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Tribute to Dr. I. Beverly Lake, Sr. - Foreword

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DEDICATION

The *Campbell Law Review* proudly honors Dr. I. Beverly Lake, Sr., because of his unbridled commitment to serve as an associate justice, teacher, and mentor for so many of his colleagues and students, by dedicating this edition of the Law Review to him. Although Dr. Lake continues to acknowledge his indebtedness to his former students for what they have taught him, it is those students, and the unfortunate ones who were not blessed with the pleasure to learn from his wisdom but who have reaped vicariously the benefits of his teachings, that ultimately owe the greatest thanks.

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TRIBUTE

TRIBUTE TO DR. I. BEVERLY LAKE, SR.

FOREWORD

DEAN PATRICK K. HETRICK*

I'm delighted the editors of the Campbell Law Review are recognizing Dr. I. Beverly Lake, Sr. by dedicating this issue of the Law Review to him. I have known Dr. Lake since he came to the still-developing law school at Campbell in 1979 to teach constitutional law. Some of the students who did not know him well had misgivings, noting that he was a "conservative," a nasty word in the late nineteen seventies. Yet, Dr. Lake's teaching style immediately put his students at ease. He would accept any viewpoint on constitutional law subject to the proviso that reasons be given and open and free debate be allowed. From the standpoint of academic freedom, he is truly a "liberal" who continues to be intolerant only of boundaries on open discussion and debate, including current politically correct limitations on freedom of speech and thought so prevalent in the academic and real world.

In addition to supporting Campbell's mission by making many long trips from the town of Wake Forest to the unincorporated village of Buies Creek to teach law, Dr. Lake has been a strong financial supporter of Campbell's law school. A generous endowment established by him provides cash prizes for outstanding papers in the constitutional law area. Through the years, he has helped judge the research papers submitted for the "I. Beverly

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Lake, Sr. Constitutional Law Award” and has rewarded excellence in scholarship and reasoning regardless of constitutional or political perspective.

Dr. I. Beverly Lake, Sr. also serves as a role model and mentor for Campbell’s law faculty members. In addition to excellence in classroom teaching, he was publishing meaningful scholarly articles on legal topics before most of Campbell’s current faculty members were born. What emerges from his writings is a thoughtfulness that always transcends the specific topic addressed in each article. For example, writing in the *Mississippi Law Journal* in May of 1937 on *The Use For Personal Profit of Knowledge Gained While A Director*,¹ he delves into much more than corporate law when he writes:

Conscience ranges ahead of Law and scouts unoccupied regions. Law moves ahead slowly after digesting the conflicting reports and recommendations brought to it by Conscience. Sometimes Expediency, Greed and Envy clothe themselves in the garments of Conscience and bring in false reports which lead Law astray It is well for Law to pause occasionally to ascertain, as nearly as possible, where it is, get fresh reports from Conscience, and consider them with the discretion Experience brings to the council.²

Writing again in the *Mississippi Law Journal* on competition in the public utility field, Dr. Lake astutely observes:

The channel through which the Ship of State is forever sailing in its quest for that elusive port, The Public Welfare, lies between the shores of Monopoly on the one side and those of Unrestrained Competition on the other. As we have come close enough to the shores of Monopoly to be scorched by the fiery breaths of the dragons inhabiting those regions, we have been prone to change pilots and select one or more who have steered us to the opposite shore, where we have found Free Trade to be a siren, who lures us into the clutches of Boom and Depression — the latter being sometimes known as Recession. Then we have thrown those pilots overboard with some of the crew for company and sailed off toward Monopoly again.³

Writing a decade later in 1948, this time in the *University of Florida Law Review*, Dr. Lake left the areas of corporate and public utilities law to deal with religious freedom in an article curi-

1. I. Beverly Lake, Sr., *The Use For Personal Profit Of Knowledge Gained While A Director*, 9 Miss. L.J. 427 (1937).

2. *Id.*

3. I. Beverly Lake, Sr., *Competition In The Public Utilities Fields*, 10 Miss. L.J. 197 (1938).

ously titled, *Freedom To Worship Curiously*. Lake's depth as a patriarch of twentieth century constitutional law is evident from his opening paragraph to that article:

The thought that a religion which has no effect upon the secular activities of its adherents is not a very good religion seems to be one point of agreement between the religious, the irreligious, and the indifferent. A casual comparison of religious literature of today with that of a century ago impresses one that there has been a shift in emphasis from debate about theological dogma toward discussion of business and social morality and ethics. One result of this is a blurring of the distinction between that which is religious and that which is secular. One evidence of it is seen in the growing inclination of organized religious groups to concern themselves with laws governing labor relations, and with international affairs and the like. Another is found in the rapidly increasing tendency to repeal or ignore "blue laws" restricting activities which may be engaged in on Sunday. The constitutional provisions which Mr. Jefferson termed "a wall separating Church and State" were designed to keep the area of religious thought, religious profession, and religious ritual free from state control, and perhaps also to keep religious organizations, as such, out of the councils in which laws relating to business and society are framed. Neither the federal nor the state constitutions use the expression "separation of Church and State," but only such terms as "law establishing a religion," "place of worship," "religious opinion" and the like. The "wall of separation" is at least in part composed of accepted governmental and church policies which are subject to change and do from time to time change. As organized religion becomes dissatisfied with the narrow confines of the philosophical corner into which it has been fenced by the belief that there is a sharp distinction between that which is religious and that which is secular, it tends to breach the wall and deny any such distinction, only to find that one cannot breach a wall from inside out while retaining it as a barrier to those who wish to enter. Thus, government, acquiescing in the abolition of the distinction between the religious and the secular, may assert its right to control that which was formerly thought subject only to the dictates of the individual's conscience or the discipline of his religious group. In such a condition one who wishes to comply with the principle, "Render unto Caesar the things that are Caesar's and unto God the things that are God's," finds himself in difficulties because the

familiar landmarks are gone, and he can no longer locate the limits of Caesar's jurisdiction.⁴

There is much more to Dr. I. Beverly Lake, Sr. than his numerous law review articles and treatises. He has served thousands of current North Carolina lawyers as a law professor at both Wake Forest's and Campbell's law schools. His public service includes thirteen years as an associate justice of the North Carolina Supreme Court. In addition, he has been one of North Carolina's leading private practitioners of law.

As the venerable patriarch of the current generation of North Carolina lawyers, he richly deserves this tribute from his favorite audience, students of the law.

God Bless You, Dr. Lake.

4. I. Beverly Lake, Sr., *Freedom To Worship Curiously*, 1 U. FLA. L. REV. 203, 203-04 (1948).