

# The Commencement Address

SOME TRADITIONS OF LIBERALISM  
IN AMERICAN LIFE

By FLETCHER S. RILEY, '17

**T**HE pleasure afforded by a visit to my Alma Mater, so replete with pleasant memories and affectionate regard for the faculty and the classmates of my day and time, is burdened with the consciousness that the honor and opportunity of speaking words of advice and admonition to these graduates might well have been left to someone more nearly equal to the task. However, undoubtedly, it is a distinct honor and privilege to discuss before you, principles vital to the plan of American institutions.

It has, in the spotlight of the public press, been observed that among you are Veterans of Future Wars, as well as future Gold Star Mothers. If this collegiate activity has obtained the result of reducing the probability of war, all should approve. But, perhaps little consideration has been given to the fact that among you sit Governors, Senators, Judges, Surgeons, Editors, Engineers, Educators, Merchant Princes, and Clergymen of the future.

The majority of these graduates, not desiring or destined to occupy public places, nevertheless in the performance of the duties of citizenship, from places of private and professional life, will, with no less honor, by precept and example, so mould public opinion that "Equal Justice under Law," and the common heritage of our democratic and free institutions will be the boon to the oncoming generation in America that it was to our fathers.

I feel that a more appropriate time and place for the consideration of fundamentals of government cannot be had than at commencement in this great seat of learning of our beloved progressive state.

The very history of Oklahoma is comparable with the idea of commencement. Oklahoma, the last refuge of the Redman—the last frontier! Within the short span of 300 years a nation was conquered and settled. Within that period just ended the white man's civilization absorbed and supplemented that of the native American. Within the memory of the living a pioneer folk from every state,

every nation and clime assembled here to devote their efforts, their lives, their all, toward the building of a commonwealth. To these rugged pioneers, it was a land of promise—a home—an opportunity—for them and for their children and children's children. This was and is Oklahoma.

How full and how well this Utopian dream of our fathers, pioneers and settlers, may be finally realized, depends in part, at least, upon the manner in which you, the leaders of the succeeding generation, acquit yourselves. A part of the future in Oklahoma is dependent upon the proper application of your now recognized and developed talents. Our state is yet in the formative stages, and happily so, for as such it is possessed of the versatility in thought and action that is required to meet a changed social and economic order. Our people are not so hide-bound with tradition that they cannot adjust themselves, individually and governmentally, to problems that arise in the modern day.

Universal and liberal education is now recognized in democracies as a necessary object of government. So I recognize the honor, opportunity, and privilege to address the descendants, sons and daughters of sturdy forbears, the most valuable products of a state endeavor in the field of education.

Throughout the land, the institutions of higher education, the universities and colleges, are this spring making their annual contributions to society. It is the responsibility of this host of young manhood and womanhood to carry into the new generation, not only the professions and the arts, not only the homely virtues by which all human endeavor is measured, but as well, the government, state and federal, that will administer to and regulate our activity. You will be guardians, not only of your own liberty, but that of posterity as well. During the day which already "stands tiptoe on the misty mountain tops," the welfare of mankind will be in your keeping. At its close you must give to posterity an account of your stewardship, and I repeat, the measure of accounting will be rugged virtues with which the individual and society has always been measured.

You cannot effectively stand guard during the watch that will be yours unless you know and understand the history and principles of our government—unless you know liberty's coat, and sense its value.

When last as a student I was here it

was on the eve of the impending catastrophe of a World War. It was as a lull before a storm. We were not aware that the seeming brilliance of our sun was the mere contrast of shadow emerging from Europe and the East. We were eager for the new order of things, and so we donned uniform, marched and counter-marched the campus, and actively sought to contribute our mite toward the expected improvement in a world wide rule of mankind. It is not amiss to mention George Anderson, "Big Andy" as he was affectionately known, a leader in student activity. He, I believe, was the first of the young Sooners to fall in battle. He typified a class for whom there was no commencement in peaceful pursuits of life beyond the campus.

