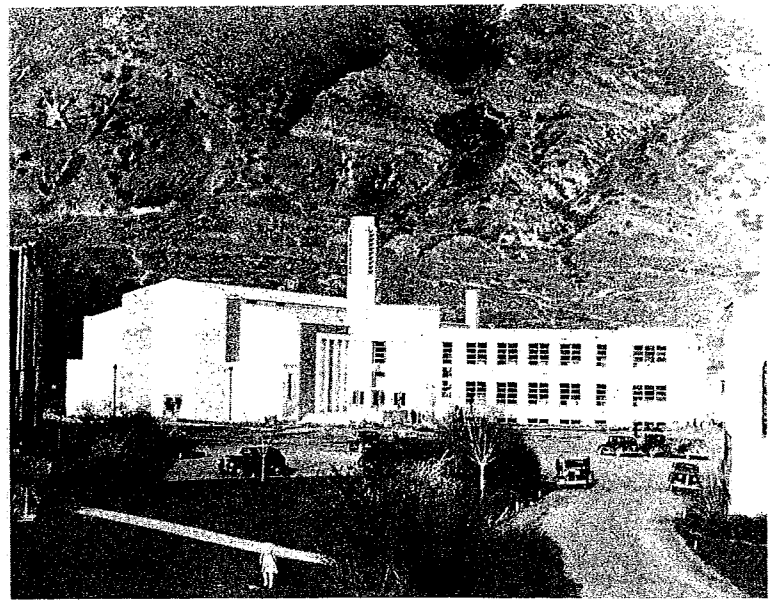


A Message

To the

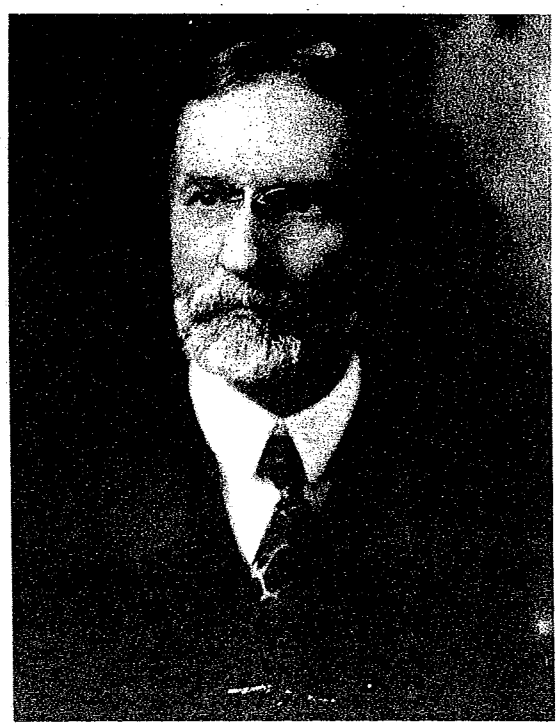
1941 Graduating Class

Of

Brigham Young University

From

Mr. Justice George Sutherland



MR. JUSTICE GEORGE SUTHERLAND

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A Message

To the 1941 Graduating Class of Brigham Young University From Mr. Justice George Sutherland *

As I set about the preparation of this message to the graduating class of 1941, I do not know whether it will turn out a song or a sermon, or something outside all the categories of literature now known to the professors of English. I shall, however, relieve your fears at once by saying that I have no intention of attempting the role of an instructor. You have had enough of that for the time being, and are entitled to a rest.

I am older than the University itself; and if I go back to a time antedating its beginning and come forward to the present, as I mean to do, you will take part in reviewing a march which began a very long time ago. I trust that in our progress something may be added to your love for the University and for those who founded it and those who have brought it to its present high place among the universities of the country. In any event, I proceed, hoping you will not tire and fall out by the way.

