



Randy Hekman Candidate for US Senate

**Michigan 4 Conservative Senate:
US Senatorial Candidate Debate Q+A
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Q. What is your understanding of your prescribed constitutional role and duty as a US Senator?

Please elaborate.

As a US Senator, I will be required to be bound by oath or affirmation to support “this Constitution.” (Art. VI)

- My primary role is to be part of the legislative branch of government, the branch charged with making laws on behalf of the people in areas permitted by the Constitution. (Art. I, Sec. 1)
- A Senator has the power to vote to choose Senator officers. (Art. I, Sec. 3)
- A Senator has the power to try all impeachments with the potential of removal of the person convicted from office. (Art. I, Sec 3)
- Congress (the House and Senate) has the power to set times, places and manner of holding elections. (Art I, Sec 4)
- Senators can set the parliamentary rules for their activities, and can prevent the House from adjourning. (Art. I, Sec 4)
- The Senate can propose bills; however, bills for “raising revenue” need to originate in the House. (Art. I, Sec 7)
- The Senate can override a Presidential veto by a two-thirds majority. (Art I, Sec 7)
- As one of the two houses of the Congress, the Senate has powers outlined explicitly in Article I, Section 8 of the Constitution. Of note is the power to declare war. Rather than listing the remainder of them here, I refer the reader to this Section. However, Article I, Section 8 (and the rest of the Constitution) need to be read in the context of the 9th and 10th Amendments which make it clear that the people and the respective states retain powers not explicitly given to the federal government by the Constitution.
- The Senate holds the power to give “advice and consent” to treaties the President may propose, which requires a two-thirds vote of the Senate for passage. (Art. II, Sec. 2)
- Similarly, Senators hold the power to accept or reject appointments by the President for cabinet positions, ministers and counsels, and Justices of the Supreme Court and inferior courts, unless Congress has given the President authority to appoint the inferior positions without Senate approval. (Art. II, Sec 2)
- Congress approves the creation of inferior courts and determines compensation for the judicial branch. (Art. III, Sec 1)
- Congress determines the punishment for treason. (Art III, Sec 3)
- Congress determines the method of proving acts of states that compel other states to grant such acts full faith and credit. (Art IV, Sec 1)
- Congress admits new states into the Union. (Art IV, Sec 3)
- Two-thirds vote of the Senate (and also, separately, the House) is needed to propose an Amendment to the Constitution that is initiated in Congress. (Art. V)
- Congress has the power to tax income. (Amendment XVI)
- Congress has the power, by two-thirds vote in both chambers, to determine the ability of the President to perform his duties of office when called into question. (Amendment XXV)

Beyond all these Constitutionally listed items, all Senators have the role of obeying the Constitution and seeing that the other branches of our federal government do the same. We live in an age where all three branches of government have exceeded their Constitutionally prescribed duties, and the other branches have a duty to challenge such behavior. When a Justice or President, who has taken an oath to preserve, protect and defend the Constitution deliberately or negligently fails to do so, this is grounds for official action that could result in impeachment proceedings in the House and trial in the Senate. The balance of powers has tilted strongly in favor of the Executive, and the judicial has been a loose cannon as well for many years. It is high time to restore this balance.

Do any Senate ratified treaties take precedent (should be precedence) over the US Constitution? If so why? If not what would you do to repeal their effects?

According to the Supreme Court decision of *Reid v. Covert*, 354 U.S. 1 (1957), the answer is no: the Constitution takes precedence over Senate-ratified treaties. To enforce this result, there are at least two options: (1) One is for Congress to declare their opinion, by majority vote, that the treaty violates the Constitution and therefore is void and ought to be disregarded; (2) the second is to bring litigation to have such law declared unconstitutional by a court of law. However, if the Senate already approved the treaty by a two-thirds majority, there may well not be the votes to counter that in the Senate. So the second option may be the only practical one. But, in light of the tendency of some courts to deviate from the written Constitution, the second option is also fraught with uncertainty. In fact, the President could himself go to court to have a treaty enforced when Congress is fighting him. Pragmatically, there is sometimes an advantage to being the first person to bring an action in court as it allows the moving party the option of picking the issues and the forum (a sympathetic judge) for hearing the case.

