

J. REUBEN CLARK, JR. AND LIMITED GOVERNMENT

J. Reuben Clark, Jr. was possibly the greatest statesman Utah has produced. This essay introduces his prescient teachings about limited government, the relevance of which has only increased since they were offered.

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Few Utahns have had as remarkable a life of service as J. Reuben Clark, Jr. His incisive mind, prodigious work and inspired foresight contributed to the development of this true statesman.

Even the briefest resume of his service is most impressive. Before he began a legal career, he had been secretary and clerk to the president of the University of Utah, principal of Heber High School, teacher at the Latter-day Saints’ College, and acting president of the State Normal School in Cedar City. He then studied law at Columbia Law School in New York City where he worked on the *Columbia Law Review*. After law school, he became assistant solicitor for the United States Department of State. In 1910, President William Howard Taft appointed him Solicitor of the Department of State. When Woodrow Wilson became president, Clark started in private practice and served as general counsel for the American-British Claims Commission.

During the First World War, he was a commissioned major in the Judge Advocate General Corps and received the Distinguished Service Medal. He returned to private practice after the war including

in Salt Lake City but continued to serve his country in various ways. In 1928, President Calvin Coolidge appointed Clark Undersecretary of State. In 1929, he was appointed as the United States ambassador to Mexico where he served until the end of President Herbert Hoover’s administration in 1933. A month after he had returned to Utah, he was called to serve in the First Presidency of The Church of Jesus Christ of Latter-day Saints. He served in this position, as a counselor to Church presidents Heber J. Grant, George Albert Smith, and David O. McKay until his death in 1961.

J. Reuben Clark married Luacine Savage in 1898 and they were the parents of five children. He was a cultured man, one biographer noting his especial appreciation of the music of Richard Wagner and Antonio Vivaldi.

Although this remarkable statesman’s writings covered an enormous range of topics, this essay will focus on his powerful teaching regarding the theme of limited government.

A recurring theme in J. Reuben Clark’s voluminous writings was “the great struggle,

which now rocks the whole earth [which] more and more takes on the character of a struggle of the individual versus the State." He asked: "Does the individual exist for the benefit of the State, or does the State exist for the benefit of the individual?"¹ He recognized the distance the United States had already "traveled along the road to Statism" and continued to warn against this tendency.²

In a characteristically strong warning, he noted the incursion of the State into increasingly inappropriate areas:

Even in the field of family relationships, which, next to man's relationship to God, is the most precious and dearest of all relationships, this modern State is thrusting its polluting hand. In some lands this new State is robbing the parents of the custody of their children on the Sabbath, it is forbidding the parents to teach and admonish the children in the ways of righteous living, it is teaching the children that officers of the State, not God, shall be looked to for a guide as to the standards of life.³

He noted, in this connection that communism, fascism, socialism and Nazism had all felt the need "in order to secure success, of regulating the most intimate of our family relationships."⁴

Contrasted with modern tendencies toward Statism, he taught that the United States embraced different principles: "With us, the government possesses only those powers we specifically give to it; we the people, the sovereign, possess all else."⁵ He traced this principle to our British heritage and contrasted it to the civil law system arising from the French Revolution:

Under the Anglo-Saxon system—our constitutional system—the people look into the law to see what they may not do, for they may do everything which their government, under the specific grant of

powers, has not forbidden them to do. Under the civil law, the people look into the law to see what they may do, for they may do nothing which their sovereign has not explicitly or impliedly permitted them to do.

This civil law theory is so convenient to the executive, impatient of the restraint of law, that it is not a matter of wonder it should be finding favor among State and national authorities. But it will lead to great usurpations of power under the Anglo-Saxon system of government.⁶

He noted that, "The framers of our Constitution knew history, and planned to make sure that these enemies to human welfare, freedom, and happiness did not come to America. They were trained and experienced in the Common Law. They remembered the Barons and King John at Runnymede. They were thoroughly indoctrinated in the principle that the true sovereignty rested in the people."⁷

This was not to say that the United States is immune to threats from Statism. Among the most important of these was "one of our greatest dangers—the invasion and destruction of the rights of the States, which rights are one of the fundamental elements of our liberties."⁸

He decried this trend:

Another of the heresies that are now spreading abroad among us is that which wishes to make the federal government the manager of every detail of our lives. I indicated earlier in my remarks, one of the fundamentals of this government, as framed by the Fathers, is that our local governments should take care of local affairs. It was the aim of the Constitutional Fathers that only those things which affect the whole nation should be dealt with by the nation; and that as to all other matters we should

deal with them as we saw fit at home. Today there is constant effort made to have Congress extend its powers, to have Congress take up this thing and that thing and the other thing which under the Constitution is entrusted to our local governments and which we could better do ourselves. When we have lost the power to take care of our own affairs, when what we shall do in the State is directed by the will of those who sit in Washington, most of whom will necessarily be of other localities than the one affected by the legislation they shall pass, we shall have lost one of the dearest and most precious rights which the Constitution has given us. Beware of laws made by strangers.⁹

He pointed out that this expansion of federal power over local issues “is a dangerous tendency, because it subjects the will of the locality in matters purely local to the will of the great mass ignorant of the locality, its needs, its desires, and its deserts.”¹⁰

Nearly half a century after his death, as the State (and particularly the federal government) continues its incursions into education, welfare and family life and threatens forays into medical care, personal savings and more areas, heeding the strong voice of this great statesman from Utah becomes more important.

ENDNOTES

1. Richard Wilkins, editor, *J. Reuben Clark, Jr.: American Constitutional Government*, 104.
2. *Ibid.* at 213.
3. *Ibid.* at 105.
4. *Ibid.* at 217.
5. *Ibid.* at 207.
6. *Ibid.* at 107.
7. *Ibid.* at 96.
8. *Ibid.* at 213.
9. *Ibid.* at 56.
10. *Ibid.* at 189.

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