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Ramsey Clark

Our greatest growth industry

CRIME IN AMERICA: Observations on its Nature, Causes, Prevention and Control. By Ramsey Clark. Simon & Schuster. 346 pp. \$6.95.

By Nicholas Pileggi

For Ramsey Clark, a studious and discreet man, a former attorney general and the son of a retired Supreme Court justice, it must have been personally painful to write a book that is nothing less than an indictment of the entire criminal justice system in the United States.

Given Ramsey Clark's honesty, however, as well as his access to and knowledge of the facts and details of justice in America, there is little else he could have done. *Crime in America* is a fascinating, perceptive and desperately needed book at this time in American history. Clark has defined the problems of crime in America with rare clarity and has sought out and presented a variety of realistic solutions to those problems. Whether the nation, through its legislators, will address itself to these problems is doubtful. It never has.

In fact it is precisely this public neglect that has permeated every aspect of the police function that Clark condemns. It has nurtured 45,000 poorly trained, often corrupt, chaotically administered and destructively competitive police departments in the nation; a court system that has largely been turned over to the Democratic and Republican parties as patronage troughs; and a prison system so medieval and counterproductive that it literally creates criminals to plague us, instead of rehabilitating them.

"We cultivate crime, breed it, nourish it, little wonder we have so much," Clark writes.

Perhaps the greatest reflection on our character is that we were relatively unconcerned for decades while crime festered in the slums. Thousands of heroin addicts died annually there and we barely noted it. Our concern arose when new dynamics of population movement brought crime and addiction out of the slums and inflicted it on our powerful and well-to-do.

The whole criminal justice system has simply failed to deal with either the causes or realities of crime. The muscle that police currently feel called upon to use in junior high schools and on college campuses will for decades make it even more difficult for them to stand as impartial professionals in the minds of the nation's young. The country's police departments, often goaded by their own ignorance and fears, are too anxious to win battles and lose wars. They are too often encouraged by political leaders to confront extreme provocation as

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loutish vigilantes rather than cool professionals.

Clark points out, however, that the country spends more on its house pets than on its police. Most of our 450,000 law enforcement officers use the same blunted techniques memorized by their fathers and grandfathers before them. A louder siren. A higher caliber gun. These are the areas in which a relatively meager police budget is spent, not on training, new investigative techniques (stool pigeons still account for almost all arrests), data retrieval banks, research and professionalization.

The nation's courts are no better. They, according to Clark, are basically market places in which prosecutors and defendants bargain over guilty pleas to lesser crimes to hurry cases through jammed calendars. It is a system in which the poor and unsophisticated have no meaningful representation. Meanwhile, the backlog of cases that clutter courts is created largely by insurance compa-

nies which save money by delaying payments, by law firms that have more cases than they can handle, and by defendants who do not want to be tried because they hope with the passage of time witnesses will die, memories will fade and evidence will be misplaced.

The prison system, the very key to controlling crime in America, remains the stepchild of justice. Ironically, as the public grows more concerned over crime statistics, prison budgets are being cut and police budgets for showy hardware are swelling. "Every year the prison budget is the first of those in the Department of Justice to be cut by congress," Clark writes,

while the FBI budget is often increased above its own request. When congress renewed the Manpower Development Training Act in 1968 the only 100 per cent budget cut was in prisoner training. That training might have prevented hundreds of thousands of young men from further crime. (Continued on page 3)

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Correctional institutions are the one area where substantive work can be done to reduce the 80 per cent repeater rate among prisoners. However, the very legislators who speak out most forcefully against crime in America have the least interest in correction. Self-styled, tough crime-fighters like Senators John McClelland of Arkansas and Strom Thurmond of South Carolina wanted to decrease funds available for correction under the 1968 Omnibus Crime Control Act from 30 per cent of the total budget to 5 per cent. "Most of these same men," Clark continues,

have opposed every measure to professionalize law enforcement, add manpower, raise police salaries, modernize courts, control guns, tear down prisons which manufacture crime, rehabilitate offenders—which spend money on the criminal justice process. This is no mere coincidence. They represent vested power that has no compassion, that has brutalized blacks for generations and that will have its way by sheer force if necessary.

Punishment and penitence, not rehabilitation, are what these men demand. "For the puritan conscience, penitence may have been a powerful regimen," Clark writes,

but in our mass culture it is rarely relevant. For those who pose America's crime problem, penitence has little meaning. By and large their lives are so empty, they are so full of frustration and despair, they are so sick in mind and body, and their entire life experience providing them grist for thought is so totally lacking in charity that contemplation is more likely to cause anger at society's sins than remorse for their own.

As long as the very nature of crime is distorted for political reasons, as long as statistics are juggled and selective outrage heard from those in high office there can be no realistic approach to the crisis of crime in America. According to Clark, we know that malnutrition, brain damage, retardation, mental illness, high death rates, infant mortality, addiction and alcoholism are all the principle causes and breeders of crime in America.

It is unrealistic to expect powerless men and women who are poor in a land they see as filled with corruption and wealth not to join the parade as best they can. Where white-collar crime is accepted, where police patrolling the slums are known to be corrupt, where inferior food costs more than good food does in suburbia, where mortgages and bank loans are unavailable, where housing is expensive and children die in

fires and are bitten by rats, where addicts and alcoholics go untreated, burglary, larceny and theft must be expected. "Powerless people," Clark writes,

live by their wits. For them, rules of society are alien in spirit and in fact. The law is irrelevant except when it comes after them or their loved one.

Damogones and those who seek easy solutions to crime while opposing the expense of essential action dramatize the stupidity of a system that cannot cope with such obvious problems.

... We are prepared to deny justice to obtain what unreasoning, overpowering emotion falsely tells us will be security. Arm yourself, suppress dissent, invade privacy, urge police to trick and deceive, force confessions. Due process can wait—we want safety!

Ramsey Clark's book is nothing so much as a plea to the nation to take a clearer look at crime in America. The current cosmetic approach to the problem, although crime in America were some kind of skin blemish, is nothing more than self-deception. The need is clearly to professionalize the police, modernize the courts and restructure the prisons to rehabilitate inmates, not simply to reinforce the problems of the pathologically distorted human beings who haunt the streets of our cities.