

Becoming J. Reuben Clark's Law School

President Oaks

Opening Remarks

August 27, 1973

We gratefully acknowledge the presence of President Marion G. Romney, counselor in The First Presidency of The Church of Jesus Christ of Latter-day Saints and a vice-president of the Board of Trustees of Brigham Young University, who will address us this morning. Also present with us on this occasion are Elder Ezra Taft Benson and Elder Marion D. Hanks, trustees of the University; Commissioner Neal A. Maxwell of the Church Educational System; the vice-presidents of the University; the members of the law faculty; and Congressman Gunn McKay. Seated before me in the first few rows are the 156 members of the charter class of the J. Reuben Clark Law School. In the audience are other officers and faculty of the University, friends of the law school, and other dignitaries too numerous to mention.

The Board of Trustees' decision to have a law school at Brigham Young University was announced on March 9, 1971. It is just short of two-and-one-half years since that announcement. We are grateful to all whose extraordinary efforts have made it possible for me to announce that we are ready. The understandable pride I feel in my fellow workers and the thrill I have experienced personally in participating in this great venture could easily lead me away from a modest course, so I will try to temper my descriptions. Please be assured that more could be said.

We have a dean and a law librarian whose professional skills and performance in the establishment of this law school have already won them wide acclaim in the world of legal education. We have assembled a first-year faculty of superior professional experience, scholarly attainment, and potential—soon to be joined by others of comparable qualifications—who will stand with pride among the great law faculties of the nation. We have assembled and placed in operation a law library of just over 100,000 volumes. The law school already claims a group of loyal friends whose generousities have permitted us to establish scholarships, loan funds, and other funds for future development. A loyal and generous Board of Trustees has made possible the construction of a beautiful new building. Construction is already underway on a site immediately east of the building in which we meet today. The first accrediting visit to our law school has already been scheduled for this fall.

Most important of all, we have brought together this superior group of young men and women who comprise the charter class of the J. Reuben Clark Law School. In their intellectual qualifications they are well above the student body of most law schools, and they compare favorably with the best. In their spiritual preparation and motivation they are without peer. Our charter class consists of ten women and one hundred forty-six men. One-third of the entering students are from Utah, and the remaining two-thirds are from twenty-four other states.

We are frequently asked why Brigham Young University is establishing a law school at this time. We have all heard reasons suggested, and many of us have contributed a few. Some of these suggestions are speculative, some reasoned, and some have the ring

of authority. But the most important fact to be noted on this subject is that the trustees of Brigham Young University, whom we sustain as inspired leaders, have decided that Brigham Young University should have a law school at this time. I have received a confirmation of the divine wisdom of that decision, and I am quite content with that. The special mission of this law school and its graduates will unfold in time.

We are privileged to participate in this great venture. It is our duty to make it great. He who builds anything unto the Lord must build in quality and flinch at no sacrifice toward that end.

Persons who knew President J. Reuben Clark, Jr. need not ask why this law school carries his name. But few who knew him personally will study here. Members of this entering class were ten to fifteen years old at the time of his death. We must therefore introduce successive generations of students to the great man whose name will be associated with their professional qualifications, so that his ideals and accomplishments can influence their lives.

We are doing this at the outset. In one of those providential circumstances that mark the progress of ventures destined for greatness, a comprehensive biography of the life of J. Reuben Clark, Jr. was in preparation at the time the law school was announced. Through special arrangements with its author, Dr. David H. Yarn, Jr., we have just published the first nine chapters of that biography. Under the title *Young Reuben*, these chapters describe the first third of J. Reuben Clark, Jr.'s life, through his graduation from Columbia University School of Law at age thirty-five. The book also contains a selected list of achievements in the career of J. Reuben Clark.

Copies of this book have already been given to all of the entering students. As a memento of this occasion we are also presenting a copy to each person or couple attending this opening exercise.

You should also be familiar with a collection of essays on the legal scholarship, political thought, and professional accomplishments of J. Reuben Clark, edited by Dr. Ray C. Hillam, and published by the Brigham Young University Press under the title *J. Reuben Clark, Jr., Diplomat and Statesman*. Both publications are available in our bookstore.

J. Reuben Clark was a widely acclaimed authority in international and constitutional law, a distinguished public servant, an eminent author, a wise counselor, and a servant of the Lord. His coherent philosophy of law and government was born of brilliance and nurtured by superior education, experience, love of country, and devotion to God. Men with his combination of brilliance, wisdom, and faith are all too rare, and we do well to seek their acquaintance.

The life of J. Reuben Clark exemplifies the excellence of mind and character we seek to foster in the law school that now bears his name. Every person—and especially every young student of the law—can identify with the life of this great man and appropriately aspire to the greatness he attained.

On the occasion of the opening of the J. Reuben Clark Law School it is appropriate for us to describe our expectations for the dean, the faculty, and the student body of this new school. In a few minutes we will hear from President Marion G. Romney about the expectations of the officers and members of our Board of Trustees. It is my privilege to describe the expectations of the administration of the University.

First, the law school should be part of Brigham Young University in all respects, with the law faculty and students fully participating and contributing in the intellectual and spiritual life of the University.

Second, the J. Reuben Clark Law School must in all respects be worthy of the name it bears. It cannot be satisfied with its assured standing among members of The Church of Jesus Christ of Latter-day Saints, but must attain a greatness that transcends religious lines and establishes itself in the eyes of legal educators, scholars, the judiciary, the legal profession, the business world, officials of local, state, and federal government, and citizens at large.

Third, the law school must always promote loyalty and understanding of the Constitution of the United States. Speaking through a prophet, God has declared that he “established the Constitution . . . by the hands of wise men” whom he raised up for that purpose. He has also declared that this Constitution “should be maintained for the rights and protection of all flesh, according to just and holy principles” (D&C 101:77, 80). President J. Reuben Clark said, “The Constitution is a part of my religion” (“America—A Chosen Land of the Lord,” YMMIA and YWMIA Annual Conference, Salt Lake City, June 9, 1940, printed in *Stand Fast by Our Constitution*, p. 172). Loyalty and devotion to the Constitution of the United States must be a hallmark of this law school.

Fourth, the J. Reuben Clark Law School must always foster an enlightened devotion to the rule of law. A principal function of law, and thus a principal occupation of lawyers, is the prevention and settlement of disputes. Men of law must understand and help others to understand that despite all the imperfections of law and of lawyers, there is no better system for preventing and settling disputes than the rule of law. Consider the alternatives: Trial by combat was once an accepted means of settling private disputes. This method, where the party with the greatest strength can impose his will, survives for public disputes in the barbarity of war and for private disputes continues to be used by those whose violent means lie outside the law. Disputes can also be settled by authority, where the government official, the aristocrat, or other person in “high position” is able to impose his will on a person of lesser rank. That system travels incognito through the regular processes of the law, but public servants and members of the legal profession are responsible to root it out wherever it appears. A third alternative for settling disputes is the sleazy system of corruption, where justice is for sale and the person with the largest resources prevails. We must likewise be diligent to eradicate that evil.

The rule of law stands as a wall to protect civilization from the barbarians who would conduct public affairs and settle private disputes by power, position, or corruption, rather than by recourse to the impartiality of settled rules of law. Lawyers are the watchmen on that wall.

Devotion to the rule of law means that our preeminent political allegiance is to the law and the offices of government, not to the persons who occupy those offices. President J. Reuben Clark said it best:

God provided that in this land of liberty, our political allegiance shall run not to individuals, that is, to government officials, no matter how great or how small they may be. Under His plan our allegiance and the only allegiance we owe as citizens or denizens of the United States runs to our inspired Constitution which God Himself set up. So runs the oath of office of those who participate in government. A certain loyalty we do owe to the office which a man holds, but even here we owe, just by reason of our citizenship, no loyalty to the man himself. In other countries it is to the individual that allegiance runs. This principle of allegiance to the Constitution is basic to our freedom. It is one of the great principles that

distinguishes this “land of liberty” from other countries. [“America—A Chosen Land of the Lord.” YMMIA and YWMIA Annual Conference, Salt Lake City, June 9, 1940, printed in *Stand Fast by Our Constitution*, p. 189]

By the same token, a lawyer’s predominant professional loyalty should be to the principles of the law, not to the officials who administer them or to the person, organization, or other client in whose interest those principles are applied. A lawyer obviously owes a high duty of loyalty to his client, but the duty he owes to the Constitution and laws is higher still.

Another important ingredient of the rule of law, with special application to the legal rules enacted by legislatures and declared by courts, is that different rules stand on different footings. There is no democracy among legal rules. Some are more important than others. Thus, some rules are based on eternal principles of right and wrong or on basic tenets of our Constitution. Others are rooted in the soil of men’s reasoning, soil that may be washed away by the torrent of human custom or the current of advancing thought, leaving the rule without support or justification. One who studies law through the lens of the Gospel should surely be realistic about the limited longevity of men’s ideas and the consequent short duration of rules and reasons grounded on the shifting sands of current facts and opinions. Of even less standing are those judicial rules based solely on precedents already adrift from the anchorage of reason.

In furtherance of their devotion to the rule of law the graduates of this law school should have minds sufficiently bright and consciences sufficiently sensitive to distinguish between rules grounded on morality and those grounded solely on precedent or tradition. Rules based on tradition may be assailed when their supporting reasons have lost touch with the soil of human need, but rules based on morality must be defended at all costs, since they are rooted in the eternal principles of right revealed by God our Father. For example, this is the unstated but vital distinction between the rules that forbid a lawyer from advertising or from forming a law partnership with a non-lawyer and the rules that forbid a lawyer from knowingly using false evidence or assisting his client in conduct he knows to be illegal. (Refer to *Code of Professional Responsibility, DR 2-101, DR 3-103, DR7-102.*)

Another aspect of the rule of law, sometimes misunderstood, is the principle that the law stands for the protection of the man who is evil as well as the man who is good, just as the Lord “maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust” (Matt. 5:45). The results of this impartial protection are not ideal, but history shows this principle to be the best available alternative until our legal processes are perfected by the great lawgiver and judge to whom one day we all will bow in allegiance. So long as our lawmakers and judges are fallible men, we need rules that will not bend one way for the man or the cause that someone deems to be good and yet another way for the man or cause that some men judge to be evil.

We have a persuasive explanation of the wisdom of this principle in Robert Bolt’s drama, *A Man For All Seasons*. Here the just Sir Thomas More refuses to order the arrest of an evil man because he has broken no law. In contrast, his self-righteous and impetuous son-in-law, William Roper, is so sure of his own judgment about the wickedness of the man that he would set aside all requirements of the law to punish him. Sir Thomas patiently insists that the man should go free “if he was the devil himself until he broke the law!”

Roper: So now you'd give the Devil benefit of law!

More: Yes. What would you do? Cut a great road through the law to get after the Devil?

Roper: I'd cut down every law in England to do that!

More: Oh? And when the law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake. [Robert Bolt, *Three Plays*, p. 147]

Our fifth expectation of this new law school relates to the manner of instruction. This expectation is addressed to the attention of the faculty, but it is also given for the understanding of all who watch the school with interest and support. The curriculum and manner of instruction in the J. Reuben Clark Law School should approach the law from a scholarly and objective point of view, with the largest latitude in the matters being considered. The law is an adversary profession. That is not true of medicine, engineering, or other professions we could name. We would be shocked if students of these disciplines were taught physical laws that we know to be wrong, except as a contrasting reference. But law is an adversary profession. It is uniquely important that its students be exposed to all rational points of view on every question worthy of study. Failure to provide this kind of training would put our graduates at a significant disadvantage when they meet the opposing arguments—as they will—in the crucible of the adversary process of negotiation, litigation, and the formulation of legislative and administrative policy. Students of the J. Reuben Clark Law School must therefore be expected to study and master what they may well choose never to advocate. If that principle is clearly understood, it will save a great deal of misunderstanding on the part of our students and those who anxiously watch their instruction.

Yet despite the latitude that must be allowed for instruction in this law school, there are fundamental principles on which there is no latitude. We expect to have a vigorous examination of the legal principles governing the relationship between church and state under the Constitution, but no time for debate over the existence of God or man's ultimate accountability to Him. There is ample latitude for examination of the responsibilities of a lawyer who is prosecuting or defending one of crime, but no room for debate over the wrongfulness of taking a life, stealing, or bearing false witness.

Sixth, the J. Reuben Clark Law School should concentrate on teaching fundamental principles of law. Its approach should be predominantly theoretical, with appropriate attention to the basic skills involved in lawyering. The law school should resist the inevitable pressure to be too fashionable in curriculum or instruction. The half-life of a legal concept, even in these changing times, is measured in centuries, not academic years. As legal historians can testify, many of the important problems and controversies of our day are just recreations under different labels of problems encountered by successive generations for centuries into the past. A legal training that is predominantly theoretical is best able to equip students with the principles and skills they can apply throughout the shifting circumstances of the next half-century. Such training should make illustrative application of those theoretical principles to some current situations, and it may also give students some well-supervised practical or clinical experience. But training that concentrates too heavily on the "practical" problems of real clients or the topical issues of greatest current concern in the practice of law may pique the interest of students, but it

stands in danger of neglecting the fundamental theoretical training that should be of paramount concern.

And now some final words of advice to these law students. The study of law is difficult. Learning to think like a lawyer is rigorous and frustrating. But the objective is worth the effort. The study of law has few equals in disciplining the intellect. Properly conceived and executed, there is nothing mechanical or repetitious about it. It teaches its students a new way to think, and that skill is serviceable beyond the limits of the practice of law. That is one reason why a legal education is a readily adaptable preparation for a multitude of vocations.

A lawyer is a student of meaningful differences among apparently similar situations, and meaningful similarities among situations of no apparent connection. A person who is keen at spotting differences or similarities, discarding the unimportant ones, fastening upon the important ones, and being prepared to explain the reasons for their importance, is well along toward thinking like a lawyer. That skill is demanded in many fields of endeavor. So is the good lawyer's hesitancy to accept easy assumptions about the facts, and his instinctive reach for verifiable truth.

The study of law forces a student to confront the realities of communication. For example, we are all against "treason," "obscenity," and "fraud," but put those words into a law for official action and lawyers must grapple with how the words are to be defined, measure the consequences of ambiguity, specify the procedural requirements that are essential, and weigh the unintended side effects of the attempt. That whole effort requires a depth of inquiry and a level of understanding that is hardly glimpsed when we use these words in casual discourse.

Law students would also do well to remember that they are training for a profession that cannot function effectively unless its practitioners preserve some detachment from those they serve. The lawyer whose commitment to his client or his cause becomes predominantly emotional or personal has lost or diluted the rational powers that alone give value to his services. The public may assume that a lawyer has a total community of interest with his client, but neither the lawyer nor the client should slip into that error.