Let me first of all, as the thought now nearest my heart, declare my gratitude for the honor conferred upon me today by this great University, which became my alma mater when both of us were very young. It is an honor not often bestowed by the University, and, therefore, all the more to be prized. Among those who authorized it are cherished friends of many years' standing; and so I take the liberty of say-

*This address was written by Mr. Justice George Sutherland of the Supreme Court of the United States, who attended Brigham Young University from 1879 to 1881. It was read by Judge George S. Ballif, '21, in the Sixty-fifth Commencement Exercises in the Joseph Smith building, June 4, 1941.

ing what I know they will confirm—that the honor, great in itself, is in a more intimate sense a token of our mutual affection; that precious imponderable which, though poured forth unceasingly, has the mystic quality of still remaining undiminished in the treasure house of the soul.

Although in its early history this institution was called an academy, and compared with a college was considered a school of secondary importance, it was in reality far more than that. The curriculum within a short time included many of the higher branches of learning, and might easily have included more, since at its head in the beginning, and for many years, there stood a great scholar who would have been a valuable asset to any of the universities or colleges of his day. Of this matchless teacher I shall later on have something to say as one who admired him for his learning, loved him for his goodness, and who has profited greatly from both.

So I think the University was right in reaching back to the beginning of the old school for its own beginning. Indeed, it could not well have done otherwise; for the Academy was father to the University as the child is father to the man, or the twig is father to the tree, the process in each case being the continuous growth of a single entity in point of fact, and not a succession of different things in point of time.

I was brought to Utah when it was a thinly settled territory forming part of a vast, inhospitable wilderness identified upon the maps of the day as "The Great American Desert". That was in 1863. My age was still reckoned in months; and my powers of observation, if any, were at very low tide. I knew nothing, of course, except that I was somewhere and in possession of a small body with an ambitious but more or less weak and wobbly pair of legs at one end, in which

I took a mild interest, and a head at the other end, in which I should have taken no interest at all had it not included an ample inlet for the admission of food. It was only a short time, however, until I became aware of the fact that I was a resident of Springville, and naturally supposed that I had been there always until authoritatively advised to the contrary.

It is a far cry to 1863; and so few were here then and so many have come since that I might be tempted to call myself a pioneer if that designation had not already been specifically bestowed upon the faithful and courageous band of exiles who came in 1847, and whose exclusive right to it should not suffer encroachment. Since, then, I can not claim to be a pioneer, perhaps I may call myself a "pio-nearly".

In 1876,* the Brigham Young Academy came into being. The thirteen years intervening between 1863 and 1876 constitute a momentous period in the history of the people of Utah, for they mark the closing epoch of that heart-breaking struggle against the forces of nature which began with the Pioneers. It was then, at last, that enough of the desert had been subdued and the gray, unproductive sagebrush supplanted by smiling gardens and orchards and thriving fields of grain, to make the future secure. The task which lay ahead was the comparatively easy and leisurely one of extending the conquest without the bitter hardships which thus far had attended the effort.

It was a period when life was very simple, but, as I can bear testimony, very hard as measured by present-day standards. Small boys from mid-spring to mid-autumn usually went without shoes, their naked, stone-bruised feet exposed to the wear and tear of the sun-scorched earth—a

*Brigham Young executed the deed of trust founding the institution on October 16, 1875, and instruction began the following year.

state of affairs, I must say, however, that would have met their entire approval if it had not entailed, as it was generally thought in the circles most affected the useless labor of washing a pair of dirty feet certain to be just as dirty the following day.

Their weekday attire at the maximum consisted of a hat of ancient vintage, sometimes with a well-developed hole through the crown of which a lock of hair might be made to wave like the plume of an Indian on the warpath; a hickory shirt the worse for wear; a pair of pants handed down, perhaps, from a former tenant or series of tenants, held in place (the pants, not the tenants) by one suspender, or allowed to defy the force of gravity with the sole and precarious support afforded by the contours of an immature body. For one to appear among his fellows with any marked elaboration upon this attire was to invoke ironic, not to say insulting, comment, often so caustically phrased as to send the misguided lad to the shelter of his home in tears.

