

Interview With U.S. Senatorial Candidate Sue Lowden
Conducted on February 22, 2010

The Republican: *Contained within every bill that distributes monies to the states, are sometimes “strings” attached that seem to hold states in ransom. What steps would you take to preserve our 10th Amendment rights and still meet the needs of Nevada.*

Ms Lowden: I’m already on the record when I was in the State Legislature of being offended by the federal government coming in and saying ‘you’ll get your transportation funds, you’ll get your road funds if you have a seat law, if you change the DUI law.’ You know I’ve been already on the record as saying that I resent the federal government doing that. I’m already on the record, although it caused some problem within the group, the MADD Mothers, against drinking and driving and clearly I’m sympathetic to their cause. But I voted against changing the DUI law, of all things, in protest of the federal government saying you are not going to get your transportation funds unless you change the law for DUI. And it was like a “Catch-22”. But to show how ardent I am in terms of how much I resented it, I voted against it. And I felt and I still do feel that that’s our money. That’s not for the federal government to decide whether or not we should have that money, that’s our money and you shouldn’t put any ties to it, that you have to do this in order to get that. I would be...I’m not sure where the question is going on that...as far as the federal government, if I’m in the United States Senate. First of all, we shouldn’t be sending that much money to Washington for them to dictate how much money they’re going to give back to the states. There should be more cooperation there and frankly the only thing that Washington should be concerned about is [for example] something to do with interstate transportation, but they have way too much power over what money comes back, so I don’t know if I’m answering you question correctly, but I would really limit the amount of intervention with the federal government.

The Republican: *You answered the question because that’s where we were going with that...it’s the quid pro quo thing.*

Ms Lowden: Yes. And I’m going to tell you how hard it is when you have mothers sitting behind you, mothers and fathers, sitting behind you wanting you to vote a certain way, for their issue but not seeing the bigger picture of how I was seeing it and what a tough vote that was. If somebody said to me, ‘what was your toughest vote’, I would have to say it was that because of the MADD Mothers. Not because of the issue; the issue was the issue, and I stand on principle that.

The Republican: *Some call our Constitution “Rigid” and some call it a “living breathing document” Which do you believe it is and why?*

Ms Lowden: Well, it's a living, breathing document in that it still can be amended if that's what the people want and, clearly, I wouldn't be running today if it wasn't for the 19th Amendment. So it's still a document that [is] in transition and if you are a strict constitutionalist we've gone way beyond the constitution in what the federal government has done. But, clearly, it's still a document that's being formed. If people want another amendment to the Constitution it's available, it still can happen.

The Republican: *That process is within the confines of the Constitution itself as opposed to someone freely interpreting what it means.*

Ms Lowden: Absolutely, I think one of the most important jobs that I would have as a United States Senator is selecting the correct judges and not just the Supreme Court judges...they get all the publicity...everybody has the cameras on the Supreme Court nominee, but all the other judges that you have to ratify are extremely important on how they interpret the Constitution and where they're going as far as legislating from the bench. It's very important, very time consuming for a United States Senator to be vetting all those judges, but I think it's an important job. But I would absolutely be on the side of those who were strict Constitutionalists.

The Republican: *Give us your reaction to this statement, "The US Government is a government with Limited Powers?"*

Ms Lowden: The US Government is a government with Limited Powers?

The Republican: Yes

Ms Lowden: Yes.

The Republican: *Why do you say that?*

Ms Lowden: Because of the Constitution. The Constitution was formed under Divine Providence to really limit the government. The Founding Fathers painstakingly crafted that...those words knowing that they had just come from all parts of the world, mostly England for the most part, where they didn't have rights. They wanted very much to make sure that whatever wrote and had never been done before, where someone sat down and written a constitution and how we were going to be governed. They carefully crafted the language so that we wouldn't have a federal government that was so overpowering. I think that that was the true intent.

The Republican: *And if you read the Federalist Papers as they listed each clause of article and how they discussed it.*

Ms Lowden: Very thoughtful and I don't mean polite, I mean very thoughtful.

