@thejournalnet.com.

YOUR VIEWS

State-funded welfare program helps counties

To the editor:

House Bill 1001, under consideration by the House Ways and Means Committee, includes measures to reduce property taxes. It also begins the process of having the state pay for welfare.

Funding for welfare through county council levied property taxes has created controversy for years. While the state hires and pays welfare employees, as well as selects vendors providing the service, counties are left funding a program for which they have no control.

Under the current law, county councils must levy the tax for the program even though they provide no input on the standards, reimbursement rates or providers participating in the program.

A state-funded welfare program would alleviate the burden placed on property owners and would add transparency for taxpayers as county councils would no longer need to raise taxes for a state administered program.

Every county, urban or rural regardless of population, is affected by the cost of the welfare program. It's an incorrect assumption that it is only an urban county problem.

In fact, the methamphetamine crisis facing many rural counties has been connected to increasing welfare costs. It only takes a crisis in a few households to significantly drive up the cost of welfare in a county.

As result, property owners are laden by growing property taxes directly influenced by the increase in costs for counties to fund the state welfare programs.

The Association of Indiana Counties supports a state funded welfare program, easing the burden off counties and ultimately property taxpayers.

If a change from a county- to a state-funded welfare program is to be made in order to affect the 2006 tax bill, it must be made early in the 2006 session to prevent a delay in the mailing of spring property tax bills. The state should pay for the welfare program as means to reduce property taxes and increase transparency in the property tax system.

David Bottorff

Executive Director

Association of Indiana Counties

WRITE A LETTER

The Daily Journal invites readers to submit letters, opinion columns and e-mail comments for the opinion page.

GUIDELINES

- Letters published in the Daily Journal must contain the writer's name and city or town.
- Letters sent to the Daily Journal must be signed and must include a daytime telephone number for verification to be considered for publication.
- Letters should be kept as brief as possible.
- Because of space and legal considerations, the Daily Journal reserves the right to edit any letters or articles and to limit comments.

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