

A

CHANGE IN
FLIGHT PLANS

by Lovisa Lyman



ROBERT PAYNE, NEWEST reference librarian at BYU's Howard W. Hunter Law Library, knew exactly what he wanted to do after he earned his JD from BYU in 1999: pursue an LL.M. in environmental law at the University of San Diego. He chose the San Diego program because it was a "focused advanced degree in an area of law that [was] difficult and lucrative." But in a matter of hours, one month before graduation, his plans fell apart.

It happened when Robert visited the San Diego campus and saw where he would be able to afford to live with his wife Melissa, three-year-old daughter Elena, and nearly-two-year-old son Jordan (they had recently discovered they were expecting a third child, to be Thomas). Robert, a totally invested father, couldn't countenance the idea of removing his family from their insulated Utah environment to live in such needy circumstances. Quickly he changed his flight plans—figuratively and literally—and returned to Provo, as certain as he had ever been that he was inspired to do so.

But because he had been planning on the master's program since the previous August, Robert had not actively sought a legal position. On graduation day he was jobless and directionless. He covered his back by picking up freelance research

projects from local attorneys and started to polish his résumé. It was roughly at this juncture that a two-year reference librarian position opened up at the BYU law library (Kristin Gerdy had accepted a visiting professorship at Temple's law school, which vacated the position). One of Robert's newly-minted résumés went to Gary Hill with an unusually sincere cover letter, which began: "I would like to be a reference librarian for the Law School. Never before, in my three years here, have I seen a job which I was more excited for, or daydreamed more over, than this position."

Although Robert's skills, interests, and abilities seemed to fit the job, his journey to law and librarianship had some major detours along the way. As an undergraduate, he majored in English, concentrating, he freely admits, on what he calls *DWEMS*—dead, white, European men—mostly romantic poets, and nourishing his love of research.

Librarianship was Robert's choice for a master's degree after he graduated, but there wasn't a library program at the University of New Mexico, and he wanted to stay close to his Albuquerque home. He began a graduate program in English with the understanding that he could emphasize library services, hoping to work in a university library and teach romantic literature on the side when he graduated.

He was not too far into the program, however, when his father became disabled. To help the family, Robert dropped out of school and got a job at an export/import firm in Albuquerque. The Spanish that he had mastered while serving a mission in Chile contributed to his success, as did other skills. His supervisor wrote about him: "Robert's keen sense of humor surfaces with excellent timing in ways to add to the productivity of the whole effort. He is an enthusiastic disciple of the traditional values of honesty, hard work, and loyalty, and I found these values were consistently confirmed in his performance."

Because of this business experience, Robert entered the MPA program when he returned to school. Very quickly he discovered this was not the program for him, and he switched to law, because "that was where everyone had been telling me I should go since my junior high days."

Not only did he like studying law, but he had ample opportunities to use his research skills. For three years he was employed as a research assistant to Professor David A. Thomas, two of which years he was charged with training Thomas' other assistants, assistants who now earn \$75,000 and more, Robert is proud to say. Thomas characterizes Robert as "a ferociously dili-

gent researcher" because of his excellent contributions as assistant to the editor-in-chief of the Thomas edition of *Thompson on Real Property* and as coauthor of two publications on methods of corridor preservation. Robert also worked as Thomas' teaching assistant for his first-year real property class.

Both his research and teaching were excellent training for Robert's qualification as a reference librarian with the particular assignment to coordinate faculty reference services. As do other reference librarians, he teaches modules of advanced legal research to the student body generally, but he also has the specific assignment of teaching legal research to the LL.M. students.

After several months in his new position, Robert still feels he has made the best possible decision for his family and for those he serves. "I want to help people find the answers they need. I want to do research and gain knowledge as part of my job, simply for the sake of gaining knowledge."

As for his future plans, Robert, as well as those he works with, hopes his appointment at the Law Library becomes permanent. He would also like to finally complete a library degree, perhaps by distance learning, and to teach an occasional class on campus about *DWEMS*. More than any of these things, though, he wants to have plenty of time to spend with his family. It is not unusual for him to literally run home during his lunch break to read a story to his children or to take them for a walk. It's at those moments that he is most thankful he has the opportunity to stay in Utah and at BYU.

