

HOW TO WIN

IT WAS REMARKABLE. Democrat Bill Orton, 58 percent, versus Republican Karl Snow, 37 percent Bill Orton didn't just

The Remarkable Campaign win the congressional election; he won it by one of the largest margins of any non-

incumbent contest in the U.S. —and it was in Utah's Third Congressional District, considered by experts the most rock-solid

FRIENDS AND

Republican region anywhere • But it is even more remarkable that BYU Law School graduate Orton ran for public office at

of Bill Orton all Just 10 months earlier the thought hadn't crossed his mind, ever • Most

Democrats in the political arena hadn't even heard of him After the election everyone was asking, "Who is this guy? Where

INFLUENCE

did he come from?" In answering those questions, one will find an uncommon story, a story of a uniquely prepared individual

by Charles D. Cranney who offers a cadre of talents to the 102nd U S Congress • At the age of 16,

Orton was a studious high school senior in Ogden, Utah, when the Internal Revenue Service opened up a large service center

REPUBLICANS



there. There weren't enough people to staff it, and so managers recruited at the local high schools for four-hour evening shifts Enter Bill Orton.

His experience with the IRS convinced him that he really wanted to be a tax attorney After serving a mission for the Church in Oregon, he finished his undergraduate studies at Brigham Young University in 1973 in anthropology and archaeology—the whole time working for the IRS.

"I didn't have a lot of money saved up to go to law school right after graduation," said Orton, "so I moved to Oregon and worked with the Internal Revenue Service. I planned on going to night law school at Lewis and Clark"

With training, traveling, and working, Orton never made it into night school After a four-year IRS stint in Oregon, the time of decision came

"I had a nice house, a little sailboat (I lived on a lake), and an airplane and was flying all over the place," he said "I realized that at 27 years old I had peaked out at the Internal Revenue Service I'd have to stay at my level for another 30 years before I could even think of retiring. That didn't strike me as very fun, so I quit and came to the BYU Law School in 1977." Most would consider Orton's law school experience atypical:

"Law school was purely pleasurable. I loved every minute of it. The first year in law school I didn't even check to see what my grades were I knew what I'd be doing when I graduated, and I didn't care about grades as long as I was passing"

With a clear vision of his law future, he took every law class offered in tax and business. While still in school he started a business in Oregon that provided tax and business law educational materials

Graduating in the top third of his class in 1980, his practice burgeoned, and he soon became of counsel at Parker, McKeown, and McConkie in Salt

Lake City and at Merritt & Tenney in Atlanta He also served as in-house counsel for a privately held forest-products company and taught tax seminars across the nation His clients were from all areas of the United States—"from Anchorage to Miami and from New York to Honolulu," he says.

His love for the law seems only exceeded by his love of teaching the law And he is a good teacher—as the more than 15,000 tax professionals who have now taken courses from him will attest In 1986 he served as an adjunct professor at the J Reuben Clark Law



BILL ORTON NEAR HIS HOME AT SUNDANCE.

School, teaching seminars on real estate tax planning and the 1986 Tax Act

Not a stranger to Washington, D.C., he has worked with congressional staff members of the House Ways and Means and Senate Finance Committees On the American Bar Association, he served on tax policy subcommittees that evaluated legislation before Congress Many of his clients also come from Washington, D.C.

So at the beginning of 1990 Bill Orton was going along at a fast clip. He loved his work. He was paid well He was satisfied. And he had no intention of running for any political office.

In February 1990 he was in Hawaii teaching a tax conference He mentioned the problems with tax legislation and the savings and loan debacle it helped create during the last decade,

glibly remarking that the United States needed elected officials with a broader vision, those who could see "more than just the tip of the iceberg"

After the conference several people, many of whom had been to Orton's seminars before, cornered him. They said, in essence, "We've been listening to you for years You understand what's going on You certainly have the knowledge and the ability You could do something about it."

He retorted, "I am I go back frequently and talk to Congress members and their staff and try to educate them and show them some solutions to the problems"

Then this group dropped the question, "Yes, but why don't you run for office?"