Do you agree that restoring the federal government to its constitutional mandates will reduce adverse manipulation of our capitalistic economy, intrusion on our property rights and shrink the scope of government and its cost to the American People? How do you propose to implement your goals?

Absolutely yes! Federal government has grown incredibly beyond what our Constitution permits. But to fix anything that is broken requires more than a desire to fix it: it takes an understanding of WHY we got here and WHAT steps are needed to repair it. Government is a lagging indicator of where American culture is. Americans increasingly desire a government that meets their needs. We have developed this symbiotic relationship between our elected leaders and the citizens: “we leaders give you benefits (paid for by taxpayers), and you people keep voting us in.” Making changes in a democratic republic will be challenging at best when a majority of Americans don’t want the changes. If you think me wrong in this, consider the 18th Amendment establishing prohibition in the U.S. This law simply didn’t work because our people didn’t want it to work. The cancer in the federal system began years ago, but really started to mushroom in 1964 when we declared War on Poverty. The fastest growing federal budgetary item in the past 20 years has not been Medicare or Social Security or Defense. It is means-tested welfare programming. All the wars we have fought have cost taxpayers \$6.4 trillion. The War on Poverty has cost us in excess of \$16 trillion—very close to our national debt of \$15+ trillion. Yet we have more poor and a higher percentage of poor in the US than ever before. Ronald Reagan said in 1988, “My friends, some years ago, the Federal Government declared war on poverty, and poverty won. Federal welfare programs have only made poverty harder to escape. With the best of intentions, government has created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty: the family.” In 1988, the welfare bill was \$100 billion a year. Now it exceeds \$900 billion per year and continues to skyrocket. We desperately need to be the party that believes in the power of all people, created in the image of Almighty God, to create and grow and make our nation what it has been and can be again! Each American citizen is a shareholder in this country: not just a consumer, not just enjoying the privileges of this land, but being a contributor, owning the responsibilities of citizenship.

How do we infuse this thought in our people? Government can’t do it by edict. But we leaders can use our bully pulpits to do it! And we need to get the other God-ordained institutions of the family and the church to do their part in our culture today. We need changed hearts. I wish our President would call us to the better angels of our nature and get us to truly work as Americans: “one nation, under God, indivisible, with liberty and justice for all.”

We need a Senator from Michigan who is not afraid to talk like this. We need so much more than merely someone to go to DC and push the Conservative voting button. We need leadership, leadership by word and action and example. As our nation changes from the bottom up, we will be better able to make the legislative changes necessary and they will stick rather than slide back to the Welfare State mentality we now have, which is the same mentality that is killing Europe today.

Are there any executive orders implemented by the Executive, (any of them) that you know are an affront to the Congress and the Constitution?

Where do I start? Here are just a few of the recent things our President and his team have done:

- Fighting a war in Libya and exceeding the time set forth in the War Powers Act when Congress alone has the authority to declare war.
- Enacting thousands of job-killing regulations by his administration. Most notably, the environmental ones by the EPA to regulate greenhouse gases that the Congress specifically rejected.
- Having the Attorney General refuse to support and enforce the Defense of Marriage Act.
- The President appointing NLRB members as “recess appointments” during the non-recess of Congress recently.
- The President appointing all those Czars without Senate confirmation.

I am personally grieving how our Commander-in-Chief is methodically destroying our great nation with his seeming indifference to our system of government and general dislike of our nation. I pray we can reverse this destruction before it is too late.

Do you believe the Framers were in error in providing for the election of Senators by the State Legislators and if so do you believe the 17th Amendment, (ratified during the Wilson Administration), is the proper solution? Would you introduce/support a repeal of the 17th Amendment?

The year 1913 was not a good year for the United States. In it was passed not only the 17th Amendment, but also the 16th allowing for income taxes and also the start of the Federal Reserve System. I think US Senators should be appointed by their state legislators. That keeps them connected as they should be to the best interests of their states and preserves the concept of federalism. I would support such a repeal.

Describe your plan for solving illegal immigration. Are we being invaded on our Southern border? Is the military a probable first step to solving this problem?

