

# A Thing of Genius

Greg Hawkins – March 1, 2000

Last month a man called and asked me what a gallon of milk cost. Strange question I thought, but I told him that when we are in a hurry we go to Smith's or our local Peterson's and it runs about \$2.59. But we prefer to buy it at Sam's Club in bulk and can usually get it for a buck .69. He said, "A United States Senator ought to know what a gallon of milk costs."

Two weeks ago I spoke to a small group in northern Utah. Within days I received a check from one of those who attended. It was for \$1000.00. This good man had felt something deep enough to make what was clearly a serious sacrifice.

Today the campaign is literally on the threshold of victory, against what a year ago were impossible odds.

Every day I receive emails and telephone calls from people around the state pledging their support. Because I get so much feed back it is easy for me to be optimistic. But I know I still have a very tough climb. I could say a "long road" – but it is no longer long; March 27<sup>th</sup> when the neighborhood caucuses meet, is the first point of decision followed quickly by the May 6<sup>th</sup> State Convention. I have been campaigning throughout the state for over a year. I have received support

from people across the political spectrum.

This week I traveled to Ephraim and met with a group of Sanpete County citizens. I also met a group in Richfield at a motel, another in the library in St. George, and another in the home of a Hurricane resident, as well as, several groups in Salt Lake and northern Utah. I will continue to make as many face to face contacts as possible. I invite you to talk with me on the phone or to host a gathering in your home. My numbers are on the cassette.

But in the mean time, I hope you can get to know me a bit better through this cassette. I would much prefer for you and I to just sit down and talk. I hope when I am finished you will understand some of the philosophical reasons as well as the practical reasons why I am running.

The two experiences mentioned at the beginning illustrate why I am running for the United States Senate. We as a nation have come to a crossroads – a crossroads of decision. With you, I have watched with interest the presidential race. I have come to understand what one Presidential candidate called the “wall of apathy.” Simply put, many Americans do not care anymore. They feel disenfranchised. I’ve even heard it said, “It doesn’t matter any more, my vote and your candidacy can’t make a difference.” I reject this view. In fact, one of the first essays I published in the campaign was entitled, “Think, Take Courage, Care.”

I believe our efforts do matter and we can make a difference.

The architects of this nation truly did create a thing of genius. Notwithstanding our national weaknesses, their genius has blossomed into the most consequential nation on earth. Ours literally **was** the first written constitution. Today every nation, but six, have a written constitution and most are patterned after ours. We continue to have a profound impact on other nations. As Abraham Lincoln acknowledged our national sentiment of liberty gives “hope to the world for all future time.” Ours is a nation of destiny.

Our national destiny can not be fulfilled in apathy or ignorance but it will be met with vision and commitment.

When I was nine my father was serving in Vietnam and we lived for a time in Georgia. One Sunday afternoon I had an experience that paved my life’s road. From that experience I was filled with an awe and gratitude for those who sacrificed to establish this nation. That gratitude has not diminished over time but has grown as my understanding has grown.

We often talk of an inspired Constitution. Sometimes I cannot contain my enthusiasm when I think deeply upon its genius. When I was twenty I determined I wanted to really understand as much as I could. Although I had not yet attended any college I enrolled at 21. I studied political philosophy at BYU and

emphasized American political philosophy under the mentoring of great men like Lou Midgley, Don Sorensen and Dick Vetterlli. I did not limit my study to the University but read and experienced everything I possibly could.

When I graduated I took my young family to Washington DC so I could see first hand our institutions at work. I then enrolled in Law School. As I wrote in my application to law school, I wanted to understand the language of government, the law. After graduating, I passed the bar and practiced full time for about 18 months. Then an opportunity to teach high school aged youth opened up. For the next 13 years I taught full time and practice law as needed. Those who have taught understand the depth of gratitude I feel for that opportunity. I'm also grateful to have studied and practiced law. Although lawyers have received justly deserved criticism in recent years, my exposure to the law has given me a great appreciation for the miracle our national institutions and the decisions we must make. however,

I would like to share with you what I think sets our nation apart and at the same time tell you why we are at the crossroads of decision.

Civil Government is about power. When those wise men met in Philadelphia in 1787 they met for the purpose of strengthening the national government of our new nation. The states were squabbling among themselves and other nations such as England and France were not honoring their agreements with

America or taking us seriously. This was driving John Adams mad in England and was frustrating Franklin and Jefferson in France. The new nation must have more national power.

However, greater than power, our founders valued liberty and democracy. Parenthetically, let me acknowledge the debate on the use of the word “democracy” and leave that for another time. Our nation was conceived in the Declaration of Independence which gave us our national ideals. The Constitution gave those ideals birth and we have struggled through the years to give them mature application.

As the Declaration states, the Creator endowed us with rights that were “unalienable.” Governments are created to secure those rights and such governments get their power by consent, the consent of those governed, thus power, liberty, democracy. If one of our national tenants is that our rights come from Heaven and Governments exist to secure those rights then logic dictates that Heaven will hold each of us accountable for our acts in relationship to government. That idea of accountability has moved me to action.