Nobody worried about child labor. The average boy of ten worked—and often worked very hard—along with the older members to support the family. He milked, cut and carried in the night's wood, carried swill to the pigs, curried the horses, hoed the corn, guided the plow or, if not, followed it in the task of picking up potatoes which had been upturned, until his young vertebrae approached dislocation and he was ready to consider a bid to surrender his hopes of salvation in exchange for the comfort of a hinge in the small of his back.

There was never any surplus of food. Too often there was a scarcity. No one thought of a bonus as a means of curtailing production; which, indeed, is comparatively a modern contrivance. At meals the platter was licked clean. Nothing was wasted. If anything went wrong with the

internal organs, an overloaded stomach was the last thing suspected.

Society was not divided into the idle rich and the worthy poor. There were no rich, idle or otherwise. Everybody was poor and everybody worked. Neither the eight-hour day nor the 40 hour week had arrived. Work began when it was light enough to see and ended when it became too dark. Those who had candles to illuminate the supper table were fortunate. The light of a lamp was an exhibition of luxury. Among the people there was discomfort, hardship, lack of medicines for the sick, and an absence of that variety of food now considered so necessary to health. Calories were ignored; vitamins were unknown. There was a shortage of goods that were brought across the plains. Tea, coffee and tobacco, I may say in passing, were scarce and expensive—and the Word of Wisdom was more generally observed, I suspect, than it is in this day of plenty. But the people met shortages of food as they met other hardships—with courage and faith in God.

They were a devout and prayerful people, these Pioneers and those of the same faith who had followed them. I have always believed, as they believed, in the power and goodness of God and in the efficacy of prayer. And by prayer I do not mean that empty recital of pious words which is a mere movement of the lips, signifying nothing. I mean the form of prayer which finds its source in the innermost self—whether it be a simple prayer expressing devotion to God and asking his guidance and aid in respect of our everyday affairs, the effect of which is to strengthen our own inward forces and bring comfort to our hearts, or that supreme appeal for help in some dire extremity, when we can no longer summon powers of our own to help ourselves.

So when the families of these early days knelt in the morning, they uttered prayers of thanksgiving and devotion and asked that their simple wants be satisfied. When they said "Give us this day our daily bread", they did not seek an abnormal exercise of God's power while they stood idly by. They looked for the answer in their own efforts, strengthened by prayer and a renewed faith. How different the case of the Pioneers! Facing the menace of famine, the sky dark with an overwhelming multitude of ravenous insects, their prayer became an exigent cry for Divine intervention to avert disaster against which human power was of no avail.

In spite of poverty and other hindrances, however, education was not neglected. The people had then, as they still have, a fine passion for learning; and they built school houses and employed teachers, meeting the expense of building, more often than not, with donations of labor and material, and paying the teachers with the fruits of the soil rather than with money when it was hard to come by, as generally it was. School houses were small, a single room, as a rule. Teachers themselves lacked much in the way of education, so that little was taught aside from the three R's. And the pupil was ready to devote himself to the practical affairs of life when he had mastered the problems from addition to fractions, and had absorbed the contents of the blue-back spelling book and McGuffy's Readers, or some other series not half so good; had acquired a moderate ability to imitate Mr. Spencer's handwriting; and could recite Poe's "Raven" with appropriate emphasis and inflection. Into this scant picture came the Academy; and the era of higher education began in that part of the Territory south of Salt Lake.

As I look back to the conditions then prevailing, I marvel that such a school as it soon came

to be could function at all; for, as I have said, the people were poor and the expense of maintaining a boy or girl away from home often involved a burden of sacrifice and self denial on the part of those who remained behind that was very hard to bear. But they bore it as they had borne their earlier burdens—stoutly and without complaint. And the flower of Utah's youth eagerly flocked to the advanced school, as they have continued to do ever since.

I pass now from these ancient memories to speak more directly of the Academy itself.

