

Opening Remarks

President Oaks

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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. Hiram, 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.

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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

