

## Brigham Young University Law School BYU Law Digital Commons

---

Vol. 1: Answering God's Interrogatories

Life in the Law


---

10-16-2002

# Truth: A Shield to Memory

Marion D. Hanks

Follow this and additional works at: [https://digitalcommons.law.byu.edu/life\\_law\\_vol1](https://digitalcommons.law.byu.edu/life_law_vol1)

 Part of the [Ethics in Religion Commons](#), and the [Legal Ethics and Professional Responsibility Commons](#)

---

### Recommended Citation

Hanks, Marion D., "Truth: A Shield to Memory" (2002). *Vol. 1: Answering God's Interrogatories*. 20.  
[https://digitalcommons.law.byu.edu/life\\_law\\_vol1/20](https://digitalcommons.law.byu.edu/life_law_vol1/20)

This Unto What Were Ye Ordained? is brought to you for free and open access by the Life in the Law at BYU Law Digital Commons. It has been accepted for inclusion in Vol. 1: Answering God's Interrogatories by an authorized administrator of BYU Law Digital Commons. For more information, please contact [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu).

# Truth: A Shield to Memory

*Marion D. Hanks*

The one thing that a lawyer (and any other human being) needs to do is continue to broaden his or her exposure to that which is delightful, good, and uplifting in this world, limiting, to the extent possible, the opposite. Perhaps you are acquainted with the statement, “God will hold us responsible for all the lovely things we did not enjoy in this world.”<sup>1</sup> So we need to enjoy lovely things. I learned this from my mother. She was a very special, lovely person.

My father was a lawyer and a judge in Salt Lake City in days long ago. He died early in his 46th year from peritonitis that he suffered while sitting on a murder case. He went home one evening quite sick, but had some relief during the night, so went back and finished the case. When he reached the hospital and they opened him, there was not a thing they could do—no medicine in that day. So my mother had to kneel by his bed and, in response to his plea, ask God to let him escape from pain that he felt he could no longer endure. She did not want to do that. But she finally did, and he was released.

I watched my mother spend a lifetime holding us together, not with entreaty or admonition or tears or great emotion, but through her strong heart, her love for the Church, her faith, and her sense that we could do it. She had the ability to communicate to us that, if we stuck together, worked hard, lived simply, and came to understand that we are not here solely to serve our own purposes—if, in a sense, we followed the life of the Lord—we could make it.

Among the things she gave us was exposure to literature. One of the pieces of literature I read was Tennyson’s *Idylls of the King*. Do you remember the story of Gareth and Lynnette? Gareth was the last son of a family of knights and a lesser king and queen. His father had served as a knight and

now was just a memory of a man, lying inert by the fireside, unable to function because of his wounds and illness and age. Some of his brothers were knights at Arthur's table and Gareth wanted to be a knight. He had a special agenda of his own. His mother tried to talk Gareth out of becoming a knight. She argued, in summary: Your father has all these estates. You are a prince. Why not just stay home and enjoy the "perks" of your fortunate birth and all this affluence? This was Gareth's response:

Mother,

How can ye keep me tether'd to you . . . !  
 Man am I grown, a man's work must I do.  
 Follow the deer? follow the Christ, the King,  
 Live pure, speak true, right wrong, follow the King—  
 Else, wherefore born?<sup>2</sup>

As the adventure continued, Gareth prepared himself for that kind of a quest—a lifelong quest.

As we think of the profession you are preparing to enter, we are thinking about an honorable and elemental need in human society. We are thinking about a broad view of life, a philosophy of life, and a set of values that can carry us into conflicts with a knowledge of who we are and what we believe, values that will permit us to respond to the adversities of life with clarity—not easily, but with clarity. When we think of being people who can be described as living the pure life, of speaking the truth, and righting wrongs, we are describing the expectation that we hold, and society may hold, for those who practice or represent areas of the law.