My final word of advice concerns the use of time. Someone has spoken disparagingly of "checkbox Christians," who seek to buy off their religious responsibilities by the donation of money. Just as you would reject the checkbox as the measure of a successful religious life, so you should reject the timeclock as a measure of a successful intellectual life. Your goal should be insight, not memorization or longevity. If you don't put in the time, you are unlikely ever to understand, but your goal should be to get understanding, not to get done. You will never be done with your study of the law or with your application of the principles and skills you will learn at this law school.

And now it will be our privilege to hear from a close associate of President J. Reuben Clark, a fellow lawyer, a stalwart teacher, a well-loved servant of the Lord, and a man whose vision and efforts have been instrumental in the founding of this law school: President Marion G. Romney.

Becoming J. Reuben Clark's Law School

President Romney

Opening Remarks

August 27, 1973

Thank you very much, President Oaks, for that scholarly address. I think these students will appreciate it more as they pursue their law training.

Elder Benson of the Board of Trustees, Commissioner Maxwell, President Oaks, Dean Lee, members of the law faculty, friends, and particularly you students of this first class at the J. Reuben Clark Law School:

To appreciate the reason the Church is establishing a school of law here at Brigham Young University, one must have some understanding of The Church of Jesus Christ of Latter-day Saints, and know and realize something about its nature and its purpose. Basic to such an understanding is a knowledge and acceptance of a few fundamental verities:

First — That we humans “are begotten sons and daughters unto God” (D&C 76:24).

Second — That mortality is but one phase, albeit an indispensable phase, of our total existence.

Third — That God created us that we “might have joy” (2 Ne. 2:25) and that it is His purpose and His work and His glory “to bring to pass the immortality and eternal life of man” (Moses 1:39), which is the highest form and type of joy and happiness.

Next — That God has provided in the Gospel of Jesus Christ the true and only way by which men can achieve that objective.

Fifth — That The Church of Jesus Christ of Latter-day Saints is God’s divinely established program through which He teaches and administers the gospel.

Sixth — That the manner in which we respond to God’s direction as He gives it in the gospel will determine our destiny.

The Lord revealed the gospel to Adam in the very beginning. All the prophets from Adam to our present Prophet, President Harold B. Lee, have taught it. Time and time again, when it has been lost through apostasy, the Lord has restored it. The last restoration of both the gospel and the Church was through the Prophet Joseph Smith during the first part of the 19th century.

Upon the Church the Lord has, in these last days, put the responsibility to teach the gospel just as He put the responsibility upon the primitive church, when He said to His apostles,

Go ye into all the world, and preach the gospel to every creature.
He that believeth and is baptized shall be saved. . . . [Mark 16:15-16]

Much of what the Lord revealed to the Prophet Joseph Smith concerned theology; some of it, however, dealt with general education. For example:

The glory of God is intelligence. . . . [D&C 93:36]
It is impossible for a man to be saved in ignorance. [D&C 131:6]
Whatever principle of intelligence we attain unto in this life, it will rise with us in the resurrection.

And if a person gains more knowledge and intelligence in this life through his diligence and obedience than another, he will have so much the advantage in the world to come. [D&C 130:18-19]
... teach one another. . . . [D&C 38:23]
... study and learn, and become acquainted with all good books, and with languages, tongues, and people. [D&C 90:15]

Teach ye diligently and my grace shall attend you, that you may be instructed more perfectly. . . [concerning]

. . . things both in heaven and in the earth, and under the earth; things which have been, things which are, things which must shortly come to pass; things which are at home, things which are abroad; the wars and the perplexities of the nations, and the judgments which are on the land; and a knowledge also of countries and of kingdoms — [D&C 88:78-79]

Pursuant to these instructions, concerning general education, the Church has set up its educational system, including Brigham Young University. But, in addition to what the Lord said to the Prophet Joseph Smith about general education, He spoke specifically about law. Concerning the rule of law, He declared that

. . . he hath given a law unto all things, by which they move in their times and their seasons; [D&C 88.42]

. . . that which is governed by law is also preserved by law and perfected and sanctified by the same. That which breaketh a law, and abideth not by law, but seeketh to become a law unto itself, and willeth to abide in sin, and altogether abideth in sin, cannot be sanctified by law, neither by mercy, justice, nor judgment. [D&C 88:34-35]

Further He said,

There is a law, irrevocably decreed in heaven before the foundations of this world, upon which all blessings are predicated —

And when we obtain any blessing from God, it is by obedience to that law upon which it is predicated. [D&C 130:20-21]

The Lord referred directly to the law of the United States:

. . . verily I say unto you . . . it is my will that you should hasten . . . to obtain a knowledge of history, and of countries, and of kingdoms, of laws of God and man, and all this for the salvation of Zion. [D&C 93:53]

Modern scripture identifies America as the land of Zion. The Lord advised Joseph Smith that He, Himself, had taken a hand in establishing the supreme law of this land, speaking directly of the Constitution of the United States.

In 1833, he instructed the Saints "to importune for a redress" for wrongs suffered by them in Missouri:

According to the laws and constitution of the people, which I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles; [D&C 101:77]

(It's perfectly plain here, as President Oaks has already indicated, that this law—the "general principles"—is for the protection of all flesh and will be in force when He whose right it is to reign, reigns and controls.)

And for this purpose have I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose. . . . [D&C 101:80]

And now, verily I say unto you concerning the laws of the land

. . . that law of the land which is constitutional, supporting that principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before me.

Therefore, I, the Lord, justify you, and your brethren of my church, in befriending that law which is the constitutional law of the land; [D&C 98:4-6]

The Board of Trustees, in establishing this school of law, did so that there may be an institution in which you, the members of this class, and all those who shall follow you, may “obtain a knowledge of . . . [the] laws of . . . man” in the light of the “laws of God.”

President Brigham Young, after criticizing the conduct of certain lawyers, said:

Now, I request our brethren to go and study law, so that when they meet any of this kind of lawyers they will be able to thwart their vile plans. I do not by any means say these things of all lawyers, for we have good and just men who are lawyers, and we would like to have a great many more [J. D., 4/7/1873]

On another occasion, he said:

If I could get my own feelings answered, I would have law in our school books, and have our youth study law at school. Then lead their minds to study the decisions and counsels of the just and the wise, and not forever be studying how to get the advantage of their neighbor. This is wisdom. [J.D. 4/7/1873]

And then on another occasion, he said:

Get up classes for the study of law. [J.D. 12:32]

Now another question to which I wish to respond is: Why name this school “The J. Reuben Clark Law School”? To all of you who knew President J. Reuben Clark, or who have learned about him and learned of the preeminence he attained in the field of government and law — particularly in the fields of international and United States constitutional law — the answer is obvious. In announcing the decision to establish this law school, President Harold B. Lee said:

We would hope that this institution might be instrumental in developing statesman, as exemplified by the life of J. Reuben Clark, Jr. — men not only with unsurpassed excellence of training in the law, but also with unwavering faith that the Constitution of the United States was divinely inspired and written by men whom God raised up for that very purpose.

I recommend that you law students and you faculty members familiarize yourselves with President Clark’s accomplishments and with his writings. Dr. David H. Yarn, Jr., as President Oaks has already said, has been commissioned to write his biography. The first part of the biography, as explained by President Oaks, has already been published. I recommend to you, Dean Lee, that the complete biography, when it is finished, together with *Stand Fast by Our Constitution*, a compilation of President Clark’s addresses, and the 1973 Spring edition of *BYU Studies*, containing outstanding articles under the caption, “J. Reuben Clark, Jr., Diplomat and Statesman” — I recommend that these four publications be required reading for every student and faculty member of the J. Reuben Clark Law School.

The trustees would like this school to reflect the aura of President J. Reuben Clark, Jr. — an aura generated by faith, virtue, integrity, industry, scholarship, and patriotism. Now, with respect to these virtues as they were possessed by President Clark:

Faith

Although President Clark was separated from the body of “the Church” most of his adult life, his faith never wavered. An eminent non-member judge, with whom he was long and intimately associated, said that he never heard President Clark speak publicly without declaring his faith. At his farewell dinner, before a non-member audience, speaking of Jesus, President Clark said:

For us Christians he is the Christ, the Only Begotten Son of the living God, the Creator under God, of the earth, the Redeemer of the world, our Savior, the First Fruits of the resurrection, which comes to all born to this earth, believer and unbeliever alike, the only name under heaven given among men, whereby we must be saved. [From foreword to *Behold the Lamb of God*, by Harold B. Lee]

President Clark kept the Sabbath Day holy, wherever he was. While he was serving as United States Ambassador to Mexico, he regularly went on Sundays to sacrament meetings and worshipped with the humble Mexican Saints who, barefooted and meagerly clothed, met in a small, dirt-floored adobe house furnished only with roughhewn logs for benches.

Virtue

He thus voiced his standard of virtue in a conference sermon, October 9, 1938:

And now you young people — May I directly entreat you to be chaste. Please believe me when I say that chastity is worth more than life itself. This is the doctrine my parents taught me; it is truth. Better die chaste than live unchaste. The salvation of your very souls is concerned in this. . . .

I ask you young women to believe me. . . when I say that any young man who demands your chastity as the price of his love, is spiritually unclean, and is offering something that is not worth the purchase price; his love will turn to ashes under your touch; it will lead you to misery and shame; and too often it will curse you with dread disease.

To you young men I say that any woman who comes to you offering her person outside of legal wedlock, is playing the harlot. [CR, Oct. 1938, p. 138]

Integrity

President Clark was the epitome of integrity. He measured to Lincoln’s standard. You will recall that one time when Lincoln was preparing his great “House Divided” speech, he had in mind putting in it the following statement. He read his prepared speech to some of his friends who urged him not to put it in because it would surely prove his undoing. The sentence was,

A house divided against itself cannot stand. I believe this government cannot endure permanently half slave and half free. I do not expect the house to fall — but I do expect it will cease to be divided. [Abe Lincoln, Log Cabin to White House, p. 153]

When they urged him not to say that at that time, he said, “The statement is true. I would prefer to lose with it in the speech than to win with it omitted.” (See *Herndon’s Life of Lincoln*, pp. 324-5.) That’s the kind of integrity President Clark had.

Dr. Yarn, in the monograph referred to by President Oaks, tells of President Clark receiving a request, on one occasion, to help persuade the Utah Legislature to make a \$100,000 appropriation for a cause which President Clark promoted, but the sum asked for he thought was excessive. In his response, after expressing his interest in the project, he said:

Frankly and freely, I believe you are asking too much
. . . this is not a hasty conclusion. I have thought the matter over very carefully, and have not been able to see my way clear to honestly recommend to your representatives the appropriation of the amount you ask for. . . .
. . . If you would say that you will drop the \$100,000 and work for the \$54,000 you may count on my active cooperation to the very limit of my poor ability; but if you still reach after the larger amount, you will at once see it will be better if I keep quiet; and I promise you that I shall do that. [David H. Yarn, *Young Reuben*, p. 114]

Then Dr. Yarn comments:

The frankness in this letter was to become a distinguishing characteristic of Mr. Clark's correspondence and dealings with men throughout his long career. Although his recommendations many times did not contain what others had hoped to receive, nonetheless his candor and complete honesty contributed greatly to men's confidence in him for they knew they could depend upon him to say what he really thought. [Ibid.]

Industry

President Clark's zeal for industry as expressed in precept and example is proverbial. As his biographer has said, he "was endowed with a tremendous capacity for work, with a comparable degree of initiative and perseverance, with a deep thirst for learning, and with an intellect and will to equal them" [Ibid., p. 3).

In his professional life there were times he worked continuously for thirty-six hours or more to finish a job. For many people who worked with him or came to know him, he was a symbol of work. At least once in his career he said his first, middle, and last names were work. [Ibid., p. 15]

Scholarship

Dr. James E. Talmage, under whose direction President Clark did his first post-elementary studying, is quoted as saying:

He possessed the brightest mind ever to leave Utah. [Ibid., p. 71]

He was not only blessed with a superior mind, but

His religious faith provided him with a set of values and a perspective to help him see the temporal in the light of the eternal. [Ibid., p. 44]

Herein lies much of President Clark's greatness. He was so eager to learn that even in his teens he would work all day in the fields and then read such books as *Napoleon and His Marshalls* during the evening.

His mind went directly to the crux of the matter. He never mistook the *obiter dictum* for the gravamen of a legal decision.

He obtained a profound knowledge of history, particularly of political and legal history. It can truly be said of him, as he said of the framers of the Constitution:

They were, in matters political, equally at home in Rome, in Athens, in Paris, and in London. [CR. April 1957, p. 48]

As a student of history of the United States, its constitution and government, he had few, if any, peers. No recess of this vital area escaped his penetrating, exhaustive research. In this field he ranked with the giants of the Constitutional Convention. John Bassett Moore, an eminent jurist and authority on international law, said of him:

Clark is an able man. He works hard, thinks straight, and has the capacity of getting at the bottom of things. He is one of the few men to whom, after listening to their statement of a case, I feel justified in giving an opinion without reading all the documents myself. [*BYU Studies*, Spring 1973, p. 346]

I've found few men, even lawyers, whose statements I would be willing to act on without reading the cases myself. Philander Chase Knox, Secretary of State under whom President Clark served, said:

In my judgment [Reuben Clark] is perhaps the soundest international lawyer in this country. . . . Were I President, I would make him Chief Justice of the Supreme Court. . . . No one could have gone there better equipped at the start. [Ibid.]

As President Lee said:

In the universal sweep of his great intellectual vision he has few equals and perhaps no superiors. . . . Even those who violently disagree with his views are intrigued by his eloquence, his forthrightness, pure logic, and penetrating insight into the center and core of whatever subject he undertakes to expound. [Ibid., p. 254]

Patriotism

President Clark's patriotism knew no bounds. He loved his country as he loved his Church. To use his own words:

. . . the Constitution of the United-States is a great and treasured part of my religion. . . . The overturning, or the material changing, or the distortion of any fundamental principle of our constitutional government would thus do violence to my religion. [*Stand Fast by Our Constitution*, P. 7]

My faith teaches me that the Constitution is an inspired document drawn by the hands of men whom God raised up for that very purpose; that God has given His approval of the Government set up under the Constitution "for the rights and protection of all flesh, according to just and holy principles"; that the constitutional "principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before" the Lord. [D&C 101:77, 98:5]

So far as my knowledge goes, this is the only government now on the earth to which God has given such an approval. It is His plan for the government of free men. [*Stand Fast by Our Constitution*, p. 172]

Now just a word in conclusion to you fortunate students who have been selected to constitute the first class in this law school. Because you are the first, you will be, as a group, probably more widely known than any other class. You have been admitted for your superior qualifications. Appreciate your opportunities; make the best of them. Set a high standard for your successors to emulate. You know why you are here, what your

school, the Board of Trustees, your own loved ones, and yes, your Father in Heaven expect of you. Don't let any of them nor yourselves down. Every time you hear or read the name of your school you can be reminded of the great man whose life you can emulate to your profit. Be your best. Society needs you, your country needs you, the world needs you. Arise to the challenge of Josiah Gilbert Holland's great poem:

God Give Us Men

God give us men. A time like this demands
 Strong minds, great hearts, true faith and ready hands!
God give us men. Men whom lust of office does not kill!
 Men whom the spoils of office cannot buy;
Men who possess opinions and a will:
 Men who have honor: men who will not lie;
Men who can stand before a demagogue
 And damn his treacherous flatteries without winking.
Tall men, sun-crowned, who live above the fog,
 In public duty and in private thinking.
For while the rabble, with their thumb-worn creeds,
 Their large professions, and their little deeds,
Mingle in selfish strife— lo! Freedom weeps;
 Wrong rules the land and wanting Justice sleeps.