Orton scoffed "You must be kidding! No way in the world! You have to give up your private life. You have to take a cut in pay. Nobody likes you Everybody's always yelling at you You can't satisfy anybody You've got to run for election every two years I can't think of any reason I'd want to run for Congress"

After the conference, Orton stayed in Hawaii for a couple of weeks Trying to relax, he lay on the beach and went hiking through the rain

forests, but that conversation kept haunting him

"The whole time I kept thinking that maybe I had some sort of obligation to give back to the system, an obligation to serve the public"

Returning to his home above Sundance in Provo Canyon, Orton noticed the paper listed several people who had announced candidacy for the Third Congressional District He hadn't realized that Congressman Howard Nielson was retiring. (When Nielson had first run for office, Orton contributed to his campaign.)

He knew former Utah Governor Scott Matheson and lone Utah Democrat Congressman Wayne Owens (whom he took a legislative processes class from at the Law School in 1978), so he went to Salt Lake City to talk



COOPER STANDARD EXAMINER

AFTER ANNOUNCING HIS CANDIDACY, BILL ORTON SOON DEVELOPED AN EFFECTIVE CAMPAIGN.

about campaign prospects

"They were both extremely supportive and said, in essence, 'If you can find reasons to run for office other than winning, then we encourage you to do it, but you need to know that you probably don't have any chance at all of winning because of your district's political make-up'"

Orton's parents and friends were shocked he was considering a congressional campaign. His mother's first reaction was, "I don't like politicians."

"I'm not a politician," Orton rejoined, "but somebody's got to do it."

After gathering information from those in the political arena and members of his family, Orton went back to Sundance to think:

"I live in this district. I know the people here. I know their concerns because the same issues concern me. If I were to choose someone to be my representative in government, what would I want? I'd want someone young enough, excited enough, with fire in the belly about the process, and the de-

sire to go back and really get involved. Yet I would want someone with knowledge and experience. I would want someone who was mainstream on the issues—morally, legally, ethically. I would want someone who didn't engage in double-talk—just being honest with the people."

The problem with many politicians, Orton mused, is that if you ask them a question, at the end of the answer all you've heard is your question repeated back to you. "One thing I admired about Ronald Reagan (though I often disagreed with him) was that he would just flat out tell you yes or no. He was straightforward, and people love that, even if they disagree with you."

So Bill Orton decided to go for it, determined to be forthright and to work hard. After announcing his candidacy, a successful pattern soon developed.

He called chambers of commerce, county commissions, and city councils in the communities of Price, Moab, Payson, and others. Before a scheduled

appointment with these political groups, Orton would go into the cities a few hours earlier and visit impromptu with business owners. These businessmen would tell him their problems, how they felt about the federal government, what they thought the government should be doing or not doing. Then he would meet with the commissions and councils, talking about their communities. After the meetings he'd proselyte, walking up and down the streets, knocking on doors and talking to people.

"Most every group, when I finished with them, were warm and friendly, telling me, 'Yes, you understand these problems. We need people like you in Congress.'"

During the campaign Orton went through the district more than 10 times doing all the grass-roots campaigning that he could. He knew he couldn't raise much money for advertising and marketing. (He only spent about a third of what his Republican opponent spent.) Most of the financial

load was shouldered by Orton himself, spending thousands of his own money

"I went to some political action committees for money and support. Many of them didn't even wait until I was out of the office to laugh. They'd open the almanac of American politics and read the first line that says my district was the most Republican district in the United States. I tried to explain that it's one of the most *conservative* districts. Until now the Republicans

Snow and pushing his face in the mud. I've refused every opportunity to run a dirty campaign. I've not done it. I don't want to go to Congress that way. If the public wants a dirty campaign, then they don't want me. If I have to abandon my personal values to win, then I don't want to be a congressman."

Since the early summer, local polls had shown Orton gradually catching up with the Republican contenders, finally surpassing John Harmer right before the Republican primary in September. In the same poll, Orton was still trailing Karl Snow by a substantial 27 percentage points (Snow—53 percent, Orton—25 percent).

When John Harmer lost the Republican primary, some of his distraught devotees continued the barrage against Karl Snow that had been all-too prevalent in the primary campaign. "Republicans for Bill Orton" T-shirts started popping up everywhere.