W.**COLE****DURHAM****AND THE****MUSIC****OF THE****SPHERES**

by Scott W. Cameron

HAVE YOU EVER CONTEMPLATED the “music of the spheres”—that ethereal harmony the Pythagoreans attributed to the vibration of celestial bodies? On soft summer nights you may hear it as you close your eyes and visualize the orderly progression of the earth in its course around the sun, or you may sense it as you think upon the poetic movement of the galaxies in the immensity of space.

Amidst the harsh sounds of the 21st century, we view the universe too prosaically and are prone to attribute correlating occurrences to coincidence. However, a review of the academic and ambassadorial achievement of BYU Law Professor W. Cole Durham over the past two decades confirms the Pythagorean view that there is ethereal harmony.

Three weeks before the wall came down in Berlin in November 1989, Cole Durham was elected secretary of the American Society of Comparative Law (ASCL). Cole’s colleague at the Law School, Stephen Wood, who had considerable stature within the organization, was the chair of the nominating committee and put forward Cole’s name. Steve explains that Cole’s six years as secretary and then chair of the Law and Religion Section of the American Association of Law Schools (1981–1987), his receipt of a prestigious Max Rheinstein award to study in Germany, and his connections with

the Max Planck Institute for Criminal Law in Freiburg made him an extremely viable candidate.

Within two months of his election, Cole became a member of one of the first teams sent to then Czechoslovakia by the American Bar Association’s Central and East European Law Initiative. His expertise in German criminal law and the associations he made while researching in Germany assisted him in forging several teams made up of both European and American legal scholars. In this time of massive legal transformation in the former eastern bloc, Cole Durham was in a position to assist.

In addition to formal invitations, Cole became an itinerant ambassador in Central and Eastern Europe. With support from the Law School, he traveled through most of the eastern European countries during the months of April and May of 1990, taking overnight trains and spending the days meeting with people. He established ties with human rights organizations, Helsinki committees, and those in the legal academy. Cole was willing to talk to anyone with a link to the transformation of Eastern European society. He introduced himself as an officer of the American Society of Comparative Law, and hoped the door-to-door skills he learned in Germany as a missionary 20 years earlier would lead to other contacts. With the tremendous need for advisors in Eastern Europe and people hungry to discuss the challenges they

faced, Cole’s willingness to meet the people in their own cities and in their own homes was a valuable first step.

This whirlwind networking was enhanced by a second fortuitous event in 1991. George Fletcher, one of Cole’s professors at Harvard, who was then at Columbia, involved Cole in “Raising Rights Consciousness,” a one-month training program for talented young people in law from Eastern Europe. Others included on the faculty were Charles Fried, who succeeded Rex Lee as solicitor general, and distinguished Europeans such as Andras Sajó, who later visited at BYU. Of the experience Cole said: “While for 15 years I had taught students whose primary concern was, what job am I going to get, and what will my starting salary be? all of a sudden, I had people from all over Eastern Europe who were asking, how do we rebuild our world?” This experience awakened Cole to what a small group of people can do in terms of having an impact on the world. It also put him in contact with some people of influence who were involved with all kinds of law reform initiatives and were also sensitive about ways that those efforts could go awry.

While Cole’s instincts were initially academic, his background in comparative law sensitized him to what was happening in Eastern Europe, a change he describes as “being of a magnitude seen perhaps once in a century.” To add perspective Professor Durham notes, “While there is stress associated

with a legislative session each year in this country when legislators are meeting to merely patch up or amend legislation, try to contemplate the quantum increase in stress on a legislature that has an entire code to draft, starting from a point where nothing exists.” After teaching for two years in the Raising Rights Consciousness Program, Cole was asked to teach at the Central European University in Budapest. He has taught there every spring since 1994, having earned the designation of a “recurring visiting professor of law.”

Another important point of contact for Professor Durham also had its origin in the 1980s. The International Academy for Freedom of Religion and Belief (IAFRB) was organized in 1985, and Cole Durham was one of the founding members. In 1991 he was made a member of the board of directors, and in 1996, a member of the executive committee. This organization, because of the credibility and diversity of its board members and fellows, has turned out to be a particularly effective vehicle for carrying out multinational comparative conferences and consultations on religious freedom issues. The individuals involved in this organization are a veritable “Who’s Who” of religious freedom experts in the United States, Europe, and other parts of the world.