We have learned much in recent years. The world was not made safe for democracies. To the contrary there has been a general decadence in parliamentary governments of the world, and it is now as real to us as it is true, that eternal vigilance is the price of liberty. We now well know that liberty, freedom, and democracy, in fact all the finer attributes of government, must be maintained by the efforts and struggles of each succeeding generation.

The survivors of the recent conflict have thus far waited in vain to overcome the cruelties, the sacrifices and the destructiveness of war. We have waited in vain the attainment of the fellowship of nations; the coöperation and peace that was to arise Phoenix-like from the ashes of ruin and devastation of the Great War. We now generally appreciate, that for the present, worldwide advancement in peace may best be taught by precept and example, and not by entanglements in foreign affairs.

We now appreciate more fully that enterprise oversteps the capacity of man; that safety of governments rests not always in the magnitude of armaments and the number of men in arms, nor in councils, but in commonplace prosperity and happiness of individuals; that small things and individualistic efforts, apart the way to happiness and prosperity, but that these things are difficult of attainment after expansion incident to wars.

We have learned, and we hope the world has learned, that, equipped as are modern nations, engagement may be had in wars to the extent that results are disastrous alike to victor and vanquished; that recovery from such a conflict cannot be had in a generation.

Our country engaged relatively late in the last war, losing relatively few of its young men, and sacrificing only a fraction of its national resources, yet is today staggering under the aftermath and effects of war and its resultant evils. During the post war period America's condition governmentally and materially has been far superior to that of most if not all other nations contacted as friend and foe

during the great conflict. Yet, the intelligent leadership of the present and future in America dare not remain idle and permit the frail bark, which carries all that is left of our boasted civilization, to drift near the dangerous rapids where lurks destruction.

We must rationalize a method of avoiding war. The supreme need, my friends, is for clear, courageous thinking on fundamentals of social order and civilization.

What is it to be an American? We speak a language in common with millions dwelling around the earth. It is not that. We profess a religion which long since left its imprint upon the mind and heart of the whole of western civilization. It is not that. We owe a debt to the great traditions of science, philosophy and art, but we do not question their origin or their source. To be an American is to be something not concerned with the language we speak—the religion we profess, nor yet the world's letters, or science, or art.

I think the distinguishing features of our country are found in the fundamental principles upon which we have for a century and a half been building a social and political state—to the end that government may be responsive to the needs of a people, that we may live happily, helpfully and safely together in bonds of unity, concord, peace and prosperity.

What are these principles that set our country apart from Great Britain, from France, Italy, and Germany? What are the forms to which we adhere to preserve our self-government and our traditions of liberalism?

Different observers answer in different ways, but I answer by indicating three fundamental principles of American governmental structures, that give us our national characteristics. These have enabled us to build upon the foundation laid by the fathers, the great nation entrusted to our care, and these are the structures that must be recognized in whatever amendments to Constitution, or whatever legislation is proposed or enacted to solve the present day governmental problems.

The first is our federal form of government. Every nation is either a solid political unit or a federation of political units. Most nations are solid political units. They are empires. The one and same political rule extends from center to circumference, and supreme governmental authority is found at the center. Whatever may be the relative advantages of that plan, it is different from the Federal sovereignty that is ours. Our Federal system was made by the people—it was constructed as a national government of specified and delegated powers, whereas the state governments, or the people, exercised all powers not so delegated. So we are afforded the anomaly of a sovereignty within a sovereignty. It

has been described by some as a circle within a circle.

The operation of the two powers has puzzled European observers from the founding day to this. Many wise men doubted the workability of the plan. It was predicted that these powers of government would overlap and interfere—that the one government or agency would exercise powers rightfully belonging to the other or another, and in some measure the prediction has been true, but common sense, and skill in statecraft has for the most part been able to resolve the difficulties.

The essence or beauty of our federal plan is that the states, as we know them, are responsible for local affairs and the national government as set up will confine itself to those matters of general or common concern which have been delegated to it, or are necessarily involved with granted powers. Occasionally there must be a re-examination of the powers and a defining of limitations. The founding fathers contemplated changes in conditions, and so provided for amendments. Jefferson well appreciated that laws and institutions must develop their functions with the progress of time, so that government would serve the needs of men. He said:

Some men look at Constitutions with sanctimonious reverence, and deem them like the Ark of the Covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment.