That God may give you the courage and faith to meet your challenge, I humbly pray, in the name of Jesus. Amen.

Ethics, Morality and Professional Responsibility
Dallin H. Oaks
President of Brigham Young University

President Kimball, Chief Justice Burger, other honored guests, faculty, students and friends:

We are not here to start a law school but to recognize the maturity of one that has come of age with the arrival of its third class, the assembling of most of its faculty, and the completion of its magnificent quarters. It is therefore unnecessary to review the formal charges given to the Law School faculty and students two years ago at the ceremony commemorating the opening.¹ Rather, these remarks will add one additional charge, which concerns the J. Reuben Clark Law School's special challenges and opportunities for leadership in teaching ethics, morality, and professional responsibility. During my first month of law studies at the University of Chicago, twenty-one years ago this fall, Professor Karl N. Llewellyn introduced us to Carl Sandburg's poem, "The Lawyers Know Too Much." I share it with you now because it provides a suitable introduction for my subject.

"The lawyers, Bob, know too much.
They are chums of the books of old John Marshall.
They know it all, what a dead hand wrote,
A stiff dead hand and its knuckles crumbling,
The bones of the fingers a thin white ash.
The lawyers know
a dead man's thoughts too well.

"In the heels of the higgling lawyers, Bob
Too many slippery ifs and buts and howevers,
Too much hereinbefore provided whereas,
Too many doors to go in and out of.

"When the lawyers are through
What is there left, Bob?
Can a mouse nibble at it
And find enough to fasten a tooth in?

"Why is there always a secret singing
When a lawyer cashes in?
Why does a hearse horse snicker
Hauling a lawyer away?

The work of a bricklayer goes to the blue.
The knack of a mason outlasts a moon.
The hands of a plasterer hold a room together,
The land of a farmer wishes him back again.
Singers of songs and dreamers of plays

Build a house no wind blows over.
The lawyers -- tell me why a hearse horse snickers hauling a lawyer's bones."²

Despite unprecedented demand for admission to law schools and an unequalled record of public leadership and service by graduates of law schools, the legal profession is still the subject of widespread public misunderstanding and mistrust. For example, a recent nationwide survey of adults in all income groups, conducted by the American Bar Association Special Committee to Survey Legal Needs, of which I am a member, shows that more than one-third of our fellow Americans believe that most lawyers would engage in unethical or illegal activities to help a client in an important case, and that more than one-third also believe that lawyers are not concerned about doing anything about "the bad apples" in the legal profession.³ Happily, seven out of eight of those who had personally used legal services gave their own lawyer high marks for his honesty in dealing with them.⁴ In the same survey, persons were asked to identify the personal qualities of greatest importance in their decision whether or not to retain a particular lawyer. The qualities of greatest importance to this decision were the lawyer's general reputation and his ethical standards, including honesty, integrity, and trustworthiness. The number of persons who mentioned these qualities was three times the number who mentioned competence.⁵

While a significant segment of the public persists in its traditional suspicion of the bar, the legal profession haggles over who is to blame. The organized bar criticizes the law schools for failing to be more effective in teaching professional responsibility, while legal scholars charge the organized bar with failing to be effective in professional discipline. In an atmosphere of heightened concern about the ethical standards of the legal profession, we remain unsure of our remedies.

Retired Supreme Court justice Tom C. Clark, a leader in the move for higher standards at the bar, has declared that "law schools must consciously undertake the one task that they have universally rejected: instilling normative values in their students." Explaining the increasing importance of teaching honesty and integrity in law schools, he observes that the influences of church and family, which formerly developed these virtues, "have drastically diminished in importance in this country, and no other force has arisen to take their place."⁶

In contrast, Dean Albert M. Sacks of the Harvard Law School is quoted as giving his opinion that the law schools do not have any clear sense of how to teach legal ethics.⁷ Voicing a common opinion of legal educators, UCLA Law Dean Murray L. Schwartz argues that formal legal education is not likely to contribute much to the moral and ethical development of law students because their notions of ethics and morality are established before they arrive at law school and because law schools are not organized or conducted to inculcate such standards in any case.⁸ This is because the law teacher is typically theoretical, skeptical, scholarly, and remote from his students, and all of these characteristics inhibit instruction in ethics and morality.

The promotion of moral and ethical concerns among law students is apparently no more effective in church-related institutions. In the words of Dean Thomas L. Shaffer of Notre Dame Law School, "most of the law faculties at what were once thought to be the great Protestant Christian universities appear uninterested in their institutional heritage, if not ashamed of it," and "[l]aw faculties in Roman Catholic universities have rarely passed beyond fruitless phrases about natural law, which long ago became a banner rather than an idea, and is now neither banner nor idea."⁹

Former Stanford Dean Bayless Manning agrees that law schools cannot teach a student to become an ethical human being. He points the finger at the organized bar, charging that “if the bar’s disciplinary standards were clear and stringent and enforcement an ever-present reality, the law schools could and would drive home to their students that it is a condition of being in the profession that the lawyer be not only a noncriminal but an exemplar of lawful conduct... [which would be] the kind of moral and legal leadership the public is entitled to expect from ... officers of the court.”¹⁰

Our two honored judicial guests and honorary degree recipients have both been leaders in trying to raise the ethical standards of the bar. For example, during his term as President of the American Bar Association, Justice Lewis F. Powell, Jr., made professional ethics a major area of emphasis, launching an ambitious program that was to culminate in a full review of the old Canons of Professional Responsibility.¹¹ Chief justice Warren E. Burger has repeatedly used the weight of his high office, such as in his remarks this morning¹² and in his influential annual addresses on the “State of the judiciary,” to call for and point the way toward increased attention to ethical questions by law schools and to professional discipline by the organized bar.¹³

As a consequence of these efforts and others, we are in a time when ethics, morality, and professional responsibility are among the most important concerns of the legal profession, including practitioners, teachers, and the judiciary.

There are also stirrings of concern about the deeper values from which we obtain our commitment to law, morality, ethics, and professional responsibility. In his recent book, *The Interaction of Law and Religion*, Professor Harold J. Berman of the Harvard Law School comments on the “integrity crisis” of Western society, observing that our whole culture “seems to be facing the possibility of a kind of nervous breakdown.”¹⁴ The major symptom of this threatened breakdown is the apparent widespread loss of confidence in our two most basic institutions, law and religion. He finds one cause of the current disillusionment in “the too radical separation of one from the other.”¹⁵ Law helps to give society its cohesive structure, but it is religion that gives life and emotional attachment to that structure. In the forthcoming and final book of their *Story of Civilization* series, Will and Ariel Durant observe that “the Twentieth Century approaches its end without having yet found a natural substitute for religion in persuading the human animal to morality.”¹⁶ Berman says that the secularists and rationalists, who rely on an intellectual commitment to law, have drained law of its emotional vitality because their utilitarian ethic cannot sustain public support for the law. The emotion that ties us to the law is our belief in its “inherent and ultimate rightness,” a belief fostered most effectively by religion. Consequently, Professor Berman concludes that “law and religion stand or fall together; and if we wish law to stand, we shall have to give new life to the essentially religious commitments that give it its ritual, its tradition, and its authority. . . .”¹⁷

To me there is a close relationship between the weakening of religious faith and commitment to transcendent values on the one hand, and on the other, the legal profession’s current and intense preoccupation with legal rights and procedures, which sometimes seems to hamper our view and pursuit of the ultimate goals of truth and justice. As religious commitments weaken, we are more likely to have our attention diverted from ultimate values to others merely complementary.

While serving as a law clerk for the late Chief Justice Earl Warren of the United States Supreme Court, I read hundreds of handwritten petitions in which persons convicted of

crimes sought relief from the nation's highest court. I was struck with the fact that these prisoners rarely asserted their innocence. While understanding the reasons why an appellate court must focus on the procedural fairness of the trial and does not ordinarily review the question of guilt or innocence, I was nevertheless amazed that nonlawyers convicted of crimes realize so soon that once they are convicted at trial, our criminal justice system focuses on procedure, treating the fact of their guilt or innocence as almost entirely beside the point. The preoccupation with procedure is coming to be predominant, even in the trial court. Justice Walter V. Schaefer of the Illinois Supreme Court is only one of many astute judges who has complained that

[A]lmost never do we have a genuine issue of guilt or innocence today. The system has so changed that what we are doing in the courtroom is trying the conduct of the police and that of the prosecutor all along the line. Has there been a misstep at this point? at that point? You know very well that the man is guilty; there is no doubt about the proof. But you must ask, for example: Was there something technically wrong with the arrest? You're always trying something irrelevant. The case is determined on something that really hasn't anything to do with guilt or innocence.¹⁸

The operation of the exclusionary rule, which I have criticized elsewhere,¹⁹ provides another example.

Some of you will be saying, "But our procedural guarantees are designed to serve the ends of truth and to protect personal rights of fundamental importance to truth and justice." I agree. I am criticizing, not our concern with procedures, but our preoccupation, in which we may lose sight of the fact that our procedures are not the ultimate goals of our legal system. Our goals are truth and justice, and procedures are but means to these ends. When we lose sight of this relationship, then some procedures can cease to serve their designed objectives. In the long run that result will discredit law and the legal profession. "Too many slippery ifs and buts and howevers," Sandburg says, "[t]oo many doors to go in and out of. . . . Why does a hearse horse snicker, hauling a lawyer away?"

Truth and justice are ultimate values, so understood by our people, and the law and the legal profession will not be worthy of public respect and loyalty if we allow our attention to be diverted from these goals. It is surely past time for serious consideration of the recent American Assembly charge that

Too often our adversary techniques conceal or distort the truth rather than promote its discovery. The legal profession should consider and explore appropriate modifications of adversary procedures for the purpose of better determining the truth, and should formulate ethical prescriptions embracing a higher professional duty to seek the truth.²⁰

Judge Marvin E. Frankel developed this point brilliantly in his recent Benjamin N. Cardozo Lecture before the Association of the Bar of the City of New York titled "The Search for Truth." Lamenting the fact that the adversary process "often achieves truth only as a convenience, a by-product, or an accidental approximation," Judge Frankel observes that "our relatively low regard for truth-seeking is perhaps the chief reason for the dubious esteem in which the legal profession is held."²¹ And the point reaches beyond reputation to

reality. Judge Frankel suggests that we are not likely to promote high moral standards in a dispute-resolving system that focuses on something other than truth: “In a system that so values winning and deplors losing, where lawyers are trained to fight for, not to judge, their clients, where we learn as advocates not to ‘know’ inconvenient things, moral elegance is not to be expected.”²²

To cite a related deficiency, as a profession we are preoccupied with rights and, as Elliot Richardson noted a few years ago, “have increasingly and unceremoniously ignored the subject of obligations. At no time in history have we been more deficient in our sense of obligation than we are today. The hoary and hallowed indebtedness of a person to family, to tribe, to customs and gods, seems to have slipped away like a guest at a much too crowded party.”²³ The history of the American Bar Association’s Section of Individual Rights and Responsibilities provides an illustration. The word “*responsibilities*” was added to the title of that Section by some farsighted persons who foresaw what might happen but were unable by that measure to prevent it. As a member of this Section from the time of its founding, I have seen it concentrate almost exclusively upon the subject of *rights*. This is the legal profession’s instinctive thrust. In relation to rights, we appear as gladiators, guarantors, and enforcers. On the subject of responsibilities, the law is a schoolmaster and the legal profession its faculty. And who would not prefer the role of champion of rights rather than preacher of responsibilities? Clients conventionally retain lawyers to secure an advantage under the adversary system, not to receive a lecture on their own deficiencies and their advocate’s higher loyalties to the law. “Perhaps obligations took their quiet departure in the face of the rampant relativism of the day,” Elliot Richardson suggests. “A sense of obligation implies, after all, a knowledge of right and wrong, and this in turn implies standards on which a society agrees.”²⁴

So what, if anything, can the law schools do?

Responsibilities of both lawyers and clients should be no stranger to the law school curriculum. Law schools can surely sensitize their students to professional problems by identifying and clarifying issues of legal ethics, a conventional and well recognized technique of law teaching.²⁵ To fail in this minimal role is to leave law students to infer that value judgments are not a significant part of a lawyer’s function.²⁶ Law faculties must at least overcome their traditional lack of interest in moral, ethical, and professional problems. Conscientious and articulate disagreement among different law teachers on a particular moral and ethical issue is surely preferable to implied pretensions of unanimity that students will disbelieve and read as judgments of indifference on matters of ethics and morality.

But law schools can do more than this, and the J. Reuben Clark Law School has the most promising ideals and circumstances to be a leader in this important area. Notre Dame Dean Thomas L. Shaffer has noted sadly that “Christianity has had too little to do with what is hopeful in the American legal profession. I believe that a motivating reason for that failure is our diffidence in talking about religious commitment; when few talk about religion, personal value is inaccessible and public style becomes irreligious. Too many candles are under too many bushels.”²⁷

We have no diffidence in talking about religious commitment at Brigham Young University, and we will have none in the J. Reuben Clark Law School. Religious commitment, religious values, and concern with ethics and morality are part of the reason for this school’s existence, and will be in the atmosphere of its study. As President Marion

G. Romney,²⁸ our third honorary degree recipient, noted in our opening ceremonies, this law school was established to provide an institution in which students could “obtain a knowledge of the laws of man in the light of the laws of God,” and the trustees would like this school to reflect the aura of President J. Reuben Clark: “faith, virtue, integrity, industry, scholarship, and patriotism.”²⁹

If it is true that law students cannot be taught ethics and morality in law school because those value commitments are fixed before they enroll, then that fact, an excuse for other law schools, becomes a unique opportunity for this one. Most of the students and faculty at this law school are rooted in the same religious tradition and that tradition more than any other fact accounts for their choosing this setting to pursue their professional goals. The common ideals, principles, and commitments of that tradition should make this institution superbly effective in strengthening the moral, ethical and professional foundations that compose the finest heritage of our profession.