Before the creation of our national government no nation had ever been placed so securely on the road to achieve such high ideals. The architects of this nation through their collective wisdom and the inspiration of Heaven did

something never before done. They coupled power with authority. Government could not exercise power unless it was authorized. Our “more perfect union” was and is revolutionary because we have woven into our national fabric specific elements of authority that must be utilized before our federal government exercises power.

Among these are the separation of powers, federalism, popular sovereignty, representative democracy, individual rights and the rule of law. These are not small things, these elements of authority are the genius that protect liberty while allowing power.

That being said, when we seek to exercise governmental power and neglect these elements of authority we damage liberty and government begins to falter in securing our unalienable rights. Let me illustrate.

Since childhood we have been taught about the “separation of powers.” The three powers of government: legislative, executive and judicial are placed into three separate branches of government. Why? Because as the framers said, “The accumulation of all power, legislative, executive and judiciary in the same hands, whether one, a few or many ...may justly be pronounced the very definition of tyranny.” When combined in one there is no check on power. For example, although Congress may pass a law, the President can veto it. Once

passed the judiciary, using the standard of the Constitution can invalidate the law if it is not authorized by the Constitution. Because each branch has its own interest to protect and pursue each acts as a check on the other two. Thus separation of powers protects liberty by giving each branch a role in the creation of law. Before government wields power in the creation of law it must pass through the gauntlet of authority called the separation of powers.

Today, however, the executive branch creates more law through the process of regulation than Congress. There exist over 132,000 pages (not counting Medicare) of regulation – all wielding the power of government. Yet, these Executive branch regulations are created without the protection to liberty of the separation of powers. The agencies create the law, enforce it and adjudicate it – the very definition of tyranny. Further, those involved are not subject to election but are often career bureaucrats. Let me suggest a point of irony, some call it “legislative schizophrenia.” Watch Cspan sometime when Congress is debating. Note how well reasoned and lengthy arguments are often employed over a phrase, or even a particular word. Now compare that to Congresses lack of interest in the thousands of pages of regulation. Congress will strain at a gnat to make sure each law they create says exactly what they want it to say but will also swallow the camel of nearly unbridled Executive regulations. Thousands of pages of

regulations have the force of law without the check of elected representation or the separation of powers. And lest it be said, they do it for our good because the world is simply too complex to do it otherwise, let's remember the caution of Jefferson when he said, "In questions of power...let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution."

I use the Separation of Powers as an illustration only. Each element of authority set forth in the Constitution to protect liberty has been compromised in serious ways. Federalism, the dividing of power between the State governments and the federal government has been seriously eroded as power has centralized in Washington.

Individual liberties set forth in the bill of rights are constantly under attack and eroded. We have seen the rule of law or the concept that all Americans regardless of status or position are not only equally protected by law but are equally subject to law, has received a great assault as our chief executive has placed himself above the law and the United States Senate with apparent approval of the nation has allowed it.

But more central to our discussion are the concepts of representative democracy and popular sovereignty.

Representative democracy, the term used by Alexander Hamilton, is the idea that the passions and extremes of pure , direct democracy could be cooled and bridled by having elected representatives create our laws. James Madison simply called it a “Republic” which comes from the Latin and means, “the thing is public.” It was intended that elected representatives be accountable to the people or the states. It was intended that the business of government be open and public. It was intended that Congress be a representative body, that it be similar in make up to the nation at large, that it be made up of citizens who come directly from the fabric of society, that it be a citizen body.

They never intended a professional body of law makers. The modern Congress made up of career politicians strikes a heavy blow to the very idea of representative democracy. In March 1997 while speaking against a provision that he believed would limit the opportunity for new faces to appear in Congress, Orrin Hatch himself said that the law being debated “could change the very nature of our Constitutional Democratic form of government by establishing what the Founders of the Republic feared most: A permanent elite or ruling oligarchy that dominates us all.” An oligarchy occurs when power is held in the hand of a few. My reason for quoting my opponent is because this is exactly what we have today – a permanent elite in our Congressional oligarchy -- the career politician. And it

strikes at the very heart of representative democracy.

How has it come to be? The American people have come under the national, almost hypnotic, delusion that if career politicians don't stay in office some great calamity will befall the nation. Don't be fooled, every incumbent from Ted Kennedy to Orrin Hatch use this argument. As with many such falsehoods the opposite is true. It is the neglect of representative democracy that has caused and will cause calamity. The existence of the career politician has given the regulatory agencies, the special interest lobbies and the politicians enormous powers. This is not a new phenomena. This is the "iron triangle" which has been written about for decades. No one doubts the influence and corruption special interest has brought to our nation.

One of our local Congressmen who spent large sums of his own money the first time he was elected has had financial reversals that will make that impossible this time. When asked about this by the press he openly acknowledged that an incumbent does not need his own money, an incumbent can finance a campaign easily from special interest money.