Professor Durham’s efforts to sponsor international conferences and publish a yearly international issue of the *BYU Law Review* over the past 15 years have helped pave the

way for expanded efforts in organizing conferences and promoting scholarly work in the field of freedom of religion. Since 1990, working individually and as a member of the International Academy Board, Professor Durham has organized more than 30 international conferences. Each October he has been able to sponsor many of these international scholars and leaders at a conference at Brigham

McKenzie had been hired to lobby the Russian parliament, which was considering a "draft law" on religious liberty. Bill suggested to his partner, Dick Johnson, that Cole Durham be hired to analyze the proposed legislation. Professor Durham spent the summer of 1992 working on a memorandum on the draft law. His memorandum was a scholarly analysis of each provision of the draft law and its strengths and weaknesses in

draft law in Russia began. By the third day, the Russians were saying, "Why do you keep talking about draft law? There is no draft law out there." Cole modestly remembers, "We had the feeling that we had sort of killed off a fairly dangerous draft."

Cole's work on Russian developments in late 1992 and early 1993 prepared him for a succession of subsequent efforts to help oppose or ameliorate problematic Russian legislation. Three months after the March 1993 conference, a different and even more restrictive draft surfaced. This had been percolating in back chambers of the Supreme Soviet during the spring and emerged unexpectedly in the summer. Cole was involved in u.s. efforts to oppose this legislation, which was initially vetoed by Boris Yeltsin, and a threatened override vote came to naught as a result of the dissolution of the Supreme Soviet in the fall of 1993.

During that time, shortly after the standoff at the houses of parliament in Moscow when the Supreme Soviet was reconstituted as the Duma, Elder Dallin H. Oaks of the Quorum of the Twelve Apostles, Elder Dennis B. Neuenschwander, area president and member of the First Quorum of the Seventy, and Bill Atkin met with the newly appointed Head of Religious Affairs in Moscow.

Seated next to the current Head of Religious Affairs was a bearded gentleman who was introduced as Father Polosin. Father Polosin had been the Head of Religious Affairs when the draft law was being considered. Bill relates that after the meeting, Father Polosin told Elders Oaks and

Neuenschwander that the memorandum that Cole had authored was the "single best and most helpful submission received with regard to the proposed legislation." Professor Durham's measured delineation of the legislation, section by section, with thoughtful observations tied to international law had been persuasive. Bill indicated that for years the only group in the u.s.s.r. with significant exposure to Western thought were the lawyers who read carefully and seriously everything on international law. Indicating that Russia takes its responsibility under international law and treaties very seriously, Bill explained, "Cole's analysis was in the exact format to be persuasive to that group."

New drafts began to emerge after the new Russian Constitution was adopted at the end of 1993, but progress was slow. A fairly reasonable draft was developed by the end of 1996, but this was commandeered by some hard-liners at the end of May, and very restrictive legislation was adopted by July 4, 1997. Cole spent much of the summer of 1997 working with another attorney, Lauren Homer, preparing analyses of successive drafts and a compromise version that was ultimately passed when Yeltsin's veto of the legislation was threatened with an override vote. Cole's network of contacts with scholars, government officials, and other experts both in Russia, Europe, and the u.s. helped mitigate many of the potentially harsh measures of the Russian law.

Recently, Cole was invited to serve as a co-chair of the Legislative Working Group of the Advisory Panel of Experts



Young University. This has been a great opportunity for students with foreign language expertise to meet with leading experts and to use their language skills in a professional setting in conjunction with conference activities.

An important collaborative effort between Professor Durham and William F. Atkin, now assistant legal counsel to the LDS Church, had its origin in 1992. At that time Bill was employed in Moscow by Baker & McKenzie as managing partner of the firm's Commonwealth of Independent States (CIS) office. Baker &

light of international law. Bill said they had the memorandum translated into Russian and delivered it to the committee.