Because of our reliance on these common ideals, principles, and commitments, the new building being dedicated today should not be looked on as a place where we apply some unique formula for inculcating ethics and morality. It is, rather, a monument to our determination that the fairness, decency, integrity, virtue, and love of truth taught at the hearthstones of thousands of homes throughout the land shall have a concentrated impact on the legal profession and the nation’s laws. It is in these homes, by God-fearing parents, that the young men and women who will be our graduates have already gained that intangible moral instinct that will bear its fruits in the legislative halls, the courtrooms, the offices, and other private and public places in the years to come. Thus, this consideration of our law school’s special challenges and opportunities would be incomplete without some grateful acknowledgment for those homes, those fathers, and those mothers. They may well be the most important teachers our graduates will ever have.

To illustrate what the Law School could do with this unique resource, I will borrow and share with you an excerpt from a memorandum that Acting Dean Carl S. Hawkins circulated to the law faculty just a month ago inviting them to begin a process of defining “The Distinctive Qualities of the J. Reuben Clark Law School.” That memorandum included the following proposals:

1. We should be distinguished by the degree of our commitment to the development of our individual students, based upon our revealed knowledge as to the unique worth and dignity of each individual as a child of God.
2. The Law School should be distinguished by its efforts to research, publish, and teach the Judeo-Christian value assumptions underlying the development of our legal system.
3. The Law School should be distinguished by its efforts to discover and articulate
 1. The ultimate spiritual values underlying our Constitutional system and how they may be adapted to different cultures,
 2. The ultimate spiritual values underlying our Common Law legal system, and
 3. The moral and spiritual values underlying professional responsibility.
4. The Law School should be distinguished by its efforts to research, publish, teach, and work for legal reform in support of family institutions.
5. The Law School should be distinguished by its efforts to develop lawyering skills as tools to serve the needs of people in the light of their unique worth and dignity as

spirit children of God.³⁰

These are only illustrations, but sufficient to highlight the unique opportunities of and challenges to the J. Reuben Clark Law School. Whether or not there is an excess of law graduates now or in the future, the law, the legal profession, and this nation have need of a law school such as this, and we are proud to introduce you to its faculty, its students, and this magnificent building.

Footnotes

*President, Brigham Young University. The research assistance of Ted D. Lewis is gratefully acknowledged.

1. Copies of the addresses delivered at the ceremony opening the J. Reuben Clark Law School August 27, 1973 are available on request from the Office of the Dean.
2. Karl N. Llewellyn, *The Bramble Bush* (New York, Oceana Publications, 1951), p. 142.
3. Curran and Spalding, *The Legal Needs of the Public*, A Preliminary Report of the ABA Special Committee to Survey Legal Needs, (1974) pp. 94, 96.
4. American Bar Association Special Committee to Survey Legal Needs, Responses to Questionnaire, Part IV, Question 40.
5. *Id.* at Part V. Questions 4 and 5.
6. Tom C. Clark, Teaching Professional Ethics, @ 12 *San Diego Law Review*, 249, 252-53 (1975).
7. John G. Brooks, The President's Page, @ 18 *Boston Bar Journal*, 3, 6 (February 1974), quoted in Manning, AA Socio-Ethical Foundation for Meeting the Obligations of the Legal Profession, @ 5 *Cumberland-Samford Law Review*, 237, 238 (1974).
8. Murray L. Schwartz, Legal Ethics v. Common Notions of Morality, @ *Learning and the Law*, Spring 1975, p. 40, 47-48; also see Weckstein, Watergate and the Law School, @ 12 *San Diego Law Review*, 261, 165-66, 173-74 (1975).
9. Shaffer, Christian Theories of Professional Responsibility, @ 48 *Southern California Law Review*, 721-22 (1975).
10. Manning, If Lawyers Were Angels: A Sermon In One Canon, @ 60 *American Bar Association Journal*, 821, 823 (1974); see generally Marks and Cathcart, Discipline Within The Legal Profession: Is It Self Regulation?, @ 1974 *Illinois Law Forum*, 193.
11. Powell, The President's Annual Address: The State of the Legal Profession, @ 51 *American Bar Association Journal*, 821, 825 (1965).
12. [Cross reference to the reprint of Burger's remarks.]
13. Burger, The State of the Judiciary - 1975, @ 61 *American Bar Association Journal*, 439, 440-41 (1975); Burger, The Future of Legal Education, @ *Student Lawyer Journal*, January 1970, pp.18-21.
14. Berman, *The Interaction of Law and Religion*, p. 21 (1974).
15. *Id.* at 23.
16. Merry, The Age of the Durrants, @ *The National Observer*, August 2, 1975, p. 20.
17. Berman, Note 14 *supra* at 24-25, 36-37.
18. Schaefer, A Center Report/Criminal Justice, @ *The Center Magazine*, 69, 76 (November 1968), quoted in Frankel Lecture referred to in footnote 21 on pp. 13-14.
19. Oaks, Studying The Exclusionary Rule In Search And Seizure, @ 37 *The University of Chicago Law Review*, 665 (Summer 1970).

20. Law And A Changing Society, @ The Report of the American Assembly, Stanford, California, June 26-29, 1975, p. 12.
21. Marvin E. Frankel, The Search For Truth - An Umpireal View, @ 31st Annual Benjamin Cardozo Lecture to the Association of the Bar of the City of New York, December 16, 1974, pp. 12-19.
22. *Id.* at 40.
23. Richardson, On Behalf of Obligations, @ 8 *Lincoln Law Review*, 109 (1973).
24. *Id.* at 110.
25. Weckstein, Note 8 *supra*, at 274.
26. Schwartz, Note 8 *supra*, at 50.
27. Shaffer, Note 9 *supra*, at 722.
28. Second counselor in the First Presidency of The Church of Jesus Christ of Latter-day Saints and second vice-president of the Board of Trustees of Brigham Young University.
29. Addresses At The Ceremony Opening The J. Reuben Clark Law School, @ pp. 20-22 (August 27,1973).
30. Carl S. Hawkins Memorandum to the Law School Faculty, July 23, 1975, pp. 4-5.

Why the J. Reuben Clark Law School?

President Marion G. Romney

Second Counselor in the First Presidency of The Church of Jesus Christ of Latter-day Saints

Dedicatory Address and Prayer of the J. Reuben Clark Law Building

As I approach this task of saying a few words in the presence of this august gathering, realizing that this school is named after President J. Reuben Clark, I'm reminded of a question that he once put to me. I was at the time manager of the Welfare Office as assistant managing director of the program. In that capacity I had frequent contact with him because he was the member of the Presidency responsible for that particular work. I used to write letters to the Presidency on problems and sometimes they didn't answer very promptly. I remember once when I had a problem that I wrote to the Presidency, saying, "I think these are the facts and I think the decision should be this. If I don't hear from you shortly, I will so proceed." When he received my note President Clark called me on the phone and said: "Kid, who do you think you are, writing to the Presidency like that?" "Well," I said, "I've got to move and I can't get answers." He said: "When we don't respond, you have your answer."

As I attempt to participate on this program in the presence of all the wisdom we've heard from President Kimball, President Tanner, President Oaks, the Chief Justice of the Supreme Court of the United States, and Justice Powell, I'm asking myself that question, "Who do you think you are?"

It has been suggested, nevertheless, that I might comment on the reasons for the establishment of the J. Reuben Clark Law School. I cannot say with certainty what was in the minds of those who made the final decision to establish the school. I can, however, tell you why I used such influence as I had to get it established. To begin with, I have long felt that no branch of learning is more important to an individual or to society than law. I further felt that the educational base at Brigham Young University – the flagship of our Church educational system – would be and should be broadened by the establishment of a law school. I likewise felt that the atmosphere of honor, integrity, patriotism, and benevolence prevailing at Brigham Young University would be a good influence upon a law school and its student body. I also desired to have perpetuated on this campus the memory and influence of President J. Reuben Clark, Jr. – a great lawyer, patriot, statesman, and church leader. It's my hope that all faculty and student body members will familiarize themselves with and emulate his virtues and accomplishments.

President Clark believed in law, both human and divine. He accepted as truth the modern scripture which declares that there is a "light [which] proceedeth forth from the presence of God to fill the immensity of space –

... which [light] is the law by which all things are governed,...

[And that] . . . there are many kingdoms; . . .

And unto every kingdom is given a law; . . .

[And that God] .. hath given a law unto all things, by which they move in their times and their seasons;

And their courses are fixed, even the courses of the heavens and the earth, which comprehend the earth and all the planets.

The earth rolls upon her wings [saith the Lord], and the sun giveth his light by day, and the moon giveth her light by night, and the stars also give their light, as they roll upon their wings in their glory, in the midst of the power of God.

... and any man who hath seen any or the least of these hath seen God moving in his majesty and power. (D&C 88:12-13, 37-38, 42-43, 45, 47.)

President Clark also believed, as do all Latter-day Saints, that the law which “proceedeth forth from the presence of God” is binding upon this earth and its inhabitants. He believed as do we, that “there is a law, irrevocably decreed in heaven before the foundations of this world, upon which all blessings are predicated, and when we obtain any blessing from God, it is by obedience to that law upon which it is predicated.” (D&C 88:45-47.)

Laws on which a peaceful, progressive, prosperous, and happy society must be built are prescribed in the Ten Commandments and the Sermon on the Mount. Our knowledge that the origin, scope, and universality of law are thus revealed in the scriptures enhances rather than demeans or diminishes our appreciation and respect for the law of the land.

We believe that governments were instituted of God for the benefit of man; and that he holds men accountable for their acts in relation to them, both in making laws and administering them, for the good and safety of society. (D&C 134:1.)

As a matter of fact, we believe that the Almighty was instrumental in setting up the constitutional government of the United States. He himself so declared. In the early days of the Church (1833), the Lord admonished the Saints to importune for redress:

According to the laws and constitution of the people, which I have suffered to be established and [which] should be maintained for the rights and protection of all flesh, according to just and holy principles:

That every man may act in doctrine and principles pertaining to futurity, according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment . . .

And for this purpose have I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose. (D&C 101:77-80.)

The Lord also said that the “. . . law of the land which is constitutional, supporting that principle of freedom in maintaining rights and privileges, belongs to all mankind, . . .

I, the Lord God, make you free, . . . and the law also maketh you free.

Wherefore, honest men and wise men should be sought for diligently, and good men and wise men ye should observe to uphold; . . . (D&C 98: 5,8,10.)

The Prophet Joseph Smith, Jr., who under divine direction organized The Church of Jesus Christ of Latter-day Saints, said,

. . . the Constitution of the United States is a glorious standard; it is founded in the wisdom of God. It is a heavenly banner; it is to all those who are privileged with the sweets of its liberty, like the cooling shades and refreshing waters of a great rock in a thirsty and weary land. It is like a great tree under whose branches men from every clime can be shielded from the burning rays of the sun. (DHC 3:304.)

What has been said about law, as revealed in the scriptures, does not in any way conflict with the law of the land. To the contrary, the divine author of our modern scriptures says, and I quote:

Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land. . . .

Behold, the laws which ye have received from my hand are the laws of the church, and in this light ye shall hold them forth. (D&C 58:21-23.)

Our background increases our love for the Constitution, deepens our respect for the bar and the judiciary, and urges us, individually, to be law-abiding. President

Clark expressed our point of view well when, speaking to the Los Angeles County Bar Association, he said:

I am . . . mindful that in speaking to you, I am speaking to a distinguished group of that great body of citizenry, who, because of their training and experience, must take an important place in the future of this country, whether we shall go left or go right. You who are elevated to the bench are the dispensers of justice and equity to the people, the guardians of the peace and order of our society. You who are of the bar man the watchtowers of the nation and give view far and near. Your eyes must be the first to see and you the first to make ready to meet the oncoming tyranny. Upon the bench and the bar of the country rests the great responsibility of seeing that our liberties and free institutions are preserved. Legislators may be incompetent, executives may be dishonest, but if the bench and the bar be honest and filled with integrity, then under the Constitution, the people are secure, and free institutions will still live with us. But security and liberty both take flight where the [bar and/or] the judiciary [are] corrupt. (J. Reuben Clark, Jr., to the Los Angeles County Bar Association, February 24, 1944.)

In establishing this J. Reuben Clark School of Law, we hoped to attract a student body capable of being trained, and assemble a faculty competent to teach, train, and inspire such students to be top flight lawyers and superior judges – men who in their private and professional lives will, by precept and example, implement the high ideals and standards which we have been talking about.

Although we have been in operation but two years, operating in makeshift quarters, we feel that we have made creditable progress. With this new building, we shall move rapidly toward our goals.

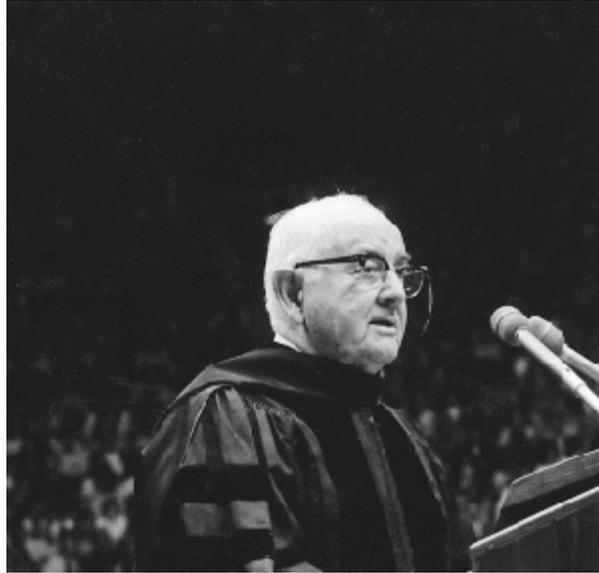
Now if you will join with me in a prayer, we shall dedicate this magnificent edifice.

Our beloved Father in heaven, reverently we approach thee on this memorable occasion in earnest prayer. We thank thee for the vision of the importance of education, legal and otherwise, with which thou hast inspired the leaders of thy people from the time of the Prophet Joseph Smith, Jr., until today. We express our appreciation for this splendid building; we thank thee for the material prosperity which has enabled us to erect it, including the generous contributions made by liberal friends and supporters. We are grateful for the life and example of the late President J. Reuben Clark, Jr., in whose honor this building is named. And now, in the authority of the holy priesthood, we dedicate this magnificent edifice unto thee to house the J. Reuben Clark Law School. We dedicate the building, its furnishings, the library, and every other thing appertaining thereto, including the land on which it stands. We pray that thou wilt preserve it and protect it from the ravages of nature and the molestation of evil men.