We need a fence, both an actual physical fence supported by modern technology to actually have a solid border on all entrances to our nation. I favor e-verify for employers and elimination of all entitlements to illegal immigrants. I am the grandson of a *legal* immigrant. America has been a melting pot since its inception and I want to keep it that way; but we must not become a salad bowl. I love our system of laws and our heritage and we must keep it going that way. If you don't like our heritage, go somewhere else. I favor a strong, legal immigration policy that unapologetically says we have English as our language and a system of laws based ultimately on the Judeo-Christian Bible. Whether we use the military or some other means I do not feel is critical, as long as we actually secure our border and do it now!

There have been recent disclosures of agenda driven research on Global Warming/Climate change, do you believe global warming is real? To what extent, would you devote government resources and monies to this area?

I am a graduate of MIT and am not intimidated by technical material. I can say without equivocation that global warming (now called climate change because the data doesn't fit their model describing the connection between carbon dioxide and global temperatures) has not been proven to be accurate. Government monies are not needed in this area, especially when we as a nation are beyond broke.

Describe what you know about Agenda 21 and ICLEI, what is it, who is involved, is it an effort you would support and use Federal monies and resources to further?

These are efforts, begun in the early 1990s, to create a worldwide effort to make our planet "sustainable" for future generations. President George HW Bush signed the Rio Treaty in 1992 supporting certain principles that ultimately will redistribute wealth and buy totally into the radical green agenda which calls for eliminating right of private property all in the name of "sustainability". Frankly, these are just more schemes of the left to build a utopia by having the "intelligent leaders" decide what every human should and should not be doing with themselves and their property. The attitude behind these programs is very arrogant and flies in the face of historical fact that the most vibrant economies and the cleanest environments are found where a virtuous people is given liberty. Note how, since these treaties were made, Europe has suffered major setbacks as their Welfare State is sinking them into oblivion with the result there will be no resources to do any of their grand scheme.

I would oppose these cockeyed programs vigorously.

What are your requirements for judicial appointments? Please discuss the recent appointment of [Justices] Sotomayor and Kagan.

I was a trial court judge for 15 years and have personally written a book on judicial review *Justice for the Unborn* (Servant Press, Ann Arbor, 1984) which includes much discussion on how legitimately judges should evaluate the constitutionality of a given statute or executive decision. We need judges who truly consider the actual meaning of the words of the Constitution, rather than treating it as a "living document" that changes with the whims of cultural ebb and flow. Otherwise we will continue to have tyranny by judiciary. We need "rule of law" justices on our Supreme Court and lower courts as well. I will do all in my power as a Senator to block jurists who are not "rule of law" jurists.

I am very unhappy about the appointment and confirmation of these two above-mentioned Justices. Their records show clearly they are not rule of law jurists. But, unfortunately, we are stuck with them until they expire, resign or are impeached.

What determines a breach of oath? An impeachable offence? Is a breach of the oath of office an impeachable offense?

Article VI says, in part, “. . . [A]ll executive and judicial officers, both of the United States and of the several states, shall be bound by Oath or Affirmation, to support *this* Constitution.” (emphasis added)

When a jurist creates out of whole cloth new meaning to the Constitution that has nothing to do with the plain meaning of the words and actual intent of the framers, and when this questionable interpretation is used to invalidate a statute as being “unconstitutional,” such action arguably violates that jurist’s oath to support THIS Constitution. It is interesting that Article III, Section 1 says that judges “shall hold their offices during good behavior.” This has been interpreted to mean that judges can be impeached, as can other “civil officers” for high treason, bribery or other high crimes and misdemeanors. I would say a flagrant violation of one’s oath of office to support “this Constitution” is impeachable.

Will you use the Legislative branch to rein in Judiciary legislative initiatives? Executive branch initiatives?

Absolutely! While I will respect the autonomy of the other branches and will not be “spring-loaded” in responding, where there is an egregious usurpation of legislative power by the other branches, I will call them out, have the appropriate jurist or executive branch leader subpoenaed to testify before my committee to answer for their action. This can lead to further action including, but not limited to, impeachment.

How will you communicate with the people who send you to office?

