

# **AG: GOP is in battle for the party's 'heart and soul'**

*Incumbent explains why he opposes proposed federal lands takeover*

**Joel Mills/Lewiston Tribune**

The intra-party squabbling ahead of Idaho's closed May 20 primary election is really a contest between fantasy and reality, according to the state attorney general.

"It is a fight, really, for the heart and soul of the Republican Party," Lawrence Wasden said Wednesday. "Are you out there on that far edge, or are you rational? I certainly hope that the rational message comes forward."

Wasden is being challenged in the primary by Eagle attorney C.T. (Chris) Troupis for the right to run in the November general election. During a visit to Lewiston, Wasden said Troupis is part of a "pack" of fringe members of his party running primary campaigns. They include gubernatorial candidate and state Sen. Russ Fulcher, secretary of state candidate and state Rep. Lawrence Denney, superintendent of public instruction candidate John Eynon and controller candidate Todd Hatfield.

Troupis and like-minded candidates are using two issues as bludgeons in the campaign, Wasden said. The first is the state Land Board's practice of using state-owned lands to generate as much funding as possible for public schools. The second is his and other incumbents' refusal to attempt a takeover of federal land in Idaho.

Wasden said there are constitutional reasons to back his positions on both issues. As a member of the Land Board, he said he is constitutionally required to maximize the state's investments in public lands, adding that he does philosophically agree that government should not compete with the private sector.

On federal lands, Wasden said it is a fallacy to say that Idaho should "take back" federal land, because the federal government created the territories that contained Idaho, and eventually the state itself. Federal ownership of certain land is also enshrined in the state Constitution, and a memorial passed by the Legislature in 1947 essentially reinforced that ownership, he said.

The GOP challengers have criticized Wasden for not joining Western states like Utah, Arizona, Wyoming, Nevada and Montana in attempting to take over federal lands. But one by one, Wasden listed why those states will fail, or why they already have. Utah's new law demanding that the federal government hand over its land to the state is constitutionally unenforceable, and Arizona Gov. Jan Brewer vetoed a similar law last year for that very reason, he said.

In Nevada, an interim committee exploring the issue is dragging its feet, and the Wyoming attorney general recently issued an opinion that Utah's law is on shaky ground. Wyoming's governor even used his line-item veto to defund the portion of the attorney general's budget that would have gone toward promoting a state takeover of federal land, Wasden said.

"So their claim that five Western states are pursuing this ... It's hogwash, just hogwash," he said.

Wasden also addressed gay marriage, saying he will not follow other state attorneys general who will no longer defend their state same-sex marriage bans or fight judicial orders to recognize the marriages.

"I disagree with my colleagues who choose not to defend their constitutions," he said. "I'm obligated to defend that."

He said it is up to the judicial branch of government to decide if gay marriage bans are constitutional, and state attorneys who just decide not to enforce a law are usurping that authority.

"Either we rule by the rule of law, or we rule by the rule of whim," he said.

Wasden declined to say how robustly he would fight lawsuits that are challenging Idaho's constitutional definition of marriage as between one man and one woman, but said his office does its best to win every case.

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