We invoke thy blessings upon the administrators, faculty members, and students who shall function therein. We pray, Father, that the students trained in this building will rise to the challenge of Josiah Gilbert Holland's stirring lines

God give us men. A time like this demands
Strong minds, great hearts, true faith, and ready hands! . . .
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor;
Men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking.
Tall men, sun-crowned, who live above the fog,
In public duty and in private thinking.
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife — lo! Freedom weeps;
Wrong rules the land, and waiting Justice sleeps.

And Father, help the lawyers trained in this law school to remember that they are to be the guardians of the law Isaiah spoke of three thousand years ago, when he said: "Out of Zion shall go forth the law, and the word of the Lord from Jerusalem." (Isaiah 2:3.) These thanks we give, Father, these blessings we plead for, and this dedication we make in the worthy name of Jesus Christ, our Redeemer, Amen.



President Spencer W. Kimball at the BYU Centennial Convocation, October 10, 1975.
Courtesy: Mark A. Philbrick/BYU.

Climbing the Hills Just Ahead: Three Addresses Spencer W. Kimball

II. Second-Century Address

It was almost precisely eight years ago that I had the privilege of addressing an audience at the Brigham Young University about “Education for Eternity.” Some things were said then which I believe, then and now, about the destiny of this unique university. I shall refer to several of those ideas again, combining them with some fresh thoughts and impressions I have concerning Brigham Young University as it enters its second century.

I am grateful to all who made possible the Centennial Celebration for the Brigham Young University, including those who have developed the history of this university in depth. A centennial observance is appropriate, not only to renew our ties with the past, but also to review and reaffirm our goals for the future. My task is to talk about BYU’s second century. Though my comments will focus on the Brigham Young University, it is obvious to all of us here that the university is, in many ways, the center of the Church Educational System. President McKay described the University as “the hub of the Church educational wheel.” Karl G. Maeser described the Brigham Young Academy as “the parent trunk of the great education banyan tree,” and later it has been designated as “the flagship.” However it is stated, the centrality of this university to the entire system is a very real fact of life. What I say to you, therefore, must take note of things beyond the borders of this campus but not beyond its influence. We must ever keep firmly in mind the needs of those ever-increasing numbers of LDS youth in other places in North America and in other lands who cannot attend this university, whose needs are real and who represent, in fact, the majority of LDS college and university students.

In a speech I gave to many of the devoted alumni of this university in the Arizona area, I employed a phrase to describe the Brigham Young University as becoming an “educational Everest.” There are many ways in which BYU can tower above other universities--not simply because of the size of its student body or its beautiful campus, but because of the unique light BYU can send forth into the educational world. Your light must have a special glow, for while you will do many things in the programs of this university that are done elsewhere, these same things can and must be done better here than others do them. You will also do some special things here that are left undone by other institutions.

First among these unique features is the fact that education on this campus deliberately and persistently concerns itself with “education for eternity,” not just for time. The faculty have a double heritage which they must pass along: the secular knowledge that history has washed to the feet of mankind with the new knowledge brought by scholarly research--but also the vital and revealed truths that have been sent to us from heaven.

This university shares with other universities the hope and the labor involved in rolling back the frontiers of knowledge even further, but we also know through the process of revelation that there are yet “many great and important things” (A of F 1:9) to be given to mankind which will have an intellectual and spiritual impact far beyond what mere men can imagine. Thus, at this university, among faculty, students, and administration, there is and must be an excitement and an expectation about the very nature and future of knowledge that underwrites the uniqueness of BYU.

Your double heritage and dual concerns with the secular and the spiritual require you to be “bilingual.” As LDS scholars, you must speak with authority and excellence to your professional colleagues in the language of scholarship, and you must also be literate in the language of spiritual things. We must be more bilingual, in that sense, to fulfill our promise in the second century of BYU.

BYU is being made even more unique, not because what we are doing is changing, but because of the general abandonment by other universities of their efforts to lift the daily behavior and morality of their students.

From the administration of BYU in 1967 came this thought:

Brigham Young University has been established by the prophets of God and can be operated only on the highest standards of Christian morality. . . . Students who instigate or participate in riots or open rebellion against the policies of the university cannot expect to remain at the university.

The standards of the Church are understood by students who have been taught these standards in the home and at Church throughout their lives.

First and foremost, we expect BYU students to maintain a single standard of Christian morality. . . .

Attendance at BYU is a privilege and not a right, and . . . students who attend must expect to live its standards or forfeit the privilege.¹¹

We have no choice at BYU except to “hold the line” regarding gospel standards and values and to draw men and women from other campuses also--all we can--into this same posture, for people entangled in sin are not free. In this university (that may to some of our critics seem unfree), there will be real individual freedom. Freedom from worldly ideologies and concepts unshackles man far more than he knows. It is the truth that sets men free. BYU in its second century must become the last remaining bastion of resistance

to the invading ideologies that seek control of curriculum as well as classroom. We do not resist such ideas because we fear them, but because they are false. BYU in its second century must continue to resist false fashions in education, staying with those basic principles which have proved right and have guided good men and women and good universities over the centuries. This concept is not new, but in the second hundred years, we must do it even better.

When the pressures mount for us to follow the false ways of the world, we hope in the years yet future that those who are part of this university and the Church Educational System will not attempt to counsel the board of trustees to follow false ways. We want, through your administration, to receive all your suggestions for making BYU even better. I hope none will presume on the prerogatives of the prophets of God to set the basic direction for this university. No man comes to the demanding position of the Presidency of the Church except his heart and mind are constantly open to the impressions, insights, and revelations of God. No one is more anxious than the brethren who stand at the head of this Church to receive such guidance as the Lord would give them for the benefit of mankind and for the people of the Church. Thus it is important to remember what we have in the revelation of the Lord: "And thou shalt not command him who is at thy head, and at the head of the church" (D&C 28:6).¹² If the governing board has as much loyalty from faculty and students, from administration and staff as we have had in the past, I do not fear for the future!

The Church Board of Education and the Brigham Young University Board of Trustees involve individuals who are committed to truth as well as to the order of the kingdom. I observed while I was here in 1967 that this institution and its leaders should be like the Twelve as they were left in a very difficult world by the Savior: "The world hath hated them, because they are not of the world, even as I am not of the world. I pray not that thou shouldest take them out of the world, but that thou shouldest keep them from the evil. They are not of the world, even as I am not of the world" (John 17:14-16). This university is not of the world any more than the Church is of the world, and it must not be made over in the image of the world.

We hope that our friends, and even our critics, will understand why we must resist anything that would rob BYU of its basic uniqueness in its second century. As the Church's commissioner of education said on the occasion of the inaugural of President Dallin Oaks, "Brigham Young University seeks to improve and to 'sanctify' itself for the sake of others—not for the praise of the world, but to serve the world better."¹³

That task will be persisted in. Members of the Church are willing to doubly tax themselves to support the Church Educational System, including this university, and we must not merely "ape the world." We must do special things that would justify the special financial outpouring that supports this university.

As the late President Stephen L. Richards once said, "Brigham Young University will never surrender its spiritual character to a sole concern for scholarship." BYU will be true to its charter and to such addenda to that charter as are made by living prophets.

I am both hopeful and expectant that out of this university and the Church Educational System there will rise brilliant stars in drama, literature, music, sculpture, painting, science, and in all the scholarly graces. This university can be the refining host for many such

individuals who will touch men and women the world over long after they have left this campus.¹⁴

We must be patient, however, in this effort, because just as the city of Enoch took decades to reach its pinnacle of performance in what the Lord described as occurring “in process of time” (Moses 7:21), so the quest for excellence at BYU must also occur “in process of time.” “Ideals are like stars; you will not succeed in touching them with your hands. But like the seafaring man in the desert of waters, you choose them as your guides, and following them you will reach your destiny.”¹⁵

I see even more than was the case nearly a decade ago a widening gap between this university and other universities both in terms of purposes and in terms of directions. Much has happened in the intervening eight years to make that statement justifiable. More and more is being done, as I hoped it would, to have here “the greatest collection of artifacts, records, writings . . . in the world.”¹⁶ BYU is moving toward preeminence in many fields, thanks to the generous support of the tithe payers of the Church and the excellent efforts of its faculty and students under the direction of a wise administration.

These changes do not happen free of pain, challenge, and adjustment. Again, harking back, I expressed the hope that the BYU vessel would be kept seaworthy by taking “out all old planks as they decay and put in new and stronger timber in their place,” because the Flagship BYU must sail on and on and on. The creative changes in your academic calendar, your willingness to manage your curriculum more wisely, your efforts to improve general education, your interaction of disciplines across traditional departmental lines, and the creation of new research institutes here on this campus--all are evidences that the captain and crew are doing much to keep the BYU vessel seaworthy and sailing. I refer to the centers of research that have been established on this campus, ranging from family and language research on through to research on food, agriculture, and ancient studies. Much more needs to be done, but you must “not run faster or labor more than you have strength and means provided” (D&C 10:4). While the discovery of new knowledge must increase, there must always be a heavy and primary emphasis on transmitting knowledge--on the quality of teaching at BYU. Quality teaching is a tradition never to be abandoned.

It includes a quality relationship between faculty and students. Carry these over into BYU’s second century! Brigham Young undoubtedly meant both teaching and learning when he said, “Learn everything that the children of men know, and be prepared for the most refined society upon the face of the earth, then improve upon this until we are prepared and permitted to enter the society of the blessed--the holy angels that dwell in the presence of God.”¹⁷

We must be certain that the lessons are not only taught, but are also absorbed and learned. We remember the directive that President John Taylor made to Karl G. Maeser “that no infidels will go forth from this school.”

Whatever you do, be choice in your selection of teachers. We do not want infidels to mould the minds of our children. They are a precious charge bestowed upon us by the Lord, and we cannot be too careful in rearing and training them. I would rather have my children taught the simple rudiments of a common education by men of God, and have them under their influence, than have them taught in the most abstruse sciences by men who have not the fear of God in their hearts. . . . We need to pay more attention to educational matters, and do all that we can to procure the services of competent teachers. Some people say, we cannot afford to pay them. You cannot afford not to pay them; you cannot afford not to employ them.

We want our children to grow up intelligent, and to walk abreast with the peoples of any nation. God

expects us to do it; and therefore I call attention to this matter. I have heard intelligent practical men say, it is quite as cheap to keep a good horse as a poor one, or to raise good stock as inferior animals. And is it not quite as cheap to raise good intelligent children as to rear children in ignorance?¹⁸

Thus we can continue to do as the Prophet Joseph Smith implied that we should when he said, “Man was created to dress the earth, to cultivate his mind, and to glorify God.”¹⁹

We cannot do these things except we continue, in the second century, to be concerned about the spiritual qualities and abilities of those who teach here. In the book of Mosiah we read, “Trust no one to be your teacher nor your minister, except he be a man of God, walking in his ways and keeping his commandments” (Mosiah 23:14).

“I have no fear that the candle lighted in Palestine years ago will ever be put out.”²⁰ We must be concerned with the spiritual worthiness, as well as the academic and professional competency, of all those who come here to teach. William Lyon Phelps said, “I thoroughly believe in a university education for both men and women; but I believe a knowledge of the Bible without a college course is more valuable than a college course without the Bible.”²¹

Students in the second century must continue to come here to learn. We do not apologize for the importance of students’ searching for eternal companions at the same time that they search the scriptures and search the shelves of libraries for knowledge. President David O. McKay observed on one occasion that “this university is not a dictionary, a dispensary, nor is it a department store. It is more than a storehouse of knowledge and more than a community of scholars. University life is essentially an exercise in thinking, preparing, and living.”²² We do not want BYU ever to become an educational factory. It must concern itself not only with the dispensing of facts, but with the preparation of its students to take their place in society as thinking, thoughtful, and sensitive individuals who, in paraphrasing the motto of your centennial, come here dedicated to love of God, pursuit of truth, and service to mankind.

There are yet other reasons why we must not lose either our moorings or our sense of direction in the second century. We still have before us the remarkable prophecy of John Taylor when he observed, “You will see the day that Zion will be as far ahead of the outside world in everything pertaining to learning of every kind as we are today in regard to religious matters. You mark my words, and write them down, and see if they do not come to pass.”²³ Surely we cannot refuse that rendezvous with history because so much of what is desperately needed by mankind is bound up in our being willing to contribute to the fulfillment of that prophecy. Others, at times, also seem to have a sensing of what might happen. Charles H. Malik, former president of the United Nations General Assembly, voiced a fervent hope when he said that

one day a great university will arise somewhere, . . . I hope in America, . . . to which Christ will return in His full glory and power, a university which will, in the promotion of scientific, intellectual, and artistic excellence, surpass by far even the best secular universities of the present, but which will at the same time enable Christ to bless it and act and feel perfectly at home in it.²⁴

Surely BYU can help respond to that call!

By dealing with basic issues and basic problems, we can be effective educationally. Otherwise, we will simply join the multitude who have so often lost their way in dark, sunless forests even while working hard. It was Thoreau who said, “There are a thousand hacking at the branches of evil to one who is striking at the root.”²⁵ We should deal statistically and spiritually with root problems, root issues, and root causes in BYU’s

second century. We seek to do so, not in arrogance or pride, but in the spirit of service. We must do so with a sense of trembling and urgency, because what Edmund Burke said is true: “The only thing necessary for the triumph of evil is for good men to do nothing.”²⁶

Learning that includes familiarization with facts must not occur in isolation from concern over our fellowmen. It must occur in the context of a commitment to serve them and to reach out to them.

In many ways, the dreams that were once generalized as American dreams have diminished and faded. Some of these dreams have now passed so far as institutional thrust is concerned to The Church of Jesus Christ of Latter-day Saints and its people for their fulfillment. It was Lord Acton who said on one occasion,

It was from America that the plain ideas that men ought to mind their own business, and that the nation is responsible to Heaven for the acts of the State--ideas long locked in the breast of solitary thinkers, and hidden among Latin folios--burst forth like a conqueror upon the world they were destined to transform, under the title of the Rights of Man. . . . The principle gained ground, that a nation can never abandon its fate to an authority it cannot control.²⁷

Too many universities have given themselves over to such massive federal funding that they should not wonder why they have submitted to an authority they can no longer control. Far too many no longer assume that nations are responsible to heaven for the acts of the state. Far too many now see the Rights of Man as merely access rights to the property and money of others, and not as the rights traditionally thought of as being crucial to our freedom.²⁸

It will take just as much sacrifice and dedication to preserve these principles in the second century of BYU and even more than were required to begin this institution in the first place--when it was once but a grade school and then an academy supported by a stake of the Church. If we were to abandon our ideals, would there be any left to take up the torch of some of the principles I have attempted to describe?