The memorandum was clearly being used by the committee in drafting the legislation. It also won Cole and Bill the confidence of the person who was acting as staff to the committee. Cole suggested to this individual that through the International Academy they could arrange a meeting in Moscow with 15 or 20 people from the u.s. and Europe. The conference lasted three days. Following a number of formal presentations, talk about the

on Freedom of Religion and Belief, which has been established under the auspices of the Organization for Security Cooperation in Europe (OSCE). This is an important initiative of the OSCE's Office of Democratic Institutions and Human Rights and is aimed at helping to promote better implementation of freedom of religion and belief in OSCE countries (the U.S., Canada, Western Europe, and all the countries of the former communist bloc). The panel of experts has noted that no one has a comprehensive oversight on religion policies in all of these countries. Cole has done a background report on registration issues for churches. He indicates, "There is a crying need for more extensive information so that we will have a better understanding of the legal framework of religious freedom in these countries." Cole has been asked to lead an effort to help gather key legal materials in this area and make them available through a Web page. The panel of experts is also spearheading efforts in legislative reform, conflict resolution, and education for tolerance.

Efforts of this type make sense, of course, to people from many different countries and faith traditions. But to Cole, these take on a special significance in light of scriptural passages such as D&C 93:33, which instructs that it is God's will that we "obtain a knowledge . . . of laws of God and man, and all this for the salvation of Zion." Even in the limited sphere of laws directly relevant to freedom of religion, Cole explains the difficulty of following this injunction. "Even in the relatively developed OSCE countries, no one has succeeded in

compiling a comprehensive set of the relevant constitutional and statutory texts. We do not know the laws of different countries. No one does. You can't get copies of them. For example, even people administering religious matters at the federal level in Moscow have not been able to succeed in keeping track of relevant legislation (often unconstitutional by Russian standards) that is being adopted in the regions. It is vital to be able to get access to such materials so that it becomes possible to analyze them, to work on reform measures, and to improve practices."

At the university conference in August 1999, Cole was awarded a prestigious University Professorship. Due to his travel schedule, the installation banquet honoring Professor Durham could not be scheduled until November 3, 1999. One of the speakers, Elder Dennis E. Neuenschwander of the First Quorum of the Seventy, who has been personally involved with the LDS Church's effort to obtain legal recognition in Eastern Europe and Russia for over a decade, commented on Cole's unassuming nature: "Professor Durham was quietly going about doing good without significant notice." Elder Neuenschwander went on to describe the natural tendency to look for prominent people when something important has happened, "when in actuality the work is done by those prepared to do it, and they generally do it quietly, and occasionally, in the words of the Doctrine and Covenants, even the person himself 'knowest it not' (D&C 35:4). Elder Neuenschwander indicated that "the rest of us could do what we did because of the context that Cole Durham had prepared for

us." He also indicated that Cole's service was doubly appreciated as he served without "wanting something out of his service."

In recognition of Professor Durham's work, Brigham Young University and the J. Reuben Clark Law School have founded the BYU International Center for Law and Religious Studies, with Professor Durham as director. In a recent grant proposal, Professor Durham described the work of the Center.

The Center aims to encourage interdisciplinary study that will help explore the fundamental values of freedom of religion both as these have emerged historically in the United States, and as they are evolving in other parts of the world. It will place special emphasis on study of the legal implications of these fundamental values and is committed to do so taking a broad comparative perspective. The Center will promote scholarly study through organizing symposia, colloquia, lectures, and workshops that will involve key church-state leaders both from the United States and abroad. It will promote dialogue between scholars and government officials and will facilitate the development of networks of experts working in this area to assure support for those working in this field around the world.

[The goals of the Center are to nurture] *relationships with government officials and scholars who are shaping long-term church-state policy, [to help] strengthen commitments to the universally accepted right to freedom of religion or belief enunciated by the American Constitution and other constitutional instruments around the world, and to organize a group of experts who are assisting with religious freedom law reform on a global basis.*

Professor Durham is quick to point out that there are many others involved in these same efforts. Professor Frederick M. Gedicks, of the BYU law faculty, and Steven Smith, now at Notre Dame, have emerged as major thinkers on constitutional theory dealing with church-state issues in the United States. Several other members of the faculty have published and/or made other scholarly contributions in the field: e.g., Kif Augustine-Adams; Ray Jay Davis; James Gordon; Brett Scharffs; David Thomas; Kevin J. Worthen, '82; Jay Bybee, '77; and Michael K. Young, dean of the George Washington Law School, BYU '73, Harvard Law School '76, who has a presidential appointment as vice chair of the International Religious Liberty Commission established under the International Religious Liberty Commission Act of 1998. According to Cole, Dean Young's appointment gives him a significant voice in influencing policy in the United States and between the United States and other countries.