### Living Pure

I was in a Boy Scout meeting years ago in New York City when Thomas Watson, then chief executive officer and major owner of International Business Machines, finished his second term as president of the Boy Scouts of America. Thomas Watson later was ambassador to Russia; during World War II he was a decorated flyer; he had more millions than most of us have hundreds. He was born to it, and he had been married for 38 years to the same beautiful wife, who sat by him at that meeting. He was one who was quietly committed to abstention from those enticements of society that often go with his station. Thomas Watson was a clean, decent, honorable, wonderful man, and I will not forget what his 8- or 10-minute valedictory was based on that night.

He said there were two nights in his life more important than any others. He mentioned only one. At age 12 he went to his first Scout meeting to learn how to become a Tenderfoot. He went, he said, in fear and trembling. He was the heir of great fortunes even then. He did not mention any of that,

but just said, “I went to my first Scout meeting and there a Scoutmaster spoke to us about the pure life. It was one of the two most important nights of my life.” He did not speak longer or extenuate that idea—he just said it. And everybody there got the message. This is the kind of life that, while his money would buy him most things, had been the stable, strong, steady course for him. I saluted in my heart such a man.

In Doctrine and Covenants 100:16 we read that God will raise up for himself a pure people and, again, that we who represent him in any way should purify ourselves, purify our hearts, as we go into the fray. It is my honest conviction that unless we are willing to live the pure life, speak truth, and right wrongs—or undertake to do so—we are missing the foundation of what can be and is meant to be a wonderful and beautiful life.

There is a statement by Mr. Churchill that I want to share with you. Let me read what he wrote about the way we live. It is, as Socrates said, not just any kind of an argument in which we engage—it is the argument of how a person shall live. And this is what Winston Churchill wrote and spoke in the House of Commons in 1940:

History with its flickering lamp stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days. What is the worth of all this? The only guide to man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, however the fates may play, we march always in the ranks of honor.<sup>3</sup>

I have on my office wall two framed pictures. One is of Sir Thomas More, the other of Abraham Lincoln—both great lawyers. And of Thomas More I have read considerably his quotations, his life, his response to Henry VIII’s invitation to lose either his honor or his head. It was an easy decision for him—though not easy to carry out—for there was no other answer. He would surrender his life, his head to the guillotine, but never his honor. In the play *A Man for All Seasons*, which portrays the life of Sir Thomas More, there is this interesting little exchange:

Sir Thomas speaks of needing respect for his own soul, and Cromwell, furious, replies,

A miserable thing, whatever you call it, that lives like a bat in a Sunday School!  
A shrill incessant pedagogue about all its own salvation—but nothing to say  
of your place in the State! Under the King! In a great native country!

Conscience compared to that? More answers,

Is it my place to say “good” to the State’s sickness? Can I help my King by  
giving him lies when he asks for truth? Will you help England by populating  
her with liars?<sup>4</sup>

And to the common man, the commentator says,

It isn't difficult to keep alive, friends—just don't make trouble—or if you must make trouble, make the sort of trouble that's expected.<sup>5</sup>

There is before anyone who is in the practice of the law the absolute certainty of many difficult questions and the absolute assurance that, if we are committed clearly and early to the idea that there are some things that are wrong and some things that are right, we will make those decisions with correctness and integrity and the shield of memory and conscience that will permit us to live.

Now, at the cost of reading a little, I would like to share with you the testimony of Charles Malik. You know him as a great man and an internationally important statesman, who once served as general secretary of the United Nations. Pay as close attention as you can, because his words are meaningful and significant:

There is truth, and there is falsehood. There is good, and there is evil. There is happiness, and there is misery. There is expansiveness, and there is self-withdrawal. There is freedom, and there is slavery.

There is that which ennobles, and there is that which demeans. There is that which conduces to strength and health, and there is that which conspires to weakness and disease. There is a climate of confidence and trust and peace, and there is when the spirit of contradiction and conflict hits you in the face. There is that which puts you in harmony with yourself, with others, with the universe, with God, and there is that which alienates you from yourself, from the world, and from God. There is that which makes you feel certain and confident, and there is that which insinuates doubt and uncertainty in your soul. There is that which makes you decisive, and there is that which causes you to waver and equivocate. There is that which opens every pore of your existence to the whispers of being, and there is that which causes you to shut up like a clam. There is when you see God on the face of every man you come across, and there is when you pass men by without even noticing them.