Still, Orton's gradual rise in the polls didn't seem to dampen the confidence of



ORTON CELEBRATES HIS
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are the only ones that have put up conservative candidates. But I am conservative," he said. "The people will vote for me."

Orton's campaign was unwittingly aided by the in-house bickering and fighting among his Republican opponents that started even before the Republican convention and didn't end until weeks after the November election.

Early on Orton went to the press. "Look, the public deserves someone who cares more about the problems facing us in the future than the problems facing their opponents from the past. I simply won't get involved in that. I will not comment on it. I will not use it in an election. I won't debate it in a debate. I will deal with issues only."

Later, when Karl Snow became the Republican's choice of candidate, Orton commented to a local newspaper, "I decided I would not go to Congress walking over the back of Karl

some Republican strategists in Utah's third congressional district. They seemed to have read the almanac of American politics, too. A Democrat couldn't possibly win in this congressional district.

Orton was frustrated when his Republican opponent refused several debates and didn't show up at the KBYU television debate. KBYU aired the one-sided debate anyway, and it was rebroadcast later.

"I think that kind of arrogance turned people off," said Orton. "The people got tired of the sniping, and they got tired of someone who really wouldn't be straightforward and debate the issues."

On October 7 the local newspaper poll showed Karl Snow increasing his lead to 28 percent. "Our small internal polls showed that I was still gradually gaining," said Orton. He noted that the October poll gave Karl Snow some needed momentum to go to

Washington, D.C., and "come home with a suitcase full of money" that he couldn't get before.

"There was no way in the world I was that far behind Karl Snow. Never. Up until then I had had a lot of faith and trust in Dan Jones [the local pollster] This time he was cooking the books," a feisty Orton said "If he wants to justify his polls, I'd love to see his data—what districts they were testing"

During the final weeks the Republican strategists (not so much Karl Snow as everybody around him) and others engaged in an acrid attack against Orton, with even public officials getting involved in questionable "exposés" For example, the Utah State Tax Commission decided to disclose a six-year "dispute" they had had with Orton about paying a tax on his Mercedes-Benz.

"When I discovered last May that this problem had not been resolved, I went to the tax commission and said, 'Look, I don't want this to become a political issue I thought it had been resolved. What do we need to do to get it resolved?' They told me in order to get it back into the appeal process I needed to write a check for x amount of dollars and a letter requesting an appeal I wrote the letter, made out the check, gave it to them, and thought it was back in the appeal process"

One week before the election the Utah State Tax Commission publicly disclosed an "inaccurate description of what was taking place," according to Orton

"It was outrageous, absolutely outrageous! When a branch of the state government gets involved to destroy a federal campaign, that smacks of a Watergate-type action. If I were the governor, I would dismiss every one of them for that action alone I think it is a breach of their public obligation"

But he doesn't feel that was the only problem with the tax commission. "I've worked with state tax commissions in half the states of this country and for the IRS in nearly all the districts in this country. The *worst* government entity I have ever had to work with in any state or federal branch of

government is the Utah State Tax Commission. They completely ignore the rules. They completely ignore the facts."

It's true that Bill Orton, in the public view, stayed above the foofaraw, unwilling to capitalize on trivial, unclear allegations against his opponent. But when attacked personally, on groundless allegations, his attackers had better learn to duck.

Perhaps what frustrated Orton the most were the continual sorties against his marital status. The voters were annoyed, too.

The exploit-Bill-Orton's-marital-status strategy backfired His opponent, Karl Snow, seemed to focus more on his own marital status (married with children) in some of the debates but was often heard joking, tongue in cheek, about Orton's bachelorhood Others were more vocal and much more malicious.

Four days before the election, Karl Snow's financial chairman, a former Law School compatriot with Orton, in-

ORTON RECEIVES A
CONGRATULATORY
CALL FROM
HIS SISTER.

"would have been even further ahead without it" And it left a bitter taste in the mouths of the entire Third Congressional District.

With two days to go a now infamous full-page ad appeared in the *Utah County Journal*. The ad showed a Karl Snow family portrait with the caption "Karl Snow and his family." Next to that picture was one of Orton, all alone, with the caption "Bill Orton and his family" The ad continued: "Some candidates want you to believe that their personal values don't [sic] matter. Most issues facing the United States Congress seriously affect our families. Values do matter! Vote Republican" And then, in smaller type at the bottom: "Paid for by the Utah Republican Party."