While there is much to be done for the cause of religious liberty throughout the world in the coming decades, in retrospect, it is clear that Professor W. Cole Durham has been quietly doing good. There is a grace and symmetry that emerges when looking at the last 20 years of Cole's life, which evokes the music of the spheres. Any assertion of coincidence or mere good timing seems a woefully inadequate explanation. With the establishment of the BYU International Center for Law and Religious Studies, we will all keep listening, for it appears there is more "music" forthcoming.

WINSTON

WILKINSON

BLACK
MORMON
REPUBLICAN



by Lovisa Lyman

IMAGINE AN AFRICAN American child growing up in the United States in the 1950s and early 1960s insulated and protected from racial discrimination. The scenario is hard to believe but true of Winston Wilkinson, LDS Development donor liaison for the J. Reuben

Clark Law School. Winston, a Howard University law graduate with years of experience in government service in Washington, D.C., brings hard-won wisdom, a genial nature, and a warm, open smile to his recent appointment.

Named for Winston Churchill, whom his mother admired, Winston Wilkinson was born and grew up in

Cedar Heights, Maryland, an all-black, mostly agrarian community about a mile outside of Washington, D.C. Separated from the nearest white community by a eight-foot fence topped with barbed wire, Winston attended black schools and a black church and didn't have a television to access the outside world. "Hate was not instilled in us," he avers. Although he realized that his father occasionally came home frustrated from his job at the Government Printing Office, he never heard any details. In retrospect he recalls that on those occasions his parents would discuss matters behind closed doors. As an adult, Winston learned that his bright but uneducated father was repeatedly passed over for promotion during the 35 years he worked at GPO and regularly had to teach new white employees their jobs, only to have them rise to positions of authority over him. He bore this treatment quietly to protect Winston and his three sisters, but he could not protect them indefinitely.

In 1962, 18-year-old Winston left home to join the Navy, and it was then that he first encountered racial discrimination. He and some white servicemen companions ordered a restaurant meal after which the waitress markedly informed them that they could buy the food but wouldn't be allowed to eat it inside. His friends recognized the slight before he did and insisted that they all leave. (Subsequently the restaurant was placed off-limits to military personnel.)

While Winston was stationed in Washington, D.C., President Kennedy decided that the White House honor guard needed ethnic variety, and Winston was chosen to

join the elite group. After an extensive security investigation, he became the first black serviceman to participate in official White House ceremonial functions, such as state dinners.

A year into his assignment with the color guard, Winston's unit was called on for riot control when Martin Luther King, Jr., delivered his "I have a dream" speech to a packed Washington, D.C., Mall. Winston and 10 other black servicemen hurriedly conferred about what they would do if they were ordered to turn their bayonets on their own people. They agreed to lay their weapons on the ground and take the consequences. Fortunately, King's words had a calming effect, and Winston and his companions never took an action that could have led to court martial. As much as he was wooed by charismatic King, Winston couldn't forget that his father's dreams were never attained through passive resistance. Later Malcolm X, whom Winston calls an "eye-for-an-eye guy," would win his allegiance.

An incident in 1964 gave him a substantial push toward Malcolm X's corner. As a joke, Winston's chief petty officer assigned him to carry the Alabama state flag in Lyndon Johnson's inaugural parade. As Winston held the flag at attention in the Sam Rayburn Office Building, a stranger approached him and attempted to wrench the staff out of his hands. Others subdued the man and someone told Winston that his assailant was Governor George Wallace, an adamant segregationist from Alabama. Later that same day as Winston carried the flag on the parade route, Wallace's limousine was right behind him. Each time

Winston slowed to a stop, the driver eased the limo into the back of his legs, nudging him while revving the engine as though he would run Winston over. No longer was he insulated from Southern hatred and prejudice.

After four years in the honor guard, Winston used the GI Bill to attend Morgan State University in Baltimore, where he starred in basketball. There, military spit and polish gave way to an Afro halo and a Fu Manchu mustache that reached his chest. Similar changes occurred mentally, and before long he joined fellow students at sit-ins, pitching tear gas canisters back at the policemen who threw them.