I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present, and forty years of experience in government is worth a century of book reading; and this they would say themselves were they to rise from the dead.\*\*\* But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the circumstances, institutions must advance also and keep pace with the time. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of barbarous ancestors. It is this preposterous idea which has lately deluged Europe in blood. Their monarchs, instead of wisely yielding to the gradual change in circumstances, of favoring progressive accommodation to progressive improvements, have clung to old abuses, entrenched themselves behind steady habits and obliged their subjects to seek through blood and violence rash and ruinous innovations which had they been referred to peaceful deliberations and collected wisdom of the nation, would have been put into acceptable and salutary forms. Let us follow no such examples, nor weakly believe that one generation is not as capable as another of taking care of itself, and of ordering its own affairs.

Withal, the elasticity of our governmental structure has been its strength. The United States has been able to grow and develop and yet to remain within

the original plan laid by founding fathers. It should ever be so.

It is the double sovereignty, with its elasticity, its division of powers, its appeal to local interest and loyalty that is the first of three characteristics that denote American social and political life.

Since the corporate and industrial development of the seventies, we have witnessed in every modern nation a progressive abandonment of *laissez-faire* economics. Contributing causes of increased governmental regulation have been exhaustion of natural resources, liquid wealth, and the required supervision of increased corporate wealth and unemployment incident to the mechanical age. In this direction we have been moving at an accelerated speed and hazarding security of the individual as we moved.

It has been pointed out by noted writers that as wastes and instabilities become more dangerous, the more essential it becomes for society to erect controls to preserve its life. And it has been suggested that the time has arrived to implement our national government with adequate powers to meet modern conditions. However this may be, we must not lose sight of the fact that we cannot depart from a dual system of sovereignty, and yet retain America.

The second fundamental which distinguishes our America is a written Constitution, wherein is incorporated a bill of rights.

Kipling tells us that:

All we have of freedom, all we use or know,  
This our fathers bought for us, long and long ago,  
Ancient rights unnoticed, as the breath we draw,  
Leave to live by no man's leave, underneath the law,  
Lance and torch and tumult, steel and grey goose wing,  
Wrenched it inch and ell and all slowly from the King.

Thus briefly we review the struggle that preceded the wresting of the Great Charter from King John at Runnymede and lasted until the capitulation of Cornwallis at Yorktown. The progress of that struggle is marked by Magna Charta (1215), Parliament (1295), Petition of Rights (1628), Habeas Corpus (1679), Bill of Rights (1689), Act of Settlement (1700-11), and in America the struggle to gain rights for freemen from tyrant kings and arbitrary governments is recorded in the Virginia Bill of Rights, 1776, and our Declaration of Independence. These documents, as declaratory rights of man, occupy lofty places in civilization's title deeds of liberty.

However, despite all writs of rights intended to govern governmental action of English freemen, history records that the policy of England with respect to the colonies was arbitrary—capricious. There were no adequate means of protecting those rights.

When the frame of our government was formed, the wounds inflicted upon the colonist by parliament and king, pretending to rule with unlimited power, were still unhealed. The framers of our fundamental laws were neither unlearned nor inexperienced. They were men of great vision, and as Jefferson said, deserved well of their country. Bryce said of the Constitutional Convention, that it was the "greatest body of men that ever sat in a single chamber," and, Gladstone recorded as to the result, the Constitution, that it was the greatest document ever struck off by human hand at one time.

The natural rights of man were enumerated in amendments. It was at first thought these rights needed no restatement. For at the time, these rights were fully recognized. Freedom of speech and press, the free exercises of religious thought and worship; the right peaceably to assemble and to petition the government for redress of grievances; speedy trial by impartial juries in criminal cases, equal protection of laws, restrictions against bills of attainder and ex post facto laws—against unreasonable search and seizure, against arbitrary arrest and imprisonment—these foundation stones of liberty were then gained by the people. These rights needed but final record and enduring application.