It would gratify my sense of pride in the old school if I could tell you that the building was a masterpiece of architecture. But candor compels a contrary statement. Besides, although it was destroyed by fire long ago, pictures of it are still extant and prevarication would be useless. It stood at a corner on Center Street, a grim, nondescript structure without beauty or grace or any other aesthetic feature calculated to invite a second look. The lower floor was made up of two large rooms at the front, and two small ones at the back. The upper floor had been designed for use as a theater. It consisted of one large room and a stage—both so utterly bare and gloomy as to make inappropriate any form of entertainment except tragedy. The rooms on both floors were, of course, supplied with desks and other school facilities, the appearance of which, as I am sure you will be glad to know, I do not remember well enough to describe.

The prescribed entrances and exits were from the east and west sides; but there were also exits from the front involving a perpendicular descent of some four feet to the ground. Since their use, however, necessitated a flying drop to a very hard sidewalk, these exits were utilized only by one hardy enough to face the risk of having his back bone driven into the lower part

of his skull as a result of the impact. It is unnecessary to add that this alluring risk really brought them into general use.

I had heard such enthusiastic praise of the Academy that the reaction to my first view of this building was one of doubt and disappointment. Fortunately, the building was not the school, but only the house in which the school lived; and the discovery of the school itself was as though I had opened a rough shell and found a pearl. The soul of this school was Karl G. Maeser; and when I came, as I soon did, to realize the tremendous import of that fact, the ugly structure ceased to trouble my eyes, my doubts vanished, and were replaced by the comfort of certainty and a feeling of deep content.

Dr. Maeser's knowledge seemed to reach into every field. Of course, there were limits; but they were not revealed to me during my course at the Academy. That he was an accomplished scholar I knew from the first. But the extent of his learning so grew before my vision as time went on that my constant emotion was one of amazement. I think there were days when I would have taken my oath that if the Rosetta Stone had never been found, nevertheless he could have easily revealed the meaning of the Egyptian hieroglyphics. He spoke with a decided accent; but his mastery of the English language, of English literature, and of the English way of thought, was superb.

He loved the calling of a teacher as a great painter loves his art, and pursued it with equal fervor. He was indefatigable. His work was greater than two teachers should have been asked to do, yet he was always ready to do more. Three of his pupils, for example, were reading Caesar under his careful instruction. It occurred to them that they would like to take Greek. Upon being asked what he thought of it, although over-

burdened, he promptly said, "We shall begin on Monday"—and we did. Greek suggested Aristotle; Aristotle suggested logic. We sought and obtained the good doctor's favorable opinion and that study was added to his list in the same laconic fashion.

At the age of 73, this eminent scholar and gracious friend passed to his reward, worn and tired after his years of toil; but one who knew him can well believe that when he entered the presence of his Maker his first inquiry was not for a place of rest but for something to do.

When Reinhard Maeser, many years ago, was gathering material for the biography of his father, I wrote him as follows:

"Dr. Maeser was not only a scholar of great and varied learning, with an exceptional ability to impart what he knew to others, but he was a man of such transparent and natural goodness that his students gained not only knowledge, but character, which is better than knowledge. I have never known a man whose learning covered so wide a range of subjects, and was at the same time so thorough in all. His ability to teach ran from the Kindergarten to the highest branches of pedagogy. In all my acquaintance with him I never knew a question to be submitted upon any topic that he did not readily and fully answer. In addition to all this he had a wonderful grasp of human nature and seemed to understand almost intuitively, the moral and intellectual qualities of his students. He saw the shortcomings as well as the excellences of his pupils and while he never hesitated to point them out—sometimes in a genial, humorous way—it was always with such an undercurrent of kindly interest that no criticism ever left a sting. He was, of course, an ardent believer in the doctrines of his Church, but with great tolerance for the views of those who differed with him in religious faith. I came

to the old Academy with religious opinions frankly at variance wtih those he entertained, but I was never made to feel that it made the slightest difference in his regard or attention. The same, I may say in passing, was true of all my relations with all my classmates at the Academy.''