His growing anger was tempered somewhat when he moved on to law school and a fellow student advised him that to prepare for future crises he must develop mentally, physically, and spiritually. Though raised a Christian, he saw his spirituality as his weakest suit and began to search for a belief he could truly espouse. After serious introspection, he and his wife, Gloria, whom he had met at Morgan and married in 1970, embraced Islam and changed their names. For three years he was a believer, but he was still not entirely satisfied. He recalls praying a number of times for guidance in finding the religion that would answer all of his needs, but not receiving a response.

He was making progress professionally, however. Upon graduating from Howard, where he concentrated on city planning and zoning rather than on litigation, he clerked in the country attorney's office in Prince Georges County, Maryland, then moved to the county executive offices, where

he remained until 1981. There he determined to become even more involved in politics and joined the Republican Party.

In 1980 he attended the Maryland Republican State Convention. In the hotel lobby, he passed a man he'd never met before and suddenly felt prompted to stop and ask the stranger about his religion. The man was Dallas Merrell, who later became a member of the Quorum of the Seventy. Merrell responded that he was a Mormon, and when Winston pressed him for more details, he graciously invited the Wilkinsons to his home for dinner and to meet the missionaries. After two lessons, Winston knew the Church was what he wanted, but Gloria took a bit longer to convince. She was particularly concerned about how they and their children would be accepted in a white church. Merrell assured them there were black members in the congregation, and they agreed to attend. None of the black Saints were there the week the Wilkinsons went to church, however. Nevertheless, the members were friendly and warm. (Winston admits that all entries into new wards haven't been quite as warm. "For a second I wonder if it's because I'm new or because I'm black, but I prefer to think that it is because I'm new.") Once they finished the lessons, Winston, Gloria, and their oldest son were baptized. (The couple's daughter and other two sons were baptized as they came of age.)

Some time after their baptisms in 1981, when the family was well established in the Church, Winston discovered that blacks had not held the priesthood before 1978. Although it took him some time to work through the

issue, his strong testimony sustained him. Winston has relegated the priesthood issue along with other questions and feelings about racial injustice to a compartment at the back of his mind. He says, "Blacks are still fighting battles in their minds that have already been fought in reality." The gospel helps him deal with the contents of that compartment.

The same year his family joined the Church, Winston began working for the Department of Education helping to draft national policy. Later, he served as deputy assistant secretary for civil rights at the Department of Health and Human Services, dealing for a time with Title IX and women in sports issues. His supervisor was Clarence Thomas.

While Winston worked for the government, Gloria worked for Church public affairs in the Washington area, making many contacts with Church leaders and hosting ambassadors from around the world and visiting dignitaries. Between the two of them, they became well acquainted with a wide range of people in and outside the Church. But as Winston's tenure drew to a close, they necessarily began to look for new arenas.

When Winston was a young boy in Cedar Heights, he had dreamed of going West. Now that desire rekindled and in the mid-1990s he had an opportunity to work in Utah Governor Leavitt's administration. When he came to Utah to interview, he also investigated an opening in the human resources division of the Church offices. He accepted the human resources position and became part of in-house counsel in such matters as sex-

ual harassment. In 1999 he moved to his current position at LDS Development where he is assigned to the Law School. His legal background, expert knowledge of politics, and wide acquaintanceship on the east coast prepared him to assume the fund-raising efforts in the eastern United States. Though new to fund-raising, Winston sees his career change as "divinely inspired."

Uniquely placed by his experience to take on the interests of the Law School, Winston is also eager to be involved in and contribute to his local community. A resident of Sandy, Utah, he is currently running for one of the new county commissioner slots and has wide-ranging support from the constituency because of his long government service, community planning skills, and comprehension of minority needs and aspirations.

Winston characterizes himself as "three times a minority: I'm a Republican, I'm black, and I'm a Mormon." In fact, Winston's experiences combine to produce a complex, caring individual who has successfully compartmentalized the questions of racial injustice into a place he does not visit very often and which makes him more determined to improve others' lives.

This background explains his attitude toward his position as donor liaison: "It's not about fund-raising" but "about saving people's lives." He is particularly concerned about the many bright, capable students who would not be able to attend Law School without donor support. He assures potential donors that becoming "part of someone's life is what giving is all about."