Social media is a wonderful means of keeping people in the loop. I intend to use that for every vote taken or major decision made. I also love town hall meetings to meet with people and get their input. It is critical that those who elected me understand where I am coming from in my decisions. I purpose to respond with full transparency. The only exception would be that issues of national security prevent me from doing so in a given case.

Will you pledge to daily post and identify the source of any offerings of gifts, trips, donations to your election/re-election campaign that you are offered from lobbyist, PACS or organizations and whether or not you have accepted them? What have you received to date and from whom?

I am not taking any money from corporate or trade association PACS. I made that decision months ago as I consider such a bribe. I was a judge so imagine me taking a \$5,000 campaign contribution from someone who later shows up in my courtroom, and then trying to appear objective while I hear their case. It is unseemly at best. Listen to what former uber-lobbyist Jack Abramoff said:

“What I did not consider then, and never considered until I was sitting in prison, was that contributions from parties with an interest in legislation are really nothing but bribes. Sure, it’s legal for the most part. Sure, everyone in Washington does it. Sure, it’s the way the system works. It’s one of Washington’s dirty little secrets—but it’s bribery just the same.” (Abramoff, Capitol Punishment, p 90)

Beyond that, absolutely I will be totally transparent as to where dollars are coming from that may appear to influence my desire to be a Senator for the people of Michigan.

Would you immediately start to reform entitlement programs that have driven the United States to insolvency? How would you do this?

I am spending most of my campaigning on this issue. America's debt is now growing at \$76,000 per second. We MUST turn this around NOW or face disaster. ObamaCare must be repealed in its entirety. I support Rep. Ryan's plan for Medicare. For Social Security, we need to raise the enrollment age and allow people born after 1970 to opt out for a private program of their own. For now, Medicaid should be block-granted but eventually it, and all other means-tested welfare programs, must be eliminated from government and returned where they belong; to extended families, neighbors, non-profit charities and churches. I blogged this issue and have done videos on it. My blog is this:

Admitting Defeat in the War on Poverty

It's time our federal government in Washington admitted defeat in the federal War on Poverty. All this ill-fated 'War' has done is put America deeper in debt, make whole generations of Americans enslaved to government handouts, and weakened American families.

The fact that we have lost the War on Poverty is incontrovertible; recent news indicated that the number of the "poorest poor" of Americans, those at or below 50 percent of the poverty level, have reached new levels never before recorded. One out of every 15 Americans, about 20.5 million qualify for this dubious distinction. The percentage (6.7%) has never been higher. According to the U.S. Census Bureau, the percentage of these "very poor" rose in 300 of America's 360 largest metro areas in 2010. Nearly 15 percent of Americans, (45.8 million people) now receive food stamps; that includes about one in four American children.

The federal government's War on Poverty began in 1964 as part of President Johnson's plan to build the Great Society. As with most government programs, what began modestly has grown to where we now spend 13 times more than was spent in the 1960s. While all the real wars since the Revolution have cost taxpayers about \$6.4 trillion, the War on Poverty has cost more than \$16 trillion—ironically very close to our national debt which very soon will pass the \$15 trillion mark. This is no coincidence. Whenever a nation decides it's going to meet all the needs of its citizens, it is guaranteed to go bankrupt. Witness the economic chaos in Greece, Italy and Spain.

If all this federal expense were uniformly helping our people, it would be one thing. But making many otherwise capable people perpetually dependent on governmental handouts is neither loving nor ennobling; it is demeaning. Franklin Roosevelt said in 1935, "Continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fibre. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit."

Finally, federal welfare has hurt the American family. Part of the welfare structure is a "marriage penalty" which is a not-so-subtle inducement to bear children out of wedlock. Over 40 percent of children in the U.S. are born to women not married, a major rise from when the War on Poverty began. In some parts of our urban areas—like Detroit—this birth-out-of-wedlock rate exceeds 80 percent. This is a recipe for generational poverty. President Ronald Reagan said in 1988, "With the best of intentions, government [welfare programming] created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty; the family. Dependency has become one enduring heirloom, passed from one generation to the next, of too many fragmented families."