In fact, in the February 16<sup>th</sup>, Deseret News, Lee Davidson, pointed out that Orrin Hatch 's 1999 year end reports "show that 99% of the money he raised from identifiable sources came from out of the state in 1999." This is money for his

Senate race not his Presidential race. The only way to break the “iron triangle” is for citizens to care enough to act.

No one need suppose that I am accusing Orrin Hatch of anything malicious or malignant. On the contrary, I think he is the perfect example of a good man, a man of conscience, who, by definition must look to special interest for the life blood of his campaign – money – 99% of it came from outside the state of Utah and he is not alone. When a United State Senator or Representative receives such sums from special interest who are they beholden to, who are their constituents? Is it any wonder any feel disenfranchised and apathetic?

It is the existence of the Congressional oligarchy, the permanent elite, the body of career politicians that have brought this upon us. Which brings me briefly to popular sovereignty.

Popular Sovereignty is the principle that power is derived from the people. As the Declaration says, their rights come from Heaven and they, through social contract, delegate certain powers to government, but the powers not delegated remain in the people.

Popular sovereignty can only remain a ruling principle if the people insist upon it by their vigilance. When Lincoln coined the phrase, “Of the people, by the people and for the people” it was not merely a rhetorical devise, it was literal.

It was the vision of the framers that Congress be a citizen legislature, not a professional body, thus government of the people.

It was the vision of the framers that the people of this nation be informed and involved, thus government by the people.

It was the vision of the framers that government be the servant of the people and not their master, thus government for the people.

There is another portion of that historic speech which we seldom quote, but which we must remember especially in context of our crossroads of decision, Lincoln said, “It is rather for us to be here dedicated to the great task remaining before us – that from these honored dead we take increased devotion to the cause for which they gave the last full measure of devotion...that these dead shall not have died in vain.” Apathy is not becoming of one who has inherited the blessings of freedom purchased with such a high price, again and again. If for no other reason, and there are many, I am running out of gratitude.

For over a year I have traveled the state, I have held two major press conferences at the Capitol and spoken hundreds of times. I have said that Orrin Hatch has been in office too long, not simply because it is an obvious political ploy but because it is central to our national problem. Orrin is not alone, there would be no “Iron Triangle” or oppression by special interests if Orrin was not part

of a much larger problem.

Why are we at a crossroads of decision and why is there beginning to be hope? All across this state and nation people are beginning to believe again. They are beginning to understand and believe that ours is an experiment – even the great American experiment in self government.

Self government is not dependent on the permanent elite, or the career politician. It is by definition, dependent on the people themselves. It does not matter how good a person is when he became a Senator. Too long in office makes him part of the congressional oligarchy. Not only was this a tenant of the founding fathers but commonly spoken of by such notables as Lamar Alexander, Presidential candidate from Tennessee to our own late Governor Scott Matheson and industrialist Jon Huntsmen. Special interests have too much power when we allow elected representatives to remain too long in office.

We can no longer believe the foolishness that is the very denial of self government that says we can't replace a Senator or Representative because they are too important. Or be persuaded by the tactic that if he takes his finger out of the Congressional dike we will be flooded and overcome. To believe that is to deny the very concept of self government. Of course, our nation is under siege and attack. It has always been and the next 12 years are going to see an increase. Yet

it is the permanent elite, the congressional oligarchy, the career politician that lies at the foundation of the problem

We must step up to our time in history. It is a Crossroads. A time to decide. Do we believe in self government? Do we believe enough to act?

I am a citizen candidate. I am prepared to step up to the challenge, represent your interests and fight for our future. I have a sense of history that compels me to look to the future with sober optimism.

I have spent my life as most Utahns. I will not only represent them I am representative of them. I am a fifth generation Utahn. I have graduated from both the University of Utah and BYU. I have raised my children here. I have for 25 years traveled the State for business, social and charitable reasons becoming acquainted with our many towns and cities. My children have been cared for in Utah hospitals and by Utah doctors. They have been taught by Utah teachers. I do know the price of a gallon of milk in Utah. My roots are here as is my future. I have also spent my life studying and preparing. I am prepared to make the sacrifice necessary to serve.

The good man I mentioned at the beginning who, by sacrifice, gave the campaign a \$1000.00 has come to symbolize for me the crossroads. There are many, many, across this state who want to see a change not just in who will

represent us but also in the notion that Congressional service must be interminable to be effective. They are coming from all parts of the political spectrum. They have vision and commitment and they are saying “enough is enough.”

On March 27, over 1,750 neighborhood caucuses will meet. State delegates will be chosen. These delegates will vote on May 6<sup>th</sup> and decide who will be our next Republican Nominee for the United States Senate. If I receive 2,200 of those votes I will be the nominee. My opponent has an aura of invincibility. But those who participate in neighborhood caucuses and in the state convention know and understand, he is not invincible. 2,200 votes is doable. We are well on our way. Will you be one of these votes.

The campaign has made incredible progress. But there is much to be done. Will you help me? Give me a call. 801.558.2527 or 801.268.2800. It takes commitment. It takes vision. Will you join me? With malice towards none, including my opponent. With charity towards all, especially our children. I stand committed and prepared to be your next United States Senator. Please, give me a call.

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