The ad proved to be an affront to the voters and was unapproved by Karl Snow (though it seemed to follow the general strategy mentioned earlier). Republican campaign specialists began playing the equivalent of "who stole



sisted on being quoted in the paper verbatim as saying that because of Orton's age (42) and his never being married, "Bill Orton is not fit for life, much less Congress"

"I'm very disappointed in him," said Orton "I liked him in law school. Those are the kinds of things in a campaign that hurt—when people you know make uncalled for comments like that It's discouraging, politically, to see that there are people around who will do absolutely anything [to get their candidates in office] I won't do that"

Orton insists, though, that the negative campaigning against either candidate didn't really help him. He felt he

the cookie from the cookie jar?" trying to find out who had placed the ad Prominent elected Republicans were quick to criticize. "I was totally offended by the ad," Senator Orrin Hatch said later. "I've seen a lot of stupid things in politics, but this ad was the stupidest thing I've ever seen."

Orton considered the ad a favorable sign. "The first time I felt that I was going to win was when I opened up the *Utah County Journal* on Sunday before the election and saw the ad against me on the back page." He felt that the Republicans must have been desperate to run such an ad.

The Dan Jones' poll showed that



JOHN SWAGER

JOINING SEVERAL UTAH POLITICIANS, CONGRESSMAN ORTON VISITS THE BYU MARRIOTT CENTER
DURING RONALD REAGAN'S ADDRESS THERE

Orton was 14 points behind Snow "The polling we were doing in-house showed me way ahead," said Orton "I thought, 'How on earth can our polling show us at 68 percent and Dan Jones has me 14 points behind?' Something was wrong." Again

The last days proved to be the grand crescendo to Bill Orton's campaign. He went to shopping malls, arranged honk-and-waves on the road, and went everywhere he could to find a crowd.

"On election day, 90 percent of the people I shook hands with knew me. They said, 'Bill Orton! I just went and voted for you! Hey, you're going to make it.' I thought if half of the people who told me they voted for me were actually telling the truth, I've got a chance of winning.

"On election night I thought that it would be close, that I had a chance of winning. When I heard the results of David Magleby's exit poll, it blew my socks off. I had no idea that I was that far ahead."

Many press reports that came after the Tuesday election concentrated on comments from dyed-in-the-wool political party bureaucrats. Some talked of trying to "convert" Orton to the one and only true party. Others felt the win thwarted Republican redistricting plans for Utah.

But Bill Orton's victory was mostly a triumph of the people, not of either political party. It was an indication that a common man with "fire in the belly" and a dream for his district had a chance of winning over an entrenched political bureaucracy. It meant that the people deemed vision more important than momentum. It showed the resilience of the American system—something many of Orton's constituents now have renewed faith in.

The two months after the election proved to be as hectic for Orton as the campaign.

First, setting up the office as a newly elected congressman can be quite a chore. From election until swearing in, there is no funding for the

transition. "There is no money for staff, phones, office space, or mail. After the election I got hundreds of letters from the constituency," said Orton. "There was no budget for it until January 3. It all came out of my pocket—secretarial work, staff people, computer equipment, mail, stationery."

Then there was the December orientation for the new members, where the Democrats and Republicans elected their leaders and looked at goals for the next session of Congress—talking about issues likely to come up and bills that might get passed.

"When we were introducing ourselves as freshmen congressmen, telling people our background, I was happy to tell them that I graduated from the BYU Law School," said Orton. "I'm proud to have gone to BYU and graduated from the BYU Law School. I can wear it as a badge of honor."

The LDS connection provided some association for Orton during the orientation. "There are three of us in

the House who are LDS that were elected this session: myself, Dick Swett from New Hampshire, and John Doolittle from California. We are friends and were spending time doing things together. Other members of Congress would look at us and say, "Wait a minute, we've got two Democrats and a Republican over here. What's happening?" I don't think anyone quite put together the Church connection."