The Republican: *One of the possible courses of action to reduce healthcare costs is tort reform. Since this subject is very broad and encompassing subject, how would you approach tort reform in the Congress, assuming you had the majority support in the Congress?*

Ms Lowden: Specifically, I would look at legislation. I don't think you have to reinvent the wheel and I don't have the verbiage in mind right now, but I would look at legislation that works and some states already have it. I would broaden that scope so that doctors don't have to worry about over-testing; so that they don't miss something; that they feel more empowered to have more authority over what they can do; not be afraid that they are going to be sued if they miss something. I would carefully craft language based on other language that works. I'm not an attorney, so I would rely on those wordsmiths who craft this. But I'd also like to be plainspoken enough so that real people can understand it. You know, I think so many times we get a little wordy in our language and it would be nice to have it on the internet where everybody understands. But I don't have any specifics on that legislation, but certainly I would make it easier on doctors so they don't have to open their door on January 1st and know that they have \$100,000 or \$200,000 worth of malpractice insurance just to cover themselves for possible lawyers. When you do that that's the first thing that you would...that would bring costs down, but the other part is they wouldn't over-test. The doctors would not feel as though they have to order every single test even though they know you don't need it.

The Republican: *How about considering, perhaps a cap on non-economics damages.*

Ms Lowden: Oh yes, absolutely, that would be paramount, that would be the first thing you would do.

The Republican: *In every Congressional session since 1995, AZ representative John Shadegg has introduced the Enumerated Powers Act. In this session of Congress both he and Senator Tom Coburn have introduced bills, HR 450 and S 1319. This bill requires that all bills brought before the congress cite where in the U.S. Constitution authority for such a bill exists. What would your debating points be on an Enumerated Powers Act if it came the floor of the Senate for debate?*

Ms Lowden: I think it's pretty simple. It would be a great debate to say whether or not whatever the bill before us, whether it is constitutional or not. And to have that debate on the floor would be very exciting. To say where in the Constitution...because the Congress is so full of attorneys, they would love that debate. But where, specifically, in the Constitution, how do you interpret that, whatever that bill is as something that's constitutional. I think we need to have more of those debates; we need those debates, period because I don't think we're having them. I think that people are standing up, finally, and saying I've had

enough; that we need to be looking at how far our federal government has gone and do we really need to be doing this. Not to digress, but I've had reporters on the bus with me all weekend long as we went through this rural tour. They talked about this huge amount of money that Harry Reid just delivered with Barack Obama for housing in Las Vegas. And they asked me, is that was a good idea or is that a bad idea? It's a no-win. But I said 'where's the money coming from? Where's the authority in the constitution that gives Harry Reid or Barack Obama the authority to tell all of us that we have to pay for someone else who made a mistake. You know, sign for a mortgage they couldn't afford. So yes, I'd love to have that debate. I would be part and parcel of that bill. It's unfortunate that you need a bill in the first place to have that passed in Congress to show where it's constitutional. It's unfortunate we have to get to that point.

The Republican: *Since the Democrat controlled congress took office, it has passed innumerable bills that seriously affect our everyday lives and that of businesses. Assuming you get elected and the congressional majority shifts to the Republican Party, which actions would you take, if any, with regard to the laws passed by the Democrat majority during the last two years?*

Ms Lowden: [Repeal them.](#)

The Republican: *The 22nd amendment limits the office of president of the United States to two terms. There have been many cases of both representatives and senators holding office for several consecutive terms, even to the point of senility. Do you support a constitutional amendment limiting terms of office for members of Congress to two six year terms for senate and six two year terms for the House?*

Ms Lowden: I would be willing to propose that legislation and to start that ball rolling if that's what everybody wants. In every townhall meeting that's what everybody wants, although today, in Minden, I was very surprised at how many people said the unfortunate part about term limiting: some legislators are very good. I'm already on record. I voted for it in the 90's...that's what you're seeing right now with our tem limited Assembly and Senate. I'm already on record. Absolutely, I'd be a proponent for it. This is not a life long career for me. You know, I fit very well back into the private sector.