FIT FOR THE KINGDOM:

LAW SCHOOL DONOR

LIAISON

RICHARD

FITT

by Lovisa Lyman

FOR THE PAST YEAR Richard Fitt has been assigned to BYU Development as a donor liaison for the Law School. He recalls one of his early experiences in fund-raising when he worked for LDS Foundation* in Northern California. A local CPA who is a member of the Church contacted him about a nonmember couple who would be paying high taxes if they did not give a charitable gift. The CPA had outlined the various educational interests of the Church for the potential donors. When he mentioned Ricks College, they perked up and wanted to know more about the school. Richard had provided the CPA with a copy of a video on a program for outdoor education of the handicapped, and the CPA invited the couple to view it. Afterward, they confided that they had a handicapped son named Rick. Their gift of \$300,000 substantially furthered the Ricks College program.

When people ask Richard Fitt what he does, he often illustrates his explanation with such stories. "Fund-raising for the Church is very missionary-like," he says. "It's absolutely clear that we are directed by the Lord if we are doing what we should be doing." When asked what they should be doing, he answers, "All we do is build relationships and help donors do what they want to do."

Like many involved in fund-raising, Richard came to the field by a circuitous route. Both his BA and MA, earned at BYU, were in humanities, with emphasis on art history and French literature. The vague notion that he would someday teach gave way to successful forays into sales and marketing in the San Francisco Bay area where he was reared. In 1985, almost by accident, he heard about an opening for a position with LDS Foundation in Northern California. He learned that LDS Foundation personnel are employed and staffed through Church headquarters in Salt Lake City and deployed to particular areas or assigned to specific projects.

Since Richard lacked the requisite experience in finance and charitable giving for the job, he didn't think his application had much of a chance. To his surprise, he was called in for personal interviews and offered the job. At the risk of seeming ungrateful, he asked why he was chosen over other applicants. His new employer assured him that finance and charitable giving can be learned, but selling and people skills cannot.

Richard's people skills were immediately called into service. He began by contacting past donors; professionals involved in charitable giving and estate planning, including attorneys



and CPAs; and ecclesiastical leaders who are often consulted about giving charitable gifts. Next Richard made presentations to LDS stake leaders so they would know how to manage their part of the transaction. In a bishopric himself at the time (in fact, since 1980 he has served as a counselor or bishop every year but one), he knew how burdened these men were, so he requested that they do no more than remember his name. Richard follows a similar approach for the Law School.

One substantial gift in California came as a result of an ecclesiastical contact. A stake president found out that a less-active widow in his stake wanted to give a gift, and he referred her to Richard. As they visited, Richard discovered something she loved. Before her husband's death, the couple had gone on cruise after cruise—not because they loved cruises but because they found that a cruise ship is a wonderful place to

ballroom dance. Richard told her about the BYU Ballroom Dance Program, and she was delighted with the opportunity to contribute a generous million dollars. Subsequently, she enjoyed the results of her gift when she attended many ballroom competitions.

"You try to discover their dreams," Richard explains of his approach, "what they want to accomplish, their vision of the future, and then try to make as good of a match as you can."

Large or small, "every penny of any gift goes to the project itself." Modest gifts are as important to the effort as large ones. "It's amazing how helpful \$10 can be when the whole amount goes to a particular destination," Richard says. The important thing is that the donor feel "good about the gift and that it will make a difference."

In 1993 an opportunity to learn more about the legalities of charitable giving opened up

in Provo. Richard and his wife, Patricia (Tricia), had met at BYU and welcomed the chance to return to Utah with their three children. In the LDS Foundation's technical assistance office, he joined three attorneys in counseling donors—generally through their professional representatives—about ways to make gifts the most beneficial to the university and the donor. Their efforts, geared more to the professional than to the giver, served as a resource for attorneys. Although Richard lacked a law degree, he was the only one in the office who had worked as a donor liaison before. Thus, while he gained a healthy respect for the legal challenges of charitable giving, including trusts, estates, and annuities, Richard shared his long experience in the human side of giving. “Lawyers want to look at all sides,” he says.

