

Ramsey Clark: Reflections on Nature of Law and Order

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Que bonito es no hacer nada, reads the motto on the Attorney General's desk; *y despues de no hacer nada, descansar*. How nice it is to do nothing, and after doing nothing, to rest. That is not precisely what most people would say of Ramsay Clark's two-year stewardship of the Department of Justice. To Richard Nixon, Clark is—or was—Permissiveness Incarnate, the symbol that had to be removed from the Federal Government before sanity returned and law and order was established again in the land. There were others who looked at Clark a bit differently. "He is, I think, almost totally principled," remarked a journalist, which is a sentimental thing for a journalist to say.

Ramsay Clark sits in the small office off the large one, the heavy high-ceilinged room the size of a tennis court on whose oaken walls Robert Kennedy hung pictures drawn by his children. The offices are on the fifth floor of the Justice Department, a suite reached through austere corridors decorated with the portraits of stern men, Biddle, McGrath, Brownell, and the WPA murals, excellent examples of socialist realism, terrible art. Clark, in shirtsleeves, speaks slowly in a soft Dallas drawl, feet perched on the desk, around him a portrait of his father, the former Supreme Court Justice; and photographs of LBJ (affectionately inscribed), Nicholas Katzenbach, the Justice Department building, Thomas Jefferson.

What had Mr. Nixon meant in the campaign when he demanded that the Attorney General restore law and order, somehow implying at the same time that Ramsay Clark was responsible for the times being out of joint, for Miranda and Escobedo ruling the roost of our jurisprudence? Was it the business of the AG to crush crime? As the Government's lawyer, does the AG speak in equal parts for law, order, and justice? Or justice alone? Or *law and order*?

Clark reckons that Nixon was saying that the Attorney General should exercise moral leadership, "use the office as a bully pulpit, radiate a spirit of firmness that would permeate the country. And that would bring about law and order," Clark said. Anyway, "that is the best light you can look at it in," referring to the campaign charges against him.

That was one way to look at the office, he said. "But I have a little different set of values." As Attorney General, you have to choose your audience, he said, and the trouble was that Nixon did not do that. "The law and order campaign was directed to those people who are least involved: the suburbanites and the whites. They are the most angered, but they are the least affected." It happens to be a fact that if you are an American you have one chance in 400 years to be a victim of violent crime. But if you are a Negro or a Mexican-American, the chance is once in 80 years; if a member of the white middle class, once in 2000 years, if a white, well-to-do-suburbanite, once in 10,000 years. He shrugged and smiled. Facts.

THE CONSTITUENCY of the Attorney General, Clark went on, whatever it ought to be, is in fact the criminal justice apparatus: the police, the prosecutors, the judges, probation officers, parole officers, caseworkers, and wardens. They are responsive to the atmosphere at the top, which happens to be the Department of Justice.

To them, Clark said, it is harmful and dangerous to speak in terms that imply that "order" can be reached at the expense of due process, "that the means to the end are secondary considerations." National leadership must speak in the language of justice—balance, the enforcement of all the laws. If it seems that law enforcement itself, that is the Government, can disobey laws, can cut corners; well, that is the most dangerous of all. "It leads to repression," Clark said, "and in these anxious times that can lead to terrible consequences."

The view from the fifth floor of the Department of Justice is somewhat different than the view from the political clubhouse,



the living room in Chevy Chase, or SNCC headquarters. It is not a view which is very satisfactory to someone who wants law and order now, and believes that the Federal Government can impose it, like Universal Military Training, or a new excise

tax.

CLARK FINDS a note of irrationality in what he called at one point "the age of anxiety." Indicate to the "corrections people" (he meant prison wardens and the like) that the wave of the future is repression, "and they will go in the opposite direction of all the learning." The learning, of which there is far too little, unanimously says that incarceration does not correct. The notion that the American correction process coddles criminals, Clark said, is simply crazy. Ninety-five per cent of every dollar spent on correction is spent for custody, pure and simple, and 80 per cent of that goes for the care and maintenance of institutions. "The point that we coddle criminals," he concluded, "simply . . . will . . . not . . . bear . . . examination. Unless, of course, you believe that custody is in itself corrective." Another shrug. "Neglect is not permissiveness."

Clark is full of data, much of it recently collected. The statistics on crime and its prevention are often inadequate, and even when they are adequate they are subject to differing interpretations. It is like making your way through a minefield. There are studies that show that recidivism can be reduced by more than half; and 80 per cent of the felonies are committed by repeat offenders. It is an odd statistic, but no odder than the estimate that 22 per cent of all fatalities among policemen occur when they are interceding in a marital dispute. One third of all arrests concern the use (or abuse) of alcohol. People think that crime is high in the suburbs, but it is not. "The fact is

that crime is eight, ten, fifteen times higher in the slums, in the poor areas," Clark asserted. He paraphrased Goya: It is the poor who pay, who suffer, who are the victims. Does it mean anything that the United States spends \$4.1 billion a year on all processes of criminal justice?

The trouble is that nobody has studied very much about it. "The liberals assume that the whole approach to crime is to cure the underlying causes—and that is a terrible oversimplification," the Attorney General said. In fact a whole range of problems, many of them concerned with processes, now (be-

lieve it or not) are within America's capability (Robert McNamara's vocabulary has permeated all the Executive departments, even Justice) to solve: to raise the salaries of police, and train and professionalize and educate them properly; improve the system of correction to a point where "you just don't open the doors and let them out, and the reporting is practically meaningless, and we call it parole."

CLARK HAD got off the point. It was not that, really, to which the President-elect was addressing himself during the campaign, when he spoke of "the breakdown." It was to the people who felt menaced by the war protesters, the hippies, the blacks, the Mafia. The operative campaign line, Clark said, was "respect for law." He added that for there to be respect for law, the law must first be respectable. "The civil disturbances will go on, matters will get worse before they get better. These are exceptionally turbulent times; the country must overcome decades of neglect and worse. "There is a hardening view in the Negro community," he said finally. "Is the Federal Government incapable of practicing equal justice?" Respect for law is a great slogan. "But it's not a problem."

Still less is it a "program" to say that permitting the use of wiretapping will Stop Crime. Clark is the most eloquent witness, in Government or out of it, on the evils of what the Feds call the listening device. "Privacy is awfully hard to come by, you know," the Attorney General said. "It gives you a sense of your own integrity. How are people to have security if they are not sure of their own privacy? The public thinks that the criminal is segregated and different, and that all he talks about on the telephone is crime. It's not true. I've perused logs covering years of telephone conversations. In one case, no crime was ever mentioned. The talk was private, much of it highly personal. This is very serious: If we don't create a tradition of forcing ourselves to use other techniques, then it will begin to get away from us. The listening devices now are terribly sophisticated: we could sit here, in this room, and listen to other conversations in the building. Organized crime—well, organized crime happens because of local corruption, in city hall and in the police. Gambling, shylocking, narcotics and prostitution cannot thrive without knowledge of the local authorities. It can't. Of course there is another thing," he said. "Wiretapping doesn't really achieve anything, and it's very