There is when you want to dance and sing, and there is when you have no desire to move or look at anything. There is when you love children and old women and flowers and the drifting clouds and the raging waves, and even the rocks and stones; and there is when you hate everybody and everything—above all, yourself. There is real ecstatic mastery over every impulse in your being, and there is awful flabbiness whereby everything sweeps you away with it. There is life and fullness of being, and there is tending subtly, gradually toward nothingness and death.

These things are different and separate and totally distinguishable from one another. Truth is not the same as falsehood, happiness is not the same as misery. We will not be far wrong if we say the first elements of these 17 pairs all come from the living God, and the second elements all from the devil.

The greatest error in modern times is the confusion between these orders of being. Nothing is anything firm in itself—this is the great heresy of the modern

world. But, there is no power on earth or in heaven that can make falsehood truth, evil good, misery happiness, slavery freedom.

Then he talks about philosophers in the great centers who make it all a matter of definition. He finishes:

How do we become true and good, happy and genuine, joyful and free? Never by magic, never by chance, never by sitting and waiting, but only by getting in touch with good, true, happy, genuine human beings, only by seeking the company of the strong and the free, only by catching spontaneity and freedom from those who are themselves spontaneous and free.

And then Malik makes a promise about “the sharpness of perception” that will help us

differentiate unerringly between the true and the phony, between the beautiful and the hideous, the noble and the mean. You will also develop the ability to blush, the ability to cry and shed tears, the ability to repent, the ability to fall on your knees and pray, the ability to become a real moral human person.

He encourages the reading of the gospels and the Psalms regularly every day, meeting the deepest and purest saints, faithfully serving your church, and practicing the great art of mental and moral discipline. He says,

I guarantee you two things: first, that you will experience in your own life and being a taste of what is beautiful and strong and certain and free; and second, you will develop such a sharpness of vision as to distinguish the true from the false whenever you come across them. And both your being and your vision will grant you some knowledge of God.<sup>6</sup>

### Speaking Truth

Of speaking the truth, Sir Thomas More and Charles Malik are wonderful examples. There are others. A 13-year-old boy, after a nervous interlocutor approved his spelling of a word in the national finals, returned to his seat and thought it over. Then he went back, tapped the man on the shoulder, and said, “I think I spelled that word wrong, sir.” He had, and he lost. Not long ago, the United States golfer of the year marked his score card wrong and was not caught in the act—he did it totally inadvertently. But he thought it over, considered it carefully, and withdrew from a tournament he was leading, and, when somebody tried to congratulate him, just said, “Why you may as well congratulate me for not stealing somebody’s wallet or their automobile. It was a mistake, it was an error, and there are rules against it. There is no other answer than to acknowledge that I inadvertently made that mistake and pay the penalty.”

An outstanding all-American basketball player at BYU once came to talk to me about going on a mission. He said he would rather not go now, but

there were those who told him that if he didn't go now, he would never go. He was halfway in his college career. I asked, "What do you really want to do?"

He answered, "I want to finish, and then go on a mission."

I said, "You know the risks—people have been honorable in trying to help you identify them. You will find a lovely girl—maybe you already have—and you will want to marry. You will probably have a contract to play in the NBA. You will have scholarships through the NCAA. You will have a lot tougher decision to make, so you had better think it over. As far as I am concerned, I would not tell you what to do. You decide. You pray enough and think enough and look ahead enough and, if you think you can make it and must have a mission, then you will make it. Other things will have to wait."

I met him next when he was assistant to the president of a mission in New Zealand, after he had become all-American, received his \$1,000 NCAA scholarship, turned down a contract in the NBA, and gone on a mission. I have never heard a missionary voluntarily selected from his peers and spoken of as that young man was, without my ever asking anybody, "What do you think of him?"

But I tell you this not for any of that. He was running an old 16MM movie machine. While he was showing the film, it somehow got caught and tore. The man who was conducting the meeting said something like, "We will just wait for you. Just go ahead, Elder. Those machines have a habit of doing that."