Dr. Maeser's ability to teach, as I then said, covered the entire field of learning, including that of teaching others to teach; but far more important than anything else, he was a teacher of goodness and a builder of character. He believed that scholastic attainments were better than riches, but that better than either were faith, love, charity, clean living, clean thinking, loyalty, tolerance and all the other attributes that combine to constitute that most precious of all possessions, good character.

Good character does not consist in the mere ability to store away in the memory a collection of moral aphorisms that runs loosely off the tongue. Seneca gave the world a book of beautifully-written moral maxims; but he stood in the Roman Senate and shamelessly justified Nero's murder of his own mother. Character to be good must be stable—must have taken root. It is an acquisition of thought and conduct which have become habitual—an acquisition of real substance, so firmly fixed in the conscience, and indeed in the body itself, as to insure unhesitating rejection of an impulse to do wrong. In that sense and to that end, Dr. Maeser was a builder of transcendent power.

There are many persons who seem to think that character in some mysterious way comes of its own accord, and not as the result of precept and example, effort, sometimes hard struggle and self-restraint. Among them are those who take no alarm at the discovery of vice or evil thought among the young, but who say, ''Youth must have its fling. Let the boy sow his wild oats. He will

in good time see for himself the error of his ways and, because of the knowledge gained from experience, be all the stronger to resist future temptation" They are the same people, or cousin to them, who think it is wise to let children contact smallpox in order to become immune for the future. Both notions are fallacious; and I can imagine with what scorn Dr. Maeser would have denounced the wild-oats delusion especially, as a dangerous and abominable doctrine.

For there are consequences resulting from vicious or criminal conduct which in spite of reformation will too often persist. While reformation may bring security for the future, it does not eradicate the past. As a physical injury leaves its permanent mark on the body, vicious habits leave their scars upon the soul. A knife plunged into the living flesh may be pulled out; but who can pull out the wound? And even after the wound has been cleansed and closed and healed, a serious weakness may remain as a lasting plague to the body. Moreover, the abandonment of bad habits that have been often indulged is by no means easy. The will to do better may be so undermined and enfeebled as to leave the indulger with little power to exert it effectively.

Character is not something we are born with, like hunger and thirst. The new-born babe has neither good nor bad character, for it has no character at all. It reacts to physical stimuli, but cannot react to any moral appeal because its state is one of entire innocence, a purely passive quality, which connotes the absence of ability to distinguish good from evil, as we are told was the state of our first parents before the fall. But as the child grows, the difference between good and evil must be taught; for if not, there is danger that he will drift into doing wrong things instead of right things. The parents are the natural teachers; but aside from the fact that they are

not always good teachers because of ignorance or their own lack of character, the time soon comes when the child goes to school, and comes under the control of teachers who can, if they will, exert a potent influence in giving proper direction to his moral development.

The most impressionable years of a person's life are those he spends in school. The character he then forms, in the vast majority of cases, will determine the trend of his character as long as he lives. The most critical of these years are those devoted to the higher schools, including the university. Youth is the seed-time of life, when the soil is more ready for the sower than it ever will be again. It should, therefore, I firmly believe, be the duty of every university, to extent of its ability, to see that its students are advanced not alone in scholastic attainments but in moral quality as well. But too often moral development is left to make its way unaided by the guiding voice of the teacher. The duty of maintaining and advancing the morality of the student is brushed aside as being outside the scope of university training.

To me it is a matter of extreme satisfaction that the contrary philosophy of Dr. Maeser has always prevailed and still prevails in this University, with the result that an unusually large proportion of its young men and women have gone forth to the world with character permanently established and made safe against impairment. The inquiry which God will make in passing judgment upon you, I imagine, will not be, how far have you gone in higher mathematics, how many languages have you mastered; but what is your character. All of us properly set a high value upon education; but we infinitely prefer an ignorant man of good character to a learned one steeped in vice. The obligation to achieve your aim if it be worthy—that is to say, to be a good

lawyer or a good doctor or a good banker, or whatever else you have set out to be—is a serious one, to be sure; but it sinks into nothingness compared with the obligation to be a good man.