The Republican: *Referring to the previous question, would you support an amendment to the U. S. Constitution to require justices of the Supreme Court to be appointed for a 12 year term by the President, with a limit of two terms.*

Ms Lowden: I never thought about it. I would have to think about that. I don't have an answer to that. I'd really have to think on both sides of that. I never thought about that before. But I don't think debate is wrong, I mean that's what you're talking about...a proposed amendment. Why not have the conversation? I

think dialog is good. It would be thoughtful conversation. I would welcome the dialogue, but I'm not sure how I feel about it just off the top of my head.

The Republican: *The reason for a 12-year, of course, is that the president would appoint and by the time the 12 years is up, the next president is here. Now her will either confirm that appointment or not confirm it, in which case he would appoint someone else after that 12-year term. So that would sort of limit the bias of the Court because we're getting a lot of 5 to 4 decisions.*

Ms Lowden: A lot of them, a whole lot of them. Right now I think people are so angry. They're just angry at what's going on in Washington and before we would, and of course this isn't something that would be rushed through, it's something that would take years perhaps and lots of debate. But think you don't want to make a decision like that just because you're angry which is what the feeling is in this country right now. So, let's have this discussion about it.

The Republican: *The War Powers Act cedes certain authorities, specifically, ersatz-declaration of war-power, to the president to commit U.S. Forces to conduct warfare. What are your thoughts on the president's power to declare war without a declaration from Congress?*

Ms Lowden: I think you need to have a declaration from the Congress. It has to be a compelling enough reason; war is life and death. It's got to be a compelling reason to put our young people in harm's way. If you can't convince Congress then you probably shouldn't be going to war.

The Republican: *There is rising support for the repealing the 17th amendment and returning to the original intent of the Founding Fathers to have state legislatures appoint senators. What would you say to the people who support such action?*

Ms Lowden: I would say to them: do really want Dina Titus and that liberal group in Carson City selecting our United States Senators? I would...I've served with some of them, many of them. Of course they're still around, but they won't be after this session. I dread the thought of the people not participating in selecting who would be our senators because I've seen how liberal Clark County, in particular, has chosen those to serve in the state senate. I think the caliber of people who win in some of these gerrymandered districts...it's frightening that they would have that kind of authority to select who our United States senator is. I have more faith in the vote of the people than I do in our legislature.

The Republican: *Posse Comitatus has been in effect since 1878. This act was intended to prevent use of military forces of the U.S. to enforce state laws after the Civil War. Some think that we should use our forces to seal our borders, both north and south, to prevent movement of illegal aliens as well as fight the drug trade. If you support such action, what sort of amendments to the Posse Comitatus Act would you propose?*

Ms Lowden: Absolutely. Immediately. It's not just the...it's all the illegal activity. It's the drugs. It's the killing, everything. I would absolutely and I think that those in the National Guard and those who are involved in police enforcement, even retirees...they've said to me they feel compelled to help in that matter; I think you'd have a lot of support.

The Republican: *Posse Comitatus applies to federal forces. Do you think that would be okay, as opposed to say the National Guard from the state?*

Ms Lowden: You mean like the Army?

The Republican: *Army, Navy, Seals.*

Ms Lowden: I think that national security is why we have a Constitution. Our national security is at stake and I would be a proponent of that, absolutely, to protect our borders. We're getting stretched so thin, you know, our military.

The Republican: *What are your thoughts on legislation being a statement of a single issue, having no amendments, much like Nevada's Questions or California's Propositions?*

Ms Lowden: Legislation being a single issue?

The Republican: *No riders. No pork.*

Ms Lowden: I think we should make legislation as simple as possible and we shouldn't have these huge bills that have everything in it. I'm a huge proponent of separating things, one by one, and voting up or down on individual matters. Yes!

The Republican: *Should the president have line item veto power?*

Ms Lowden: Yes!

The Republican: *Strict Constitutionalists think that most of the cabinet positions and their associated bureaucracies are a drain on our national treasure. Would you support divesting these positions of their mandate power and moving that authority and responsibility to the individual states? Examples: Department of Education and the Department of Energy, et al.*

Ms Lowden: For the most part, yes. I would have to think about every single cabinet position that you're talking about. Defense, of course, is something that we wouldn't touch. Off the top of my head I'm not sure if there are any others...there might be one or two other, but yes, I think if it's not spoken in the Constitution, it should go back to the states.