To preserve these rights essential to liberty of citizenship under law, the political power of the new government was recognized as vested in the people. That fact is said by some to have been gained from the Indian's conception of government as indicated in early treaties and federations of tribes. Therein it is significant the source of power is the people, not the rulers of the people. A representative form of government was provided, and to prevent concentration of governmental powers, the primary evil of despotic and tyrannical forms of government, the legislative, executive, and judicial powers were separated, but these great departments were made coördinate, subject to checks and balances.

By the definite personal rights enumerated the people reserved to themselves an area of free action—neither the state nor federal government could enter here. While it is true the English people possessed a bill of rights, their Constitution being unwritten and the sovereign power being vested in Parliament, emergency of government was established with power to limit the legislative oversteps, or encroachments into the confined and restricted areas.

By virtue of a written Constitution, and by provisions therein contained for a divided application of sovereign powers delegated, our people have prospered and succeeded, and, comparatively, they have retained and exercised more individual liberty or freedom of action. The Constitution as finally written was a composite of governmental wis-

dom, accumulated in more than seven centuries of struggle. It was a restatement of all the great rights which a free people possessed. In written form it was the cornerstone of a nation, the foundation of the law of the land. It was the first written Constitution in the history of the civilized nations of the earth. It embraced and provided for the protection of liberty of the individual. It was a monument erected to liberalism of the time.

The third fundamental principle of American social and political life is the judiciary and its recognized function of holding the federal and state governments within their proper spheres of activity.

In England our fathers developed a conception of natural and personal rights as against the crown; they asserted due process of law—they enjoyed the right not to be deprived of life, liberty, or property, but by the law of the land, a law which, hears before it condemns which proceeds upon inquiry and renders judgment only after trial, which is a government far apart from those that endure or sanction, by blood purges, liquidation of minorities and objectors, with attempted justification after execution. In America the judiciary reached full development as a separate and independent department of the state. It was not as in other countries and administrative agency. Its power, was developed in early decisions and extended so as to not only review legislative acts in the light of constitutional limitations, but as well it reviewed by this charter, the acts of the Legislature and of Congress.

In America we departed from the idea that sovereignty rested in Parliament.

In England the power ascribed to Parliament was so transcendent and absolute, said Blackstone, Coke, and Hale, that it

could not be confined, either for causes or persons, within any bounds, and if by any means, misgovernment should by reason of its acts, result, they said "the subjects of this kingdom are left without all manner of remedy." Not so in America. We here have written governmental guaranty and a provided means and forum, in the instrumentality of an independent judiciary, whereby the American citizen is protected and safeguarded not only against the executive usurpation, but as well against the entire power of the state.

This I regard as the greatest contribution which has been made to the science of government. For it is undoubtedly true that great conceptions of individual rights and an intelligent plan of divided sovereignty would exist only in the abstract, without an institution with power and authority to give effect to these features of the fundamental plans. Such an institution is the American judiciary.

We live in a new world of the Twentieth Century, born out of an industrial revolution and the settling of a continent. We are vexed with problems of great magnitude and complexity—perhaps as great as have ever confronted any people in any time of peace. We must face these problems with the courage and common sense displayed by our forefathers, the original Sooners. Invoking their memory, and adapting to ourselves their resourcefulness, we need not regard our fundamental law as forever crystallized or petrified—Indeed, the founders did not regard it as final. We may in government remould, grant and exercise powers commensurate with federal and state needs. But in whatever plan our statesmen submit to solve the problems of maladjustment and avoid future economic sloughs, we must not consent to abandonment of these fundamentals that distinguish American social and political life.

There is a great future for the graduates of the present day in America. Ours is a happier prospect. In government our people possess a real conception and understanding of liberty. After preserving for years our rights and liberty as subjects fearful of government, we approach the period when government is expected to ameliorate the chronic distressful and faulty afflictions of the people. This phase of government is new. Happily the problems are not all solved. The field is inviting and needful of the labors of the youth of the land.



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# Reunions ---

Classes of 1906, 1911 and 1916 had a great celebration during the Commencement-Homecoming period in June when they came back to the campus. Above, is shown the 1906 group at the '06 rock, and below the 1911 class-mates.