You who are finishing your course of study here today are to be congratulated upon the opportunities you have had. When you offer your services to the business or professional world, those who know this school will have little trouble in respect of your moral qualities. Your diploma will constitute, prima facie, a certificate of good character. If here and there it shall turn out otherwise, we may be sure the blame will rest with the individual and not with the school.

I hardly need remind you that the education you have now had is not the end of intellectual effort; it is, in truth, only the beginning. The end will never come so long as you choose to go on. The important thing you will have gained from your indoor experience here is a trained intellect which will enable you to learn more readily and thoroughly the lessons that are set for you outside. Here you have participated in the moot encounters of the classroom; there you will find yourselves engaged in real though bloodless battle, where the contest is keen and quarter may not always be given. A merely brilliant intellect is not enough. Solid attainments and work—always work—are the indispensable requisites for victory.

This University has an enviable standing wherever it is known. Two years ago, upon the invitation of President Harris, I was a delegate to the convention in Washington of the Georgetown University in celebration of its 150th anniversary. Delegates were there from most of the large universities, some of whom I already knew; and from these came words of such high commendation of our University that I was made very happy. I am proud of the school; proud of

its history, its growth and its achievements; and especially am I proud to be one of its alumni.

These more-or-less relevant observations might well be ended at this point; but I must, before concluding, say a word about the students of the first years of the Academy, so few of whom, alas! are left to hear or read it. The youngest of them, if still living, will be well beyond the allotted three-score years and ten. It is only of these students, however, that I can claim to have any really substantial memories. And these memories do not bring me beyond 1881.

As the eyes of my memory follow the long path back to that far time, and the immediately-preceding years, I see not the few who, broken with age, still survive, but the many then alive whose fine young forms and faces, vibrant with life and energy, transformed the unsightly Lewis building into a place of great beauty. There never has been anywhere a group of students of finer quality.

With rare exceptions, they were diligent workers. The shirks were easily counted and readily shunned. They came to the Academy as the result of economy and sacrifice on their own part or on the part of others; and each of them realized to the full the necessity of devoting every energy to study while there in order to reap the benefit of a hoped-for career in the future. They were earnest, sincere, serious-minded, well-behaved, clean of thought, comradely, and anxious to know and do the right thing. Poor in circumstance, they were rich in the attribute of high resolve. Each of them subsisted on about fifteen dollars a month, and absorbed fifteen dollars worth of learning per day. They came knowing what they wanted, and determined to obtain it in full measure, however severe the effort. How well they succeeded is disclosed by the history of

the Territory, State and Nation, in which the names of so many of them will be found on the roll of honor and high service.

To those former students of the old Academy I am under a heavy debt of gratitude; for they included many who brought friendships that have weathered all storms and held fast against differences of opinion, long separations, and all the other interferences that attend the flight of time. The greatest debt of all is that among them I found the attractive young friend who later became my wife, and whose love and helpfulness have blessed the more than half-century of companionship that has followed.

One of these loyal friends I saw for the last time a few years ago. She was deep in the work of the Church, and we talked about it and spoke of the fact that I was not a member. When we had finished I said to her, half jocularly but with no thought of irreverence: "Well, I am getting old and cannot expect to go on much longer. I suppose you have made up your mind that if I go to any heaven at all it will not be yours; and perhaps you will not care to see me on the other side, even as a visitor." She replied with great earnestness: "We have always been glad to see you in our homes here; and you will never be less welcome in our homes there." As I took her hand to say good-bye, she said, "Till we meet again—wherever it may be."

And so, I like to believe that the friendships which began so long ago will never grow less; but that the warm handclasps these old friends gave each other when they met in this life will be no less warm when, after the western sun shall have gone down for the last of us, we shall, in the light of another morning, meet again.

Whoever, being old, has not old friends or the memory of them, has missed one of the sweet-

est and most comforting things that can attend him as he approaches the inevitable end. Old friends! Old friends! The very utterance of the words brings a glow of warmth to the heart and bids us have faith that

"They do not die
Nor lose their mortal sympathy,
Nor change to us, although they change."