He said, "Maybe they do, President, but, in fact, this was my mistake. I fed this wrong." It was that simple. He didn't have to say that for us; apparently he had to say that for himself. I could give you a hundred other incidents picked up around the earth of people who somehow speak the truth.

A boy was playing in the finals of a Church volleyball tournament in the Deseret Gym in Salt Lake. His dad was in a meeting at the university stake. He kept looking at his watch. I finally said to him, a little bit bemused, "President, where would you rather be than here?" Not knowing that he had been observed in his repeated references to his watch, he said, "Why, no place, Brother Hanks. I'm happy to be here." I said, "C'mon. Something is going to happen in about 10 minutes. We're going to be starting a meeting here. Where would you rather be?" He resisted a little and then said, "Well, to be honest, my two sons are playing in a volleyball championship at the Deseret Gym at seven and I'm kind of concerned." I said, "Your sons are playing in a championship game and you're here? What are you doing here?" He said, "You called the meeting." I said, "For you, I 'uncall' the meeting. Go!" He said, "You mean it?" I said, "Look, we've got a lot of meetings tomorrow if you like meetings. Go, and be with your sons."

He went. He spoke the next morning as a counselor in the stake presidency. He said, "We won last night." He told the little story of our having

sent him on his way—he wanted that heard. I believe with all my heart that there was one place more important than the other right then for him. Well, the story he told was of having won the previous night, but he said,

That really isn't what's important. Last year my same two sons in the finals of the same tournament lost, and we'd been hoping that maybe what happened then would turn out happily in every way for the 15-year-old, who was responsible for his team losing.

The story in a word: two games each, the score 14–13, our serve. Our side served; they returned it. There were great digs and hard smashes at what looked like hills dug out of the pavement, until finally a big kid on this side jumped way over the net and hit that ball a hundred miles an hour right through the other team and out of bounds. The referee said, “Game. Match. Championship,” and all broke loose. Everybody in the stands was yelling and screaming, until the referee climbed down from the net, walked toward our side, and stopped in front of my 15-year-old son. When the sense of what was happening swept that place, it was as quiet as a tomb. The referee said incredulously to my son, “What did you say?” And he said, “Sir, the ball touched me.”

That meant before out of bounds; that meant no point, no game, no match, no championship. The referee climbed back up the ladder, tossed over the towel. We served; they served, made three points, and won it 16–14. Then it happened. I stood with his mother, who had been there watching this event. My son, 15 years old, had just cost his team the championship, when nobody knew that ball had touched him on its way out—only he knew. He stood there with his shoulders squared, his head hanging a little.

The normal exultation of the winners was muted. The first man to my boy was his brother, a year older, who put his arms around him; then came the four other kids on our team, then those who were on the bench at the moment, and then the six guys playing on the other side of the net and their substitutes and coaches—all surrounding my two sons, with tears and quiet respect.

I am not exulting because of a won or lost ball game. I had the honor to be the father of a son who at age 15 was that kind of a man.

And when I stood up I said, “President, if I were ever again a mission president, I'd sure love to see that boy coming.” If I were ill and needed help and he had become a doctor, I'd know to whom I'd go with confidence. Or if he were to be a lawyer or a farmer or an insurance salesman—this boy would have it already figured out. Speak true.

### Righting Wrong

Now let me just finish by noting that third remarkable element in Gareth's projection for his future: “Follow the king.” To him this meant not simply living a pure life and speaking the truth, but something else: righting wrongs. And in righting that which is wrong there is frequently a certain amount of trepidation. Let me give you one little, simple example of what is sometimes wrong.



Maxine and I heard and later read the story of a man named Mike Gold. He was head of the Communist Party in the United States of America. Mike Gold was a Jew brought up in a ghetto, not permitted to leave the ghetto because of the circumstances of the world in which he lived. But there came a day when he had to go to school. His people were orthodox Jews and lived a rigorous Jewish life.

When Mike went to school, his parents had their hearts in their throats, I suppose—and justifiably, because one day he came back battered and beaten, his clothes torn, his little face bloodied and cut. His mother took him in her arms and rocked him, and after awhile, when she had cleansed his wounds and comforted him, said, “Mikey, what happened to you?”

