

RELEASE  
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ADDRESS

by

HONORABLE HOMER CUMMINGS

C. C.

ATTORNEY GENERAL OF THE UNITED STATES

Delivered

at the

DEDICATION OF THE NEW LAW SCHOOL BUILDING

ERECTED IN HONOR OF JOHN RANDOLPH TUCKER AT THE

WASHINGTON & LEE UNIVERSITY, LEXINGTON, VIRGINIA.

June 11, 1936

at

2 P. M.

Governor Peery, President Gaines, Distinguished Guests, Ladies and Gentlemen:

There is an indescribable charm in the very name of Virginia that makes her call, whether to one of her own sons or to one of a sister State, a command which may not easily be denied.

Her matchless contribution to the early glories of the Republic and her costly sacrifices to a principle which her people had been taught since the beginning of the Nation, have set her apart, as primus inter pares, in the community of States. The late Bishop Beverley Tucker, an illustrious kinsman of him whose name is associated with the building we are here to dedicate, caught this thought and feelingly expressed it in a poem commemorating Virginia's contribution to the Union. With a deep pride in her past and in prophetic vision of the future, he said of this old Commonwealth:

"She dowered the land with greatness  
And wrote thy illustrious name  
With deeds of her peerless children  
On the opening page of fame:  
And, like the wind in its swiftness  
She will come to the Nation's call.  
Wherever the fight is fiercest  
Or thickest the arrows fall,  
She will bring to thy aid and succor  
Her treasure and blood and all".

Stirred by these memories, I am happy in the opportunity of speaking today in Virginia to Virginia.

On my way from Washington to this historic spot, I turned from the road, a short distance from Luray, to enjoy the magic view of mountain and valley that makes of the Skyland Drive an unquestioned rival of anything to be seen in Switzerland or in the Pyrenees. There I found the small stone monument, which marks the point at which Sir Alexander Spotswood, Colonial Governor of Virginia, with his adventurous band of Cavaliers, called Knights of the Golden Horseshoe, first caught sight of the Shenandoah Valley. The date was 1716. At that time there was no English settlement beyond the Blue Ridge. The purpose of the expedition was not alone to discover what lay beyond, but to determine whether it might be possible to establish a settlement that would intercept communication between the French colonies in Louisiana and Canada. It was this same purpose that actuated the disastrous expedition under General Braddock, five decades later, which cost his life and brought fame to a Virginian aide-de-camp, named George Washington.

We are told that the Governor and his comrades were so stirred by the glorious expanse of woodland and field stretching before them, that they forthwith dismounted, fired a volley and enthusiastically drank a health to the King, in abundant bumpers of champagne. As I paused at the moment, I thought how little that group of administrators and explorers could know or even guess of the future of that great area which no white man had ever penetrated; or of the millions who would pour into it, and, with the vigor, the courage and the restlessness of the pioneer, press on and still on until they had covered every space from the Blue Ridge to the Pacific.

Among the settlers that the future was to bring were groups of

hardy Scotch-Irish from Pennsylvania and Carolina who, with a quick appreciation of the good things of the world, were content to pause in this beautiful valley of Virginia, to win its fertile soil from the Indians, to dot it with their farms, schools and churches, and to raise up men, whose courage and devotion, in a moment of the greatest peril to the Revolution, would wring from the heart of Washington this moving tribute:

"Leave me but a tattered banner of my country,  
and I will plant it on the hills of West Augusta  
and rally round it a band of patriots who will  
lift our country from the dust and set her free."

But these emigrants were not alone patriots and soldiers. There was implanted in their souls a love of knowledge, and a consciousness of the advantages of education. To that love and that consciousness Virginia and the Nation owe this ancient seat of learning, whose culture and influence, begun in humble surroundings, have spread from one end of the continent to the other. And let me observe in passing that it was well for Washington and Lee University that these men, who were its earliest sponsors, did not share the view of one of the most celebrated of the Colonial Governors, Sir William Berkeley, who, in his report to the Commissioners in London, some three quarters of a century after the birth of the colony of Virginia, said:

"I thank God we have no free schools or  
"printing, and I hope we shall not have for  
"one hundred years, for learning has brought  
"heresy and disobedience into the world, and

"printing has divulged them and libels against

"the best Governments. God help us from both."

I cannot claim for the great Virginian, in whose honor this building has been erected, that he came of this pioneer Valley stock; but his fine qualities of mind and character and his rich heritage were of peculiar value in the growth and development of this historic University to which he devoted the latter years of his life. His forebears were Cavaliers. His direct ancestor, St. George Tucker, the son of the English Governor of Bermuda and the first of the family to settle in Virginia, came at the age of eighteen to study at the College of William and Mary at Williamsburg. The matchless eloquence of Patrick Henry had already kindled the fires of the Revolution, and the little Virginia Capital was a hot-bed of revolt.

Inspired by the spirit of freedom abroad in the land, St. George Tucker, with pen and sword, took up the cause of the colonists. When, in the bitter time of disaster that succeeded Lexington and Concord, the overthrow of Washington's forces seemed inevitable, he conducted, with great courage and skill, a hazardous but successful expedition to the West Indies and captured a ship-load of gunpowder, which he brought back across an ocean infested with English ships of war, and delivered it at Valley Forge to replenish the exhausted supplies of the dispirited Continentals.