What's the answer? For generations before 1964, Americans helped one another as neighbors, extended families, non-profits and churches met the needs of the poor. Real welfare requires real compassion. And that takes human-to-human contact, caring, mentoring, encouragement and—sometimes—firmness. "If a man will not work, he shall not eat," says a verse from the New Testament.

As to jobs, there is a great new approach to moving people off welfare to sustainable jobs using an approach called social enterprise. This is a marriage between business and community that is totally a private effort, but still produces a major positive governmental and economic impact. In this vein, over the past 8 years, Fred Keller and his firm, Cascade Engineering in Grand Rapids, has helped over 400 people escape welfare dependency. As of last count, 63 percent are still off the welfare rolls. We need to export this program to every part of Michigan now. It's a win-win-win for our nation's economy, for the individual, and for his or her family.

Currently how many signatures do you have on all nominating petitions?

Approximately 1,000 and climbing. Our goal is to reach 30,000 signatures before May 15, and we are just beginning to put a priority on this goal. We WILL reach it.

How much money do you have in your campaign?

As of January 11, 2012, we have raised more than \$123,000 and currently have more than \$27,000 in the bank with zero debt. We have five awesome employees and a growing group of dedicated volunteers.

How significant is money in this race?

I am a newcomer to politics at this level and, therefore can't speak from personal experience. But all the "experts" so far have told me that money is very important in a campaign like this. I agree money is needed to get the word out in our large state. But heart always trumps money and, as Ben Franklin said at the Constitutional Convention: "God governs in the affairs of man." The best advertisement is word of mouth. I am also writing a book and plan to have it available to connect with people of faith. One way or another, we will get the job done.

What do you believe is the role of the Tea Party/Patriotic Citizens Groups in America today?

The Tea Party movement is a true citizen uprising of people who love their country and desire for our national leadership to return us to the principles that are consistent with truth and which, therefore, allow this City on a Hill to continue to bless us and the world for many decades to come. Tragically over the years, Americans have increasingly succumbed to the temptation to be self-centered and desire the privileges of citizenship without the corresponding responsibilities. We are all shareholders in this grand experiment not just consumers. Unless these trends can be reversed soon, we are heading to oblivion and American Exceptionalism will be no more.

If elected as the junior Republican Senator from Michigan, will you break from the party if the party breaks from the Constitution? i.e. the FED, raising the debt ceiling, bailing out private institutions, bailing out foreign institutions, increasing entitlements vs. phase them out?

Absolutely, I will honor my oath of office. I do not care about getting re-elected. I care desperately about fixing America. I have never backed away from doing the right thing even when it has meant getting ridiculed or rejected. During my 15 years on the bench I had to make many unpopular decisions for the sake of children, parents, our community and state. I am always aware that Almighty God is my best friend but also the one who is constantly evaluating my words, actions and motives of my heart. I live to please Him.

As Nominee, what are the key issues about you, past and present, that the opposition will use against you? Remember that we will also have to defend you so be very thorough.

- I had a very controversial case involving abortion in 1982 in which a 13 year old who was 5 months pregnant asked me to order an abortion. All the testimony was to the effect that she should NOT have the abortion, but to be honest with the record, I made it clear that I felt that ordering the killing of an innocent unborn child was itself a criminal act that I could not participate in. After the decision, the girl had an ultrasound and saw her baby sucking his thumb in her womb. She thereupon changed her mind and wrote me a letter thanking me. But that didn't stop the firestorm from the liberal media and National Organization for Women (NOW).
- After being re-elected twice (without opposition), I voluntarily quit the bench to start Michigan Family Forum associated with Focus on the Family in 1990. Dr. James Dobson is controversial, but we conducted ourselves with quite a bit of tact and compassion and actually had a good reputation in MI.
- In our personal life, I have been married to Marcia for 43 years. (First marriage for both of us). There are no skeletons in this closet at all. We remain best friends. We have 12 kids and 21 grandchildren. All our kids are doing well; all their marriages are good, by the total grace of God.
- I have held a Top Secret clearance from when I worked as a Naval Officer in the Pentagon.
- I have one debt; my mortgage that we intend to pay off this month.
- I am, without apology, a follower of Jesus Christ.



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