He said, “I don’t know.”

She said, “Well, who did this to you?”

He said, “Some boys.”

She said, “Why?”

He said, “I don’t know.” They rocked awhile and then he looked in her face and said, “Mamma, what’s a kike?” She explained that was a not-too-pleasant name for Jewish people. They rocked some more and then he looked up into her face and said, “Mamma, who is Jesus Christ?”

And she said, “Christians believe in him as their savior. Why, Mikey?”

He said, “They all chased me and threw rocks at me and when they caught me all these big boys hit me and knocked me down and kicked me, called me a kike, and said that I had killed Jesus Christ and so I was getting what I deserved. Who is Jesus Christ?” Mike Gold used that little incident to justify the choices he made in the whole course of a lifetime. He didn’t like America, and he certainly didn’t like Christians, and he abominated the name *kike* and the name *Jesus Christ*. Right wrongs.

I had the honor to listen to a radio broadcast between a man named Thomas Dooley and an older physician. Dooley, sometimes called “the physician of the jungle,” was in the hills of Laos, where he had gone to help those poor beleaguered people. Now, after the war, he was over there spending his full time, not in the costly, pretentious, and rewarding ward rooms of the East where he had been brought up, but in the hills of Laos. This interview was to honor his birthday. I think he was no older than 31. He had come back to try to raise funds to help the people by establishing clinics. This is how the interview went:

“Dr Dooley, you are in some serious health trouble yourself. Yet somehow you seem able to overcome that, put it in perspective, and spend your time helping these poor people who are without medical resources. How can you do that? You are living, it is reported, on borrowed time.” It was true. He had leukemia.

Dooley’s answer was, “You’re right sir, I am living on borrowed time. So are you. And so is every other human being. What matters is not how much

time, not what I have left, but whether the days, the months, and the years the Almighty has allotted unto me are used in terms of human good. This,” he said, “I will do so long as I can continue to borrow time.” The phrase that sticks in my heart is his phrase “in terms of human good.” That’s how he would use his talents, his training, his strength, and, while it lasted, his time. He died, in fact, before his next birthday.

Now I’d like to bear testimony to you that I connect in my own lifetime and in my own discipline with the qualities of which Gareth spoke because the scriptures are full of them—to live pure, to speak true, and to right wrongs. In the practice of law we get plenty of opportunities to make decisions that relate to all of these things.

Whatever else we are, we are sons and daughters of God. We are children with a noble and wonderful heritage. We have life in a land which, with all its problems, is a good and marvelous place, but which can be incalculably better if those who create, apply, administer, and ultimately make judgment on its laws are the kind of people who have that shield to memory that comes only with the recollection that their choices have been right and sincere. I pray for you as earnestly as I know how, with not a lot of fantastic or foolish notions about what you face now and in the future, but with every confidence that there will be among you many who will not only serve the law but shape the law in accordance with your own concepts of integrity and decency and good conscience. May you love and serve with integrity the great, great field of human endeavor called the law, I pray, in the name of Jesus Christ. Amen.

*This fireside address was given at the BYU Law School on November 19, 1989. Reprinted from the Clark Memorandum, Fall 1990, 26–29.*

*Marion D. Hanks received his LL.B. from the University of Utah in 1948. He served as a General Authority 1953–92 and was named an emeritus General Authority in 1992.*

## Notes

1. Ancient Jewish proverb quoted by Rabbi Harold Kushner.
2. Alfred, Lord Tennyson, *The Poetical Works of Alfred Lord Tennyson* (New York: Thomas Y. Crowell, 1851), 210.
3. Robert Rhodes James, ed., *Churchill Speaks: Winston S. Churchill in Peace and War: Collected Speeches, 1897–1963* (New York: Chelsea House, 1980), 734.

4. Robert Bolt, *A Man for All Seasons* (New York: Random House, 1960), 89.

5. *Id.* at 95.

6. Charles Malik, "To Know the True from the False," *Reader's Digest*, August 1972, 84–85 (taken from an address at Oakbrook, Illinois, 1971).