Though his time at technical assistance was mutually productive, Richard missed direct contact with donors. After five years, he was reassigned to the College of Humanities and the Lee Library, areas heavily involved in fund-raising for new buildings. Then in 1998, when Development's Law School representatives Bruce Snow and Larry Bluth moved on—Bruce to become executive director of Development for BYU, and Larry and his wife to preside over the Mexico City Temple Visitors Center—Bruce invited Richard to assume Law School fund-raising for the western United States.

Richard's past experience helped him better understand what lawyers face in protecting the university, its institutions, and their donors and uniquely prepared him for the new position. Best of all, he still works

directly with donors, though his efforts also extend to attorneys who represent donors. “The Law School has a natural constituency—graduates of the Law School and attorneys, either BYU graduates or not,” explains Richard.

In approaching these “extraordinarily gifted, incredibly talented people” Richard first seeks to establish a relationship. “My job is so much more building genuine relationships than fund-raising. Naturally people realize when you contact them that you are interested in their money, but they can see very clearly if you are *only* interested in their money.” Sincere interest cannot be feigned and should never be pushy. “Pressure takes away from the charitable nature of the gift, robbing donors of the blessing of giving a totally voluntary contribution.”

Publicity can also dilute the joy of giving. Richard recalls another gift he arranged. Even now he is hesitant to tell the details, since the donor insisted on complete anonymity. The diminutive woman involved was a college science professor who lived on pristine property abutting a national forest. One day an inexperienced logger cut down a tree on government land, which fell onto her property, hitting her, breaking her leg and jaw, and inflicting internal injuries. After six weeks of hospitalization with her jaw wired shut and months of recovery, she finally received a settlement from the government. About that time, she was diagnosed with bone cancer. Since the settlement of \$40,000 did not begin to compensate her for the money she had spent on her accident expenses, she determined to give the money to the LDS Foundation

instead. She told Richard about two causes dear to her heart: BYU—Hawaii and teaching science to youngsters. Together they drafted a scholarship fund for Polynesian students who wanted to become science teachers. Her final hope was that she would be able to go to Hawaii to set up a related tutoring program. Against all medical expectations, she went, lived in Hawaii for two months, and returned home to die a month later. Richard admits he grieved the death of this strong, determined woman: “You become so involved with people that you are almost treated like members of the family.”

Though difficult to heed in this woman's case when she was so ill, Richard realized one of the truths of giving: “Don't try to dissuade people from what they want to do. The gift is the donor's stewardship. The liaison's job is to give options and counsel.” As a footnote to this story, Richard says this donor continues to give. He recently learned that with the settlement of her estate the Foundation has received \$50,000 to fund scholarships for Polynesians and Latin Americans at Church colleges.

The Law School is still reaping the benefits of Bruce Snow's and other Law School donor liaisons' work. “We have helped to harvest where they plowed and planted,” Richard says of much of his and Winston Wilkinson's service. “The Lighting the Way Campaign was tremendously successful. But now we are plowing and planting for future harvests.” Richard is wholly committed to current Law School projects, including the Rex E. Lee Endowment, which funds an endowed chair and the Rex

E. Lee Advocacy Program; Cole Durham's International Center for Law and Religious Studies, which strives to assure that religious liberty is built into the language of emerging constitutions in Eastern Europe; and Richard Wilkins' World Family Policy Center, directed at helping families internationally to stand against policy-making institutions and people with antifamily agendas. In addition, Law School liaisons seek ongoing funding for scholarships and professorships. Currently Law School development is setting up a voluntary organization for the Lee Memorial Fund. “We need participants in time and treasure,” says Richard, who is talking to alumni, law society units across the country, and other attorneys. “All you need to qualify is a desire to make friends.”

For the past 15 years, Richard has made many friends while helping generous people find the projects they can feel good about and then assisting them with the intricacies of actually giving their gifts. “Most donors,” he has discovered, “regard their wealth as a stewardship, and they want to use it properly. If they are LDS, they usually view their donations as helping to build the kingdom as well.” They subscribe to the Savior's words: “No man, having put his hand to the plough, and looking back, is fit for the kingdom of God” (Luke 9:62). So does Richard Fitt, whose hand is firmly on the plow of the Law School.

*LDS Foundation is the “umbrella” department that oversees all fund-raising efforts of the Church, including BYU Development.