At the siege of Yorktown he took a soldier's part as Lieutenant-Colonel of a Virginia regiment; and at the time of the establishment of peace and the adoption of the Constitution, he was acknowledged as one of the leading men of Virginia. A teacher of law at William and Mary, a judge of the General Court of Virginia, a judge of the Court of Appeals, and finally a judge of the Federal District Court, he died in 1823, at an advanced age,

universally loved and venerated.

His son, Henry St. George Tucker, born in 1780, likewise attended William and Mary College. Later he served as a soldier in the War of 1812, and, soon after the restoration of peace, was elected to the Congress. At the conclusion of his second term, he declined a re-election, and after a short time spent in the State Senate of Virginia, became Judge of the Superior Courts of Chancery for the Winchester and Clarksburg Districts. This Court sat at Winchester, then a small and somewhat inaccessible town. There he organized a law school, to which were attracted students from all parts of Virginia and the South. In 1831 he was appointed President of the Virginia Court of Appeals. After a decade in that post, he resigned to accept a professorship in law at the University of Virginia. On his tombstone in the old cemetery at Winchester, near the head of the Valley, is inscribed this epitaph:

LEARNED WITHOUT PEDANTRY  
BRAVE WITHOUT AUSTERITY  
CHEERFUL WITHOUT FRIVOLITY  
GENTLE WITHOUT WEAKNESS  
MEEK BUT UNBENDING  
RIGID IN MORALS YET INDULGENT TO  
ALL FAULTS BUT HIS OWN.

His son in turn, whose memorial this building shall be, carried on the family tradition of scholarship, instruction, statesmanship and devotion to the public service. John Randolph Tucker, named for his distinguished half-uncle, John Randolph of Roanoke, was born at Winchester in 1823. He was thrice elected Attorney General of Virginia, and six times

a member of the national House of Representatives, where he served with distinction during a period of critical events in our national history.

An advocate of peculiar effectiveness, learned in his profession, a leader of the Bar, he relinquished his private practise and his official career to devote his undivided time to Washington and Lee University. From 1889 until his death in 1897, he presided as Dean of its Law School with the grace, charm and wisdom inherited from his forbears, leaving at his death his son, St. George Tucker, the namesake of his grandfather, and himself a distinguished jurist, lawyer, statesman and teacher, to continue the unselfish services that each generation in turn had rendered to State and Nation.

There are few American families with such an illustrious history. To have an opportunity to participate in the dedication of this building, about which hover the great spirits of the present and the past, is a moving experience. Here, in this beautiful environment, are the tombs of Robert E. Lee and "Stonewall" Jackson. From this neighborhood sprang that staunch old hero, Sam Houston, who gave Texas to the Union, and that sailor-hero, Matthew Fontaine Maury, known as "The Pathfinder of the Seas", who came back in his old age to die in the peace and quietude of this smiling land. Nor do I forget that it was George Washington himself, who turned over to this institution, as an endowment, the gift that came to him from the Legislature in recognition of his services in winning the independence of our country.

It is not strange that these men, their lives, their works and their memories, are of precious concern to Washington and Lee University and to the State of Virginia. Even those of us who were not fortunate enough to have been born within your borders can, I hope, without intrusion or presumption be permitted to take pride in your great traditions and to profit from

them amidst the pressing problems and perplexities of our own times!

I spoke a few moments ago of the pioneers who first penetrated this Valley. Consider their meager material equipment, but think too of their spiritual qualities, their superb faith, and the courage and self-reliance which enabled them confidently to face their unknown destinations and their unknown destinies! Let us not regard them as men apart. Indeed, the whole lesson of their lives would be lost to us should we conceive of them as possessed of super-mortal characteristics that rendered them immune to human fatigues and human discouragements. No, these were brave men, but still men, proceeding upon their great adventures - self-respecting, independent, alert, resourceful, full of the spirit of initiative and enterprise, prepared to face sacrifices and endure bitter hardship.

I am sure that this pioneer spirit has not perished from the earth. Change is ever with us. Ours is not now, and never has been, a static civilization. There are still frontiers to cross, for education itself, as I need not remind such an audience as this, is but an exploration of pathless areas to a better and more complete life.

We hear much talk of being in the midst of a crisis; but, in this environment, and at an institution where the memories of the men I have mentioned are held in eternal honor, need I stress the fact that every era is one of crisis and that each age is, and ever has been, one of change? Who, for example, better than the man to whom this building is dedicated, would appreciate that in the midst of a man-made world, just now suffering from a sense of moral frustration, no problem of Government is so difficult as the attempt to establish a true balance amongst the rights and duties, both individual and collective, that in the end determine the scope and



operation of justice? Who, better than he, would understand that justice in the modern state is a fabric of infinite pattern, and that the unending effort to grasp and apply its elusive significance should inspire us with hope instead of despair?

Here, in the presence of the sacred memories of those who have gone before, let us be of good courage and of good cheer! No living institution is ever finished; no rigid formula for the solution of human problems is ever apt to be devised. Here on this hallowed soil of Virginia, let us resolve to derive renewed inspiration from those who sleep around us, and who have shown us, in meeting the perplexities and difficulties of their generations, how to meet the challenges of our own!