Then for another week the freshmen traveled to Harvard, where the Kennedy School of Politics put on an issues seminar. Orton recalled, "They brought in the brightest and best minds in the country and the world to talk to us about the various issues of drug abuse, education, the homeless, macroeconomics, and the federal reserve. It was a tremendous opportunity." For example, "We sat down one evening at the home of John Kenneth Galbraith and talked about economic issues with him."

While all the staff selection, orientation, and constituent correspondence was taking place, Orton only had two months to wind up his law practice, transferring his clients and finishing scheduled seminars. The law prohibits him from these fiduciary activities while serving in the U.S. Congress.

After being sworn in, each congressman is allotted nearly \$1/2 million per year to run two offices—one in the district and one in Washington. The maximum staff that can be hired is 18 full-time and four part-time. Given some of the substantial wages needed for competent help in Washington, D.C., Orton feels the budget is "very austere," yet he feels committed to provide all the services possible given his resources.

With his background in tax law, Orton feels he belongs on the House Ways and Means Committee, one of the most difficult committees to get on. Since it was already filled before the election, he quickly vied for other committee assignments, hoping to get on the Ways and Means after the next election. While most members of Congress fill two committee assignments, a handful serve on three committees. Indicative his energy, his colleagues gave

him three assignments: small business, foreign relations, and banking.

The House increased the size of the Small Business Committee by one so that Orton could serve on it. When asked why he wanted to serve on that committee, his answer shows a sincere desire to represent his constituency well. "Most of the businesses in my district are small businesses," he said. "There are many regulations and tax issues where we're not helping small business."

Perhaps one of the most difficult decisions Orton has had to face so far was the congressional vote on the Persian Gulf War. Though some may disagree with his decision to support the president in war after all diplomatic solutions had failed, none could say he hadn't given all sides the most serious consideration. He held meetings with his constituency, where the divisiveness of opinion was so evident. He called President Rex E. Lee and other BYU Law School professors to check constitutionality issues. The somber mood of the Congress that day caused the members to lay aside the usual partisan politics. Then he, with the other elected officials, made what he called a "very personal" decision.

If Orton continues his energetic concentration on impending legislation, no doubt his constituency will feel their congressman always gives it his best shot.

After the election, some started fretting that Orton would soon turn into another politician practicing politics as usual—unable to move or change anything. All indications are to the contrary.

"I've told all my friends that if they see me changing and becoming a Washington, D.C., politician, they should hit me over the head with a two-by-four and tell me about it. Then I'll leave public office and go back into the private community."

When asked if one man can make a difference, he said, "Although I can't walk in there tomorrow with 15 bills and get them passed the next week, I can start building a coalition of colleagues who understand the problems. But the only way to do it is to start

with one person, myself, and then work outward. So I'm not discouraged by it; I'm not frightened by it or worried that I'll go back there and get bogged down and not be able to get anything done. I'm excited that we can get a lot done."

Though he is encouraged by his success, Orton has had to pay a personal price, giving up much of his cherished private life.

"Personally and socially I'm a private, quiet, and shy person," mused Orton. "The absolute worst thing about winning this election is that now everybody knows me. Everybody recognizes me. I go to a gas station or grocery store and everyone turns and looks. They come up to me and want autographs. I don't mind that people come up and talk to me about issues because I've placed myself in that responsibility to be their representative in Washington. What bothers me is seeing myself in the newspaper and on television. So I have a real stress between my private life and the public life that I have placed myself in."

Though it's a little early to see past Bill Orton's congressional stay (and, if his popularity continues, he will be there for some time), he has at least one idea:

"When I leave Congress, I'd very much like to talk to the BYU Law School and have a more direct teaching relationship with them. I love teaching law."

Meanwhile, Orton will be doing what just a year ago he thought was a most absurd notion.

It's true, as he predicted, that he has given up his private life, has taken a cut in pay, and has been battered by various opponents. And in two years he'll have to go through another election—and perhaps another two years after that—all with much personal pain. But Bill Orton didn't run for Congress for personal aggrandizement or for some sort of self-fulfillment. He simply felt a strong obligation to serve.

After his first remarkable and surprising campaign of winning friends, there is now great hope that Congressman Orton will have an equally remarkable and surprising impact in Washington.