I am grateful, therefore, that, as President Oaks observed, “There is no anarchy of values at Brigham Young University.” There never has been. There never will be. But we also know, as President Joseph Fielding Smith observed in speaking on this campus, that knowledge comes both by reason and by revelation. We expect the natural unfolding of knowledge to occur as a result of scholarship, but there will always be that added dimension which the Lord can provide when we are qualified to receive and he chooses to speak: “A time to come in the which nothing shall be withheld, whether there be one God or many gods, they shall be manifest.” And further, “All thrones and dominions, principalities and powers, shall be revealed and set forth upon all who have endured valiantly for the gospel of Jesus Christ” (D&C 121:28, 29).

As the pursuit of excellence continues on this campus and elsewhere in the Church Educational System, we must remember the great lesson taught to Oliver Cowdery, who desired a special outcome--just as we desire a remarkable blessing and outcome for BYU in the second century. Oliver Cowdery wished to be able to translate with ease and without real effort. He was reminded that he erred, in that he “took no thought save it was to ask” (D&C 9:7). We must do more than ask the Lord for excellence. Perspiration must precede inspiration; there must be effort before there is excellence. We must do more than pray for these outcomes at BYU, though we must surely pray. We must take thought. We must make effort.

We must be patient. We must be professional. We must be spiritual. Then, in the process of time, this will become the fully anointed university of the Lord about which so much has been spoken in the past.

We can sometimes make concord with others, including scholars who have parallel purposes. By reaching out to the world of scholars, to thoughtful men and women everywhere who share our concerns and at least some of the items on our agenda of action, we can multiply our influence and give hope to others who may assume that they are alone.

In other instances, we must be willing to break with the educational establishment (not foolishly or cavalierly, but thoughtfully and for good reason) in order to find gospel ways to help mankind. Gospel methodology, concepts, and insights can help us to do what the world cannot do in its own frame of reference.

In some ways, the Church Educational System, in order to be unique in the years that lie ahead, may have to break with certain patterns of the educational establishment. When the world has lost its way on matters of principle, we have an obligation to point the way. We can, as Brigham Young hoped we would, “be a people of profound learning pertaining to the things of this world”²⁹ but without being tainted by what he regarded as the “pernicious, atheistic influences”³⁰ that flood in unless we are watchful. Our scholars, therefore, must be sentries as well as teachers!

We surely cannot give up our concerns with character and conduct without also giving up on mankind. Much misery results from flaws in character, not from failures in technology. We cannot give in to the ways of the world with regard to the realm of art. President Romney brought this to our attention not long ago in a quotation in which Brigham Young said there is “no music in hell.”³¹ Our art must be the kind which edifies man, which takes into account his immortal nature, and which prepares us for heaven, not hell.

One peak of educational excellence that is highly relevant to the needs of the Church is the realm of language. BYU should become the acknowledged language capital of the world in terms of our academic competency and through the marvelous “laboratory” that sends young men and women forth to service in the mission field. I refer, of course, to the Missionary Training Center. There is no reason why this university could not become the place where, perhaps more than anywhere else, the concern for literacy and the teaching of English as a second language is firmly headquartered in terms of unarguable competency as well as deep concern.

I have mentioned only a few areas. There are many others of special concern, with special challenges and opportunities for accomplishment and service in the second century. We can do much in excellence and, at the same time, emphasize the large-scale participation of our students, whether it be in athletics or in academic events. We can bless many and give many experience, while at the same time we are developing the few select souls who can take us to new heights of attainment.

It ought to be obvious to you, as it is to me, that some of the things the Lord would have occur in the second century of the BYU are hidden from our immediate view. Until we have climbed the hill just before us, we are not apt to be given a glimpse of what lies beyond. The hills ahead are higher than we think. This means that accomplishments and further direction must occur in proper order, after we have done our part. We will not be transported from point A to point Z without having to pass through the developmental and

demanding experiences of all the points of achievement and all the milestone markers that lie between!

This university will go forward. Its students are idealists who have integrity, who love to work in good causes. These students will not only have a secular training, but will have come to understand what Jesus meant when he said that the key of knowledge, which had been lost by society centuries before, was “the fulness of the scriptures” (D&C 42:15). We understand, as few people do, that education is a part of being about our Father’s business and that the scriptures contain the master concepts for mankind.

We know there are those of unrighteous purposes who boast that time is on their side. So it may seem to those of very limited vision. But of those engaged in the Lord’s work, it can be truly said, “Eternity is on your side! Those who fight that bright future fight in vain!”

I hasten to add that as the Church grows global and becomes more and more multicultural a smaller and smaller percentage of all our LDS college-age students will attend BYU, or the Hawaii campus, or Ricks College, or the LDS Business College. It is a privileged group who are able to come here. We do not intend to neglect the needs of the other Church members wherever they are, but those who do come here have an even greater follow-through responsibility to make certain that the Church’s investment in them provides dividends through service and dedication to others as they labor in the Church and in the world elsewhere.

To go to BYU is something special. There were Brethren who had dreams regarding the growth and maturity of Brigham Young University, even to the construction of a temple on the hill they had long called Temple Hill, yet “dreams and prophetic utterances are not self-executing. They are fulfilled usually by righteous and devoted people making the prophecies come true.”³²

So much of our counsel given to you here today as you begin your second century is the same counsel we give to others in the Church concerning other vital programs--you need to lengthen your stride, quicken your step, and (to use President N. Eldon Tanner’s phrase) continue your journey. You are headed in the right direction! Such academic adjustments as need to be made will be made out of the individual and collective wisdom we find when a dedicated faculty interacts with a wise administration, an inspired governing board, and an appreciative body of students.

I am grateful that the Church can draw upon the expertise that exists here. The pockets of competency that are here will be used by the Church increasingly and in various ways. We want you to keep free as a university--free of government control, not only for the sake of this university and the Church, but also for the sake of our government. Our government, state and federal, and our people are best served by free colleges and universities, not by institutions that are compliant out of fears over funding.³³

We look forward to developments in your computer-assisted translation projects and from the Ezra Taft Benson Agriculture and Food Institute. We look forward to more being done in the field of education, in the fine arts, in the J. Reuben Clark Law School, in the Graduate School of Management, and in the realm of human behavior.

We appreciate the effectiveness of the programs here. But we must do better in order to be better, and we must be better for the sake of the world!

As previous First Presidencies have said, and we say again to you, we expect (we do not simply hope) that Brigham Young University will “become a leader among the great

universities of the world.” To that expectation I would add, “Become a unique university in all of the world!”³⁴

NOTES

¹David O. McKay, “The Spiritual Life, the True Life of Man,” *Instructor* 102 (September 1967): 338.

²Brigham Young, in *Journal of Discourses*, 26 vols. (Liverpool: F. D. Richards, 185586), 16:77, May 25, 1873 (hereafter cited as JD). For more on this topic, see page 68.

³Young, in JD, 9:369, August 31, 1862.

⁴J. Reuben Clark Jr., source unknown. For a partial citation, see James R. Clark, *Messages of the First Presidency* (Salt Lake City: Deseret Book, 1965), 6:238.

⁵This topic is discussed further on page 65.

⁶J. Reuben Clark Jr., source unknown.

⁷Reinhard Maeser, Karl G. Maeser (Provo, Utah: Brigham Young University, 1928), 79.

⁸John Taylor, in JD, 21:100, April 13, 1879. See also discussion on page 69.

⁹Taylor, in JD, 20:47, August 4, 1878.

¹⁰Young, in JD, 10:224, April and May 1863.

¹¹Ernest L. Wilkinson, address delivered at Brigham Young University, July 1967.

¹²See also page 52.

¹³Neal A. Maxwell, “Greetings to the President,” address delivered at the inaugural of President Dallin H. Oaks, 1971.

¹⁴See also pages 5562.

¹⁵Carl Schurz, address delivered at Faneuil Hall, Boston, April 18, 1975.

¹⁶President Kimball quotes his earlier address, “Education for Eternity”; see page 60 above.

¹⁷Young, in JD, 16:77, May 25, 1873. See also page 47.

¹⁸Taylor, in JD, 24:16869, May 19, 1883. See also page 77.

¹⁹Joseph Smith Jr., quoted in Leonard J. Arrington, foreword to *Brigham Young University: The First Hundred Years*, ed. Ernest L. Wilkinson, vol. 1 (Provo, Utah: Brigham Young University Press, 1975), ix.

²⁰William R. Inge, source unknown.

²¹William Lyon Phelps, *Human Nature in the Bible* (New York: Charles Scribner’s Sons, 1923), ix.

²²David O. McKay, *Gospel Ideals* (Salt Lake City: Improvement Era, 1953), 346.

²³Taylor, in JD, 21:100, April 13, 1887. See also page 55.

²⁴Charles H. Malik, “Education and Upheaval: The Christian’s Responsibility,” *Creative Help for Daily Living*, September 21, 1970.

²⁵Henry David Thoreau, *Walden* (New York: Norton, 1966), 51.

²⁶Edmund Burke to William Smith, January 9, 1975.

²⁷John Emerich Edward Dahlberg, Lord Acton, *The History of Freedom and Other Essays* (London: MacMillan, 1907), 5556.

²⁸See also page 74.

²⁹Young, in JD, 8:40, April 8, 1860.

³⁰Leonard J. Arrington, “Seven Steps to Greatness,” *BYU Studies* 16, no. 4 (1976): 461.

³¹Young, in JD, 9:244, March 6, 1862.

³²Wilkinson, Brigham Young University.

³³See also page 71.

³⁴See also page 78.

³⁵Taylor, in JD, 24:16869, May 19, 1883. See page 68 above for full quotation.

³⁶William Shakespeare, *Hamlet*, act 3, scene 1.

³⁷See also page 75.

Speeches

Inaugural Address

CECIL O. SAMUELSON

9 September 2003

Cecil O. Samuelson is the president of Brigham Young University. This address was delivered at his inauguration on 9 September 2003 in the Marriott Center.

President Hinckley, officers, other members of the board of trustees, other General Authorities, auxiliary officers, government and education leaders, honored guests, students, staff, faculty, special friends, brothers and sisters, and family: It is an honor and privilege not easily described to stand before you this morning in these special circumstances. I am mindful of the significant sacrifices made by many of you to participate with us. Sharon and I will be ever grateful for your support and thoughtfulness. Likewise, literally hundreds of the university family have worked tirelessly to plan, support, and implement today's events. I thank those who have spoken today in representing this impressive throng.

So much has been done by so many. I am frankly embarrassed, but I am constantly reminded that today is not about me. It is all about this wonderful place and idea we know as Brigham Young University.

We have had a remarkable history. We must never forget those whose vision and sacrifices have made our comfortable and positive present possible. We are grateful that Elder and Sister Bateman are with us today. President Bateman built impressively on the firm foundation he found when he arrived and in turn left the university strengthened in important ways. Presidents Lee, Holland, and Oaks have left in their time wonderful, indelible marks that have lifted BYU in its continuing ascendancy. I am grateful that I have personally witnessed their contributions over the years and now benefit from them. My appreciation for President Wilkinson and his six predecessors is more distant but no less profound. All could have done what they did only with the inspired leadership and support of the board of trustees that has been constant throughout our history.

It is also appropriate that we pause to express gratitude to those of today who contribute so significantly to this large, complicated, and wonderful enterprise we call BYU. This includes, of course, our trustees and other Church leaders, our spectacular students, our able staff and administration, and our devoted faculty. But we must also remember our debt for the substantive and continuing support of those many who assist and enable us through their faithful living of the law of tithing. This includes the poor and meek who may never have the privilege of a direct BYU experience for themselves or for their family members. In addition, we express deep gratitude for that important and impressive group of leaders, friends, and alumni who so generously share the bounty of their blessings with the university. They help fulfill our dreams and those of many generations who love and have loved Brigham Young University.

President Hinckley, I am grateful for your wise and continuing counsel and will do all within my power to live true to the great confidence you place in me and my associates. Although our opportunities and responsibilities are daunting, I am comforted to know of your encouragement and support, knowing also whose servant you are. I, together with all my colleagues in every capacity at Brigham Young University, sustain you and those who serve with you. We are grateful for the direction and counsel we receive and also appreciate the confidence expressed in us to make appropriate decisions and to move the work of this great university forward.

Today is not the time for long explications. It is a day to look to our future. I do so with eagerness and a sense of anxious anticipation for what we might and must accomplish in this next season of the illustrious history of Brigham Young University. We see that future more clearly when we understand more fully our past and also the unique foundation of this great miracle of BYU.

Long before this institution had any physical presence, the need for and potential scope of education in the Church was well understood. Think of early examples from the revelations in the Doctrine and Covenants:

Teach ye diligently and my grace shall attend you, that you may be instructed more perfectly in theory, in principle, in doctrine, in the law of the gospel, in all things that pertain unto the kingdom of God, that are expedient for you to understand;

Of things both in heaven and in the earth, and under the earth; things which have been, things which are, things which must shortly come to pass; things which are at home, things which are abroad; the wars and the perplexities of the nations, and the judgments which are on the land; and a knowledge also of countries and of kingdoms. . . .

. . . Seek ye diligently and teach one another words of wisdom; yea, seek ye out of the best books words of wisdom; seek learning, even by study and also by faith. [D&C 88:78–79, 118]

Our mandate, with respect to education, is expansive and encompassing. Brigham Young University is a vital element in our commitment to knowledge and wisdom.

If we do our part, we have the unspeakable privilege to be part of an enterprise that may cause inspired prophecy to be fulfilled. But, just as in the early days of our institution, this progress and improvement does not just happen. It requires continued blessings from heaven and also our best, consistent, and most effective efforts. It means we must always keep in mind our sacred mission: to seek the best of academic and scholastic achievement within the enfolding environment and sustaining power of abiding faith in our Heavenly Father and His Son, our Savior, and in the restoration of the gospel of Jesus Christ. We cannot neglect or be passive about either our environment of faith or our commitment to academic excellence. In all that we do, we want to bless our students by never allowing the balance between these fundamental basics to become tilted in any direction.

In fact, all that we do must focus on our students. Our common commitment to and understanding of their growth and spiritual and intellectual development is the reason we exist as a university. There are many wonderful universities, and we applaud enthusiastically the great good they do. We will try with confidence to be as

good as the best in certain, carefully selected areas. But we will not be detracted nor detoured from the fundamental “charted course” that makes our mission distinctive.

We recognize our opportunities and also our potential dangers, which are greater than ever before. As Elder Neal A. Maxwell reminds us, “LDS scholars can and should speak in the tongue of scholarship, but without coming to prefer it and without losing the mother tongue of faith” (*Deposition of a Disciple* [Salt Lake City: Deseret Book, 1976], 16).

Speaking from this pulpit several years ago, President Gordon B. Hinckley said:

I challenge you never to forget that the schooling of the Spirit is as important, if not more so, than the schooling of the mind. . . .

*. . . We live in a world where knowledge is developing at an ever-accelerating rate. Drink deeply from this ever-springing well of wisdom and human experience. . . . Keep everlastingly at it. Read. Read. Read. Read the word of God in sacred books of scripture. Read from the great literature of the ages. Read what is being said in our day and time and what will be said in the future. [“A Three-Point Challenge,” BYU commencement address, 27 April 1995; excerpt in *TGBH*, 171]*

All kinds of learning are possible without the university. However, the university—and particularly this university—provides a special milieu, environment, and means that maximize not only the accumulation of knowledge but more importantly enhance the capacity of the individual to learn more ably, profoundly, and effectively in the related realms of scholarship, science, and worldly knowledge and in the spheres of faith, spirituality, and Christian service.

Dr. John A. Fry, president of Franklin and Marshall College, said something in his inaugural address this past April that has resonated with me. With your forbearance, and, I hope, his forgiveness, let me quote him by substituting Brigham Young University for his institution: “With the privilege of a [BYU] education comes the responsibility to act on what was learned” (“The Saga of Franklin and Marshall College,” inaugural address, 12 April 2003, 11–12; at http://www.fandm.edu/president/address/inaugural_address.pdf). If that is true at an institution bearing the names of great Americans Benjamin Franklin and Chief Justice John Marshall, then what should be the responsibility of those having the privilege of an education at this university that bears the name of one of the Lord’s prophets—Brigham Young? We mention often Brigham Young’s instruction to Karl G. Maeser that BYU “ought not to teach even the alphabet or the multiplication tables without the Spirit of God” (in Reinhard Maeser, *Karl G. Maeser: A Biography* [Provo: Brigham Young University, 1928], 79). But we also must understand President Young’s counsel that we “be a people of profound learning pertaining to the things of the world” (*JD* 8:40).

Thus we say with appreciation and with confidence that we “enter to learn [and] go forth to serve.” While we are here learning, we also gain much by serving. As we go forth to serve, we strive to continue to learn so that our service in every sphere can be more productive, effective, and consistent with those things we hold most dear.

I express my gratitude to the officers and members of the Church Board of Education for their confidence and this opportunity; to my many new BYU associates that include students, staff, faculty, administrators, and friends of the university; especially to

Sharon, my wife, who has ever been by my side, particularly when the going is tough and the stakes are high; to our children, their spouses, and our grandchildren; and to each of you for your thoughtful support and friendship, and particularly for your prayers in our behalf. In the name of Jesus Christ, amen.

Speeches

*Remarks at the Inauguration of
President Cecil O. Samuelson*

GORDON B. HINCKLEY

9 September 2003

Gordon B. Hinckley is the president of The Church of Jesus Christ of Latter-day Saints. This address was delivered at the inauguration of BYU president Cecil O. Samuelson on 9 September 2003 in the Marriott Center

On behalf of all I wish to state our deep appreciation for the service of President Merrill J. Bateman, who presided here from January 1996 until April 2003. His was a wonderful and very progressive administration. We offer him the highest commendation for the tremendous work he accomplished and to his beloved companion, Marilyn, who stood so ably at his side.

He was honorably released because we felt he had carried long enough the great stress of administering this institution while at the same time serving as a General Authority of the Church.

He never offered a word of complaint. Under the most difficult of circumstances he met his responsibility in both fields in a most admirable and wonderful way. Thank you, Elder Bateman, for work superbly well done. You and Marilyn may always carry with you the satisfaction that comes of great service gladly and honorably given.

When there is a change in the monarchy of Great Britain, the people say, “The king is dead. Long live the king.”

When there is a change in the administration of this university, we say, “The president is released with honors. Happiness and great achievement to his successor.”

President Samuelson, we have conferred upon you the authority of your high office. We have heard your inspirational response and sense your commitment to move the university forward on its destined course as one of the great institutions of the nation. Here we are doing what is not done in any other major university of which I am aware. We are demonstrating that faith in the Almighty can accompany and enrich scholarship in the secular. It is more than an experiment. It is an accomplishment.

We must continue to strengthen our scholarship in every discipline that is followed here. But with that we must never let down on our determination to teach faith in the Living God; to build testimony of His Beloved Son, the Lord Jesus Christ; to teach the validity of the Holy Bible and of its companion scripture, the Book of Mormon; and to build conviction concerning the restoration of the gospel in this, the dispensation of the fullness of times. Here character building becomes an even greater concern than imparting knowledge of secular subjects, although we shall never neglect this knowledge.

President Samuelson, we have known you for a good while. We have admired your professional skills. We are familiar with the depths of your spirituality. To you we say, go forward in your great role of leadership on this campus. As the president leads, so goes the

institution. May those associated with you in the administration march to the same drum in moving toward a greater future than this school has ever known.

We have here a marvelous physical plant. It has been made possible by the consecrations of our people throughout the world. What a satisfying thing it is to walk about these grounds and never see a beer can or a cigarette butt or anything of the kind.

To the staff who work with you in creating and maintaining this beautiful environment we extend our congratulations and a charge to keep them beautiful, clean, and conducive to habits of order in the lives of those who use these facilities.

To the faculty we express gratitude for your dedication in sharing with a large body of anxious and eager students the vast volume of learning that you have accumulated and to which you have added with distinction. There is a spirit of fellowship on this campus between teacher and student that is wonderful and in many respects unique. I am reminded of the occasion recorded in the book of Acts when Peter and John went into the temple at the hour of prayer. A cripple was brought daily to the gate of the temple, where he asked for alms from those going into the temple.

And Peter, fastening his eyes upon him with John, said, Look on us.

And he gave heed unto them, expecting to receive something of them.

Then Peter said, Silver and gold have I none; but such as I have give I thee: In the name of Jesus Christ of Nazareth rise up and walk.

And he took him by the right hand, and lifted him up: and immediately his feet and ankle bones received strength. [Acts 3:4–7]

Yours is the great opportunity and the very precious responsibility, in effect, of reaching down to lift up those who come to learn and prepare for a productive and meaningful life. Most have been sent here by hopeful parents, who pray night and morning for their success. Great sacrifice has been made to enable them to come. They long for success. And it is your opportunity and your responsibility to see that they do not fail.

We should not have failures on this campus. We are more than teachers. We are shepherds. And we know that the spirit of shepherding resides in the hearts of those who serve here as members of the great Brigham Young University faculty.

And now to you students, you for whom this institution was designed: there would be no university without you. You have come here with great hopes and high expectations. I need not remind you that you are a very select group. You have been carefully chosen. We want you to know that all who serve you here desire that you will be successful, that you will have a wonderful experience, that you will be immensely happy and very proud of the institution of which you are a part.

The motto of this university is “The Glory of God Is Intelligence.” You have come to partake of that intelligence, that light and truth which becomes the vast lexicon of your learning. What a precious and magnificent opportunity is afforded you. Robert Browning said that “a man’s reach should exceed his grasp” (“Andrea del Sarto” [1855], line 97). Extend your grasp while reaching ever higher to drink from the inexhaustible fountain of learning that is offered you.

The things you learn on this campus will become a part of your eternal treasure, for the Lord has said, “Whatever principle of intelligence 2 Brigham Young University 2003–

2004 Speeches we attain unto in this life, it will rise with us in the resurrection” (D&C 130:18).

Such teachings as this are the very essence of what you are offered and can gather into your hearts and minds in this unique and wonderful institution.

We have all smiled a little at the recent report of the Princeton Review. Their rankings come of a survey of 106,000 students representing 351 colleges and universities. The survey indicates that for the fifth year in a row this is the nation’s number-one “stone cold sober” university. You are regarded as the most religious student body in America. You are number two in the quality of life found on the campus.

You are rated “third for the best college library, sandwiched between such notable institutions as Harvard and Dartmouth” (“A Stone Cold Sober Report,” *Deseret News*, 24 August 2003, AA01; see also Tad Walch, “Y. Grins over ‘Sober’ Label,” *Deseret News*, 19 August 2003, A01).

I would venture to say, President Samuelson, that there are many university and college presidents in the nation who would be glad to preside over an institution where they did not have to deal with the terrible problems of binge drinking and the train of evils that follow this.

My dear young friends, how blessed you are to live in this good land. How blessed you are to be on this beautiful campus—how blessed to live in this great age in the history of the earth. Everyone here this morning enjoyed good food for breakfast. Everyone slept in a secure place last night. Everyone had good water at the touch of a faucet. Those of us who traveled here did so on good highways in air-conditioned cars.

What a blessed land. What a blessed season in the history of mankind.

There is a sign on the gate of this campus that reads: “Enter to learn; go forth to serve.”

I invite you, every one of you, to make that your motto. Mediocrity will never do. You are capable of something better. Give it your very best. You will never again have such an opportunity. Pray about it. Work at it. Make it happen. Drink in the great knowledge here to be obtained from this dedicated faculty. Qualify yourselves for the work of the world that lies ahead. It will largely compensate you in terms of what it thinks you are worth. Walk the high road of charity, respect, and love for others and particularly those who are less fortunate. Be happy. Look for the sunlight in life. Reach for the stars.

Build friendships. You have the greatest opportunity of your lives to establish wonderful associations with people of your own kind who think as you do. And hopefully for each of you there will come romance, a partner true and beautiful with whom you can share a life that will go on into the eternities.

Concerning your marriage and your future endeavors, may I repeat with great earnestness and with all of the power of persuasion of which I am capable these words spoken repeatedly by President David O. McKay: “No success in life can compensate for failure in the home” (quoting James Edward McCulloch, ed., *Home: The Savior of Civilization* [Washington, D.C.: Southern Co-operative League, 1924], 42).

Your future family relationships will be the greatest treasure of your life. No salary you will ever earn, no fees you will ever be paid will compensate for failure to live as you ought to live as a family.

Look to the example of your president. He and his beloved companion, Sharon, have walked side by side with love in their hearts through all the years of their association. Make them your shining example.

To the many visitors we have here today, I wish to thank you for coming. You do great honor to President Samuelson. You do honor to this institution. And we hope that it has been a good and rewarding experience for each of you.

God bless you, my beloved friends and associates, every one of you, to whom I feel to reach out in a spirit of true affection, in the name of the Lord Jesus Christ, amen.

The Mission of Brigham Young University

The mission of Brigham Young University--founded, supported, and guided by The Church of Jesus Christ of Latter-day Saints--is to assist individuals in their quest for perfection and eternal life. That assistance should provide a period of intensive learning in a stimulating setting where a commitment to excellence is expected and the full realization of human potential is pursued.

All instruction, programs, and services at BYU, including a wide variety of extracurricular experiences, should make their own contribution toward the balanced development of the total person. Such a broadly prepared individual will not only be capable of meeting personal challenge and change but will also bring strength to others in the tasks of home and family life, social relationships, civic duty, and service to mankind.

To succeed in this mission the university must provide an environment enlightened by living prophets and sustained by those moral virtues which characterize the life and teachings of the Son of God. In that environment these four major educational goals should prevail:

- All students at BYU should be taught the truths of the gospel of Jesus Christ. Any education is inadequate which does not emphasize that His is the only name given under heaven whereby mankind can be saved. Certainly all relationships within the BYU community should reflect devout love of God and a loving, genuine concern for the welfare of our neighbor.

- Because the gospel encourages the pursuit of all truth, students at BYU should receive a broad university education. The arts, letters, and sciences provide the core of such an education, which will help students think clearly, communicate effectively, understand important ideas in their own cultural tradition as well as that of others, and establish clear standards of intellectual integrity.

- In addition to a strong general education, students should also receive instruction in the special fields of their choice. The university cannot provide programs in all possible areas of professional or vocational work, but in those it does provide the preparation must be excellent. Students who graduate from BYU should be capable of competing with the best in their fields.

- Scholarly research and creative endeavor among both faculty and students, including those in selected graduate programs of real consequence, are essential and will be encouraged.

In meeting these objectives BYU's faculty, staff, students, and administrators should be anxious to make their service and scholarship available to The Church of Jesus Christ of Latter-day Saints in furthering its work worldwide. In an era of limited enrollments, BYU can continue to expand its influence both by encouraging programs that are central to the Church's purposes and by making its resources available to the Church when called upon to do so.

We believe the earnest pursuit of this institutional mission can have a strong effect on the course of higher education and will greatly enlarge Brigham Young University's influence in a world we wish to improve.

--Approved by the BYU Board of Trustees
November 4, 1981

Aims of a BYU Education

*Education is the power to think clearly,
the power to act well in the world's work,
and the power to appreciate life.*

--Brigham Young 1

The mission of Brigham Young University is “to assist individuals in their quest for perfection and eternal life” (“[The Mission Statement of Brigham Young University](#)“ [hereafter Mission Statement]). To this end, BYU seeks to develop students of faith, intellect, and character who have the skills and the desire to continue learning and to serve others throughout their lives. These are the common aims of all education at BYU. Both those who teach in the classroom and those who direct activities outside the classroom are responsible for contributing to this complete educational vision.

The statement that follows reaffirms and expands on the earlier and more general [Mission Statement](#) adopted in 1981. As the quotations under each heading suggest, this document also draws on the religious and educational teachings of the university’s founding prophet, Brigham Young. Quotations within the text come from the scriptures and from the counsel of modern prophets, whose teachings about BYU lay the foundation of the university’s mission.

The following four sections discuss the expected outcomes of the BYU experience. A BYU education should be (1) spiritually strengthening, (2) intellectually enlarging, and (3) character building, leading to (4) lifelong learning and service. Because BYU is a large university with a complex curriculum, the intellectual aims are presented here in somewhat greater detail than the other aims. Yet they are deliberately placed within a larger context. The sequence flows from a conscious intent to envelop BYU’s intellectual aims within a more complete, even eternal, perspective that begins with spiritual knowledge and ends with knowledge applied to the practical tasks of living and serving.

Spiritually Strengthening

*Brother Maeser, I want you to
remember that you ought not to teach even
the alphabet or the multiplication tables
without the Spirit of God.*

--Brigham Young 2

The founding charge of BYU is to teach every subject with the Spirit. It is not intended “that all of the faculty should be categorically teaching religion constantly in their classes, but . . . that every . . . teacher in this institution would keep his subject matter bathed in the light and color of the restored gospel.”³

This ideal arises from the common purpose of all education at BYU--to build testimonies of the restored gospel of Jesus Christ. A shared desire to “seek learning, even by study and also by faith” (D&C 88:118) knits BYU into a unique educational community. The

students, faculty, and staff in this community possess a remarkable diversity of gifts, but they all think of themselves as brothers and sisters seeking together to master the academic disciplines while remaining mastered by the higher claims of discipleship to the Savior.

