

By JESSICA CRAWFORD • Daily Leader Kansas Senate Majority Leader Derek Schmidt is currently campaigning to attain the office of Attorney General of the State of Kansas now occupied by Democrat Steve Six. Schmidt said there are issues at hand in the country that must be battled in courtrooms across the nation. If elected, he intends to represent Kansas in a way that will continue to maintain the constitutional rights of its citizens.

Incumbent AG Six has opted not to involve Kansas in a lawsuit challenging the constitutionality of the federal health care bill. Schmidt wishes to change that involvement if elected. “For the first month I was running for this office, the top question I got, bar none, was ‘What exactly is it that the attorney general’s office does?’” Schmidt said. “That changed in October of last year when current leadership in the office made the decision not to join Kansas to the multi-state lawsuit that is challenging the constitutionality of the individual mandate provision in the federal health care bill that passed last September.

“There are large legal principles at stake that underlay this bill,” he explained. “One way or another, a precedent is going to get set. The precedent is either going to be the federal government does indeed have power beyond what it has ever claimed before, the power to order by law that we purchase a product and use the fact of our purchase as the legal justification to regulate our behavior under the commerce clause.”

There are several other issues where Schmidt believes the federal government is overstepping its bounds.

“Not only is there a policy debate about the relationship between federal and state governments along with the very difficult and important issue of immigration,” he said. “But you have this truly bizarre position taken by the federal government that they are actually going to deploy resources and efforts to go to court to try to prevent a state from exercising its traditional police powers within its borders.

“Of course the granddaddy of them all,” he continued. “We have an administration currently in Washington absolutely committed to the notion that we are going to do cap and trade, we are going to regulate carbon emissions and we are going to do it whether or not we can convince the United States Senate to go along, which is why we now have the so called Green House Gas Endangerment finding from the U.S. EPA to regulate greenhouse gas emissions, despite the fact the senate never agreed to it.

“Our only option of impeding or stopping that for the next two years, absent changing a president, is going to be to be in court as 14 states now are in the D.C. circuit, arguing the EPA

lacked the authority to do what Congress has not given them the authority to do,” he added.

As for why Schmidt is running for this particular office at such a crucial time in history, his answer was simple – public service.

“I think the attorney general’s job for somebody like myself who is in that profession, is the best job in public service in Kansas,” he said. “It is the kind of job that you think, ‘I could do something that I enjoy that would be a good contribution to the state and hopefully leave things a little better when we get done.’ I’m not in the race for no grand scheme. I think it is a good opportunity to serve.

“In Kansas, we are going to send a pretty conservative, solidly Republican delegation to congress,” he explained. “They are going to vote in a matter that reflects the majority of the views of Kansas and their votes are going to be in the minority fairly consistently, and even if they are in the majority, they are not going to be consistent with the views of the current administration in the White House. For the next two years, we have this oddity. A number of unprecedented national policy choices, to the extent that they can be challenged, are going to be challenged in the states. Not on the floor of the legislature arena, but in the courtroom.”

Although history has not always proven it to be so, Schmidt gave actual numbers to clearly illustrate the chances for the Republican Party in the State of Kansas on election day, Nov. 2.

“Here is the bottom-line reality, in Kansas 46 percent of the people who register to vote also chose to affiliate with the Republican Party,” he said. “Twenty-seven percent don’t affiliate with any party. The Democratic Party is coming in third with 26 percent.

“Mathematically, there is no reason that if you are a Republican in a statewide race in the State of Kansas you should ever lose,” he added. “Period. End of story. That is the math.”