

# *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 19<sup>th</sup> 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.