A spiritually strengthening education warms and enlightens students by the bright fire of their teachers' faith while enlarging their minds with knowledge. It also makes students responsible for developing their own testimonies by strenuous effort. Joseph Smith's words apply equally to faculty and students at BYU: "Thy mind, O man! if thou wilt lead a soul unto salvation, must stretch as high as the utmost heavens, and search into and contemplate the darkest abyss, and the broad expanse of eternity--thou must commune with God."⁴ Students need not ignore difficult and important questions. Rather, they should frame their questions in prayerful, faithful ways, leading them to answers that equip them to give "a reason of the hope that is in" them (1 Peter 3:15) and to articulate honestly and thoughtfully their commitments to Christ and to his Church.

Intellectually Enlarging

Every accomplishment, every polished grace, every useful attainment in mathematics, music, and in all science and art belong to the Saints, and they should avail themselves as expeditiously as possible of the wealth of knowledge the sciences offer to every diligent and persevering scholar.

--Brigham Young 5

The intellectual range of a BYU education is the result of an ambitious commitment to pursue truth. Members of the BYU community rigorously study academic subjects in the light of divine truth. An eternal perspective shapes not only how students are taught but what they are taught. In preparing for the bachelor's degree, students should enlarge their intellects by developing skills, breadth, and depth: (1) skills in the basic tools of learning, (2) an understanding of the broad areas of human knowledge, and (3) real competence in at least one area of concentration. Further graduate studies build on this foundation.

Undergraduate

1. Skills. BYU undergraduates should acquire the basic tools needed to learn. The essential academic learning skills are the abilities to think soundly, to communicate effectively, and to reason proficiently in quantitative terms. To these ends, a BYU bachelor's degree should lead to:

- *Sound thinking*--reasoning abilities that prepare students to understand and solve a wide variety of problems, both theoretical and practical. Such skills include the ability to keep a proper perspective when comparing the things that matter most with things of lesser import. They also include the ability to engage successfully in logical reasoning, critical analysis, moral discrimination, creative imagination, and independent thought.

- *Effective communication*--language abilities that enable students to listen, speak, read, and write well; to communicate effectively with a wide range of audiences in one's area of expertise as well as on general subjects. For many students this includes communicating in a second language.
- *Quantitative reasoning*--numerical abilities that equip students with the capacity to understand and explain the world in quantitative terms; to interpret numerical data; and to evaluate arguments that rely on quantitative information and approaches.

2. Breadth. BYU undergraduates should also understand the most important developments in human thought as represented by the broad domains of knowledge. The gospel provides the chief source of such breadth because it encompasses the most comprehensive explanation of life and the cosmos, supplying the perspective from which all other knowledge is best understood and measured. The Lord has asked his children to “become acquainted with all good books, and with languages, tongues, and people” (D&C 90:15); to understand “things both in heaven and in the earth, and under the earth; things which have been, things which are, things which must shortly come to pass; things which are at home, things which are abroad; the wars and the perplexities of the nations . . . ; and a knowledge also of countries and of kingdoms” (D&C 88:79).

“Because the gospel encourages the pursuit of all truth, students at BYU should receive a broad university education [that will help them] understand important ideas in their own cultural tradition as well as that of others” ([Mission Statement](#)). Specifically, BYU undergraduate students should be educated in the following broad areas of human knowledge:

- *Religion*--the doctrines, the covenants, the ordinances, the standard works, and the history of the restored gospel, as well as an awareness of other religious traditions.
- *Historical perspective* --the development of human civilization, appreciation for the unique contributions of America to modern civilization, and a general historical perspective, including perspective on one's own discipline.
- *Science*--the basic concepts of the physical, biological, and social sciences, and a recognition of the power and limitations of the scientific method- preferably through laboratory or field experience.
- *Arts and Letters* --lively appreciation of the artistic, literary, and intellectual achievements of human cultures--including Western culture and, ideally, non-Western as well.
- *Global awareness* --informed awareness of the peoples, cultures, languages, and nations of the world.

3. Depth. BYU undergraduates should develop competence in at least one area of concentration. Competence generally demands study in depth. Such in-depth study helps prepare students for their life's work; it also teaches them that genuine understanding of

any subject requires exploring it fully. Students normally acquire such depth from their major and minor fields. BYU's religion requirement also asks all students to develop depth in scriptural studies and religion.

Depth does not result merely from taking many courses in a field. Indeed, excessive course coverage requirements may discourage rather than enhance depth. Depth comes when students realize "the effect of rigorous, coherent, and progressively more sophisticated study." Depth helps students distinguish between what is fundamental and what is only peripheral; it requires focus, provides intense concentration, and encourages a "lean and taut" degree that has a "meaningful core" and a purposefully designed structure (Memorandum to the Faculty No. 13). In addition to describing carefully structured academic majors, this description applies to well-designed BYU courses of all kinds.

The chief result of depth is competence. BYU's students should be "capable of competing with the best students in their field" (Mission Statement). Even so, undergraduate study should be targeted at entrance-level, not expert-level, abilities. The desire for depth should not lead to bachelor's degrees that try to teach students everything they will need to know after graduation. Students should be able to complete their degrees within about four years.

Undergraduate programs should prepare students to enter the world of work or to pursue further study. Often this requires educational activities that help upperclassmen culminate their studies by integrating them in a capstone project, honors thesis, senior seminar, or internship. By the time they graduate, students should grasp their discipline's essential knowledge and skills (such as mathematical reasoning, statistical analysis, computer literacy, foreign language fluency, laboratory techniques, library research, and teaching methods), and many should have participated in scholarly or creative activities that let them demonstrate their mastery.

Graduate

Building on the foundation of a strong bachelor's degree, graduate education at BYU asks for even greater competency. Graduate studies may be either academic or professional and at either the master's or doctoral level. In all cases, BYU graduate programs, like undergraduate programs, should be spiritually strengthening as well as intellectually enlarging.

Graduate programs should help students achieve excellence in the discipline by engaging its primary sources; mastering its literature, techniques, and methodologies; and undertaking advanced systematic study - all at a depth that clearly exceeds the undergraduate level. In addition, graduate programs should prepare students to contribute to their disciplines through their own original insights, designs, applications, expressions, and discoveries. Graduate study should thereby enable a variety of contributions - such as teaching complex knowledge and skills, conducting original research, producing creative work that applies advanced learning in the everyday world, and extending professional service to the discipline and to society.

* * *

These intellectual aims of a BYU education are intended to give students understanding, perspective, motivation, and interpersonal abilities--not just information and academic skills. BYU should furnish students with the practical advantage of an education that integrates academic skills with abstract theories, real-world applications, and gospel perspectives. Such an education prepares students who can make a difference in the world, who can draw on their academic preparation to participate more effectively in the arenas of daily life. They are parents, Church leaders, citizens, and compassionate human beings who are able to improve the moral, social, and ecological environment in which they and their families live. They are scientists and engineers who can work effectively in teams and whose work reflects intellectual and moral integrity; historians who write well and whose profound understanding of human nature and of divine influences informs their interpretation of human events; teachers whose love for their students as children of God is enriched by global awareness and foreign language skill; artists whose performances seek to be flawless in both technique and inspiration; business leaders whose economic judgments and management styles see financial reward not as an end but as a means to higher ends. BYU graduates thus draw on an educated intellect to enhance not only what they *know* but also what they *do* and, ultimately, what they *are*.

Character Building

*A firm, unchangeable course of righteousness
through life is what secures to a person true intelligence.*
--Brigham Young 6

Because it seeks to educate students who are renowned for what they are as well as for what they know, Brigham Young University has always cared as much about strong moral character as about great mental capability. Consequently, a BYU education should reinforce such moral virtues as integrity, reverence, modesty, self-control, courage, compassion, and industry. Beyond this, BYU aims not merely to teach students a code of ethics but to help them become partakers of the divine nature. It aspires to develop in its students character traits that flow from the long-term application of gospel teachings to their lives. This process begins with understanding humankind's eternal nature and ends with the blessing of eternal life, when human character reflects in fully flowered form the attributes of godliness. Along the way, the fruits of a well-disciplined life are augmented and fulfilled by the fruits of the spirit of Jesus Christ--such as charity, a Christlike love for others, which God "hath bestowed upon all who are true followers of his Son, Jesus Christ" (Moroni 7:48). Students thus perfect their quest for character development by coming unto Christ through faith, repentance, and righteous living. Then their character begins to resemble his, not just because they think it should but because that is the way they are.

President David O. McKay taught that character is the highest aim of education: above knowledge is wisdom, and above wisdom is character. "True education," he explained, "seeks to make men and women not only good mathematicians, proficient linguists, profound scientists, or brilliant literary lights, but also honest men with virtue, temperance, and brotherly love."⁷ Consequently, a BYU education should bring together the intellectual integrity of fine academic discipline with the spiritual integrity of personal righteousness. The result is competence that reflects the highest professional and academic standards--

strengthened and ennobled by Christlike attributes.

Thus understood, the development of character is so important that BYU “has no justification for its existence unless it builds character, creates and develops faith, and makes men and women of strength and courage, fortitude, and service--men and women who will become stalwarts in the Kingdom and bear witness of the . . . divinity of the gospel of Jesus Christ. It is not justified on an academic basis only.”⁸ Rather, it fulfills its promise when “the morality of the graduates of this University provide[s] the music of hope for the inhabitants of this planet.”⁹

Every part of the BYU experience should therefore strengthen character--academic integrity in taking a test or writing a research paper; sportsmanship on the playing field; the honest reporting of research findings in a laboratory; careful use of university funds derived from the tithes of Church members; treating all other people with dignity and fairness; and wholehearted acceptance of commitments made to bishops and parents. Character is constructed by small decisions. At this personal level of detail, BYU will realize its hope of teaching “those moral virtues which characterize the life and teachings of the Son of God” ([Mission Statement](#)).

Lifelong Learning and Service

*We might ask, when shall we cease to learn?
I will give you my opinion about it;
never, never. . . . We shall never cease to learn, unless
we apostatize from the religion of Jesus Christ.*

--Brigham Young ¹⁰

*Our education should be such as to
improve our minds and fit us for increased usefulness;
to make us of greater service to the human family.*

--Brigham Young ¹¹

Well-developed faith, intellect, and character prepare students for a lifetime of learning and service. By “entering to learn” and continuing to learn as they “go forth to serve,” BYU students strengthen not only themselves - they “also bring strength to others in the tasks of home and family life, social relationships, civic duty, and service to mankind” ([Mission Statement](#)).

1. Continual Learning. BYU should inspire students to keep alive their curiosity and prepare them to continue learning throughout their lives. BYU should produce careful readers, prayerful thinkers, and active participants in solving family, professional, religious, and social problems. They will then be like Abraham of old, who had been “a follower of righteousness, desiring also to be one who possessed great knowledge, and to be a greater follower of righteousness, and to possess a greater knowledge, . . . desiring to receive instructions, and to keep the commandments of God.” In this lifelong quest, they, like Abraham, will find “greater happiness and peace and rest” (Abraham 1:2). Thus a BYU diploma is a beginning, not an end, pointing the way to a habit of constant learning. In an era of rapid changes in technology and information, the knowledge and skills learned this year may require renewal the next. Therefore, a BYU degree should educate students in

how to learn, teach them that there is much still to learn, and implant in them a love of learning “by study and also by faith” (D&C 88:118).

2. Service. Since a decreasing fraction of the Church membership can be admitted to study at BYU, it is ever more important that those who are admitted use their talents to build the kingdom of God on the earth. Hence, BYU should nurture in its students the desire to use their knowledge and skills not only to enrich their own lives but also to bless their families, their communities, the Church, and the larger society. Students should learn, then demonstrate, that their ultimate allegiance is to higher values, principles, and human commitments rather than to mere self-interest. By doing this, BYU graduates can counter the destructive and often materialistic self-centeredness and worldliness that afflict modern society. A service ethic should permeate every part of BYU’s activities - from the admissions process through the curriculum and extracurricular experiences to the moment of graduation. This ethic should also permeate each student’s heart, leading him or her to the ultimate wellspring of charity--the love for others that Christ bestows on his followers.

Conclusion

*Education is a good thing, and blessed is
the man who has it, and can use it for the dissemination
of the Gospel without being puffed up with pride.
--Brigham Young 12*

These are the aims of a BYU education. Taken together, they should lead students toward wholeness: “the balanced development of the total person” ([Mission Statement](#)). These aims aspire to promote an education that helps students integrate all parts of their university experience into a fundamentally sacred way of life--their faith and reasoning, their knowledge and conduct, their public lives and private convictions. Ultimately, complete wholeness comes only through the Atonement of him who said, “I am come that they might have life, and that they might have it more abundantly” (John 10:10). Yet a university education, guided by eternal principles, can greatly “assist individuals in their quest for” that abundant “eternal life” ([Mission Statement](#)).

A commitment to this kind of education has inspired the prophets of the past to found Church schools, like BYU, on the principle that “to be learned is good if they hearken unto the counsels of God” (2 Nephi 9:29). These prophets have known the risks of such an enterprise, for “that happiness which is prepared for the saints” shall be hid forever from those “who are puffed up because of their learning, and their wisdom” (see 2 Nephi 9:42-43). Yet they have also known that education plays a vital role in realizing the promises of the Restoration; that a broad vision of education for self-reliance and personal growth is at the very heart of the gospel when the gospel is at the heart of education. To the degree that BYU achieves its aims, the lives of its students will confirm Brigham Young’s confidence that education is indeed “a good thing,” blessing all those who humbly and faithfully use it to bless others.

Notes

1. Brigham Young, quoted by George H. Brimhall in "The Brigham Young University," *Improvement Era*, vol. 23, no. 9 (July 1920), p. 831.
2. Brigham Young, in Reinhard Maeser, *Karl G. Maeser: A Biography* (Provo: Brigham Young University, 1928), p. 79.
3. Spencer W. Kimball, "Education for Eternity," Preschool Address to BYU Faculty and Staff, 12 September 1967, p. 11.
4. Joseph Smith, *Teachings of the Prophet Joseph Smith*, sel. Joseph Fielding Smith (Salt Lake City: Deseret Book Company, 1972), p. 137.
5. Brigham Young, *Journal of Discourses* (hereafter *JD*), vol. 10 (London: Latter-day Saints' Book Depot, 1854-86), p. 224.
6. Brigham Young, *JD* 8:32.
7. David O. McKay, "Why Education?" *Improvement Era*, vol. 70, no. 9 (September 1967), p. 3.
8. Spencer W. Kimball, "On My Honor," in *Speeches of the Year 1978* (Provo: Brigham Young University Press: 1979), p. 137.
9. Spencer W. Kimball, "Second Century Address and Dedication of Carillon Tower and Bells," Brigham Young University, 10 October 1975, p. 12.
10. Brigham Young, *JD* 3:203.
11. Brigham Young, *JD* 14:83.
12. Brigham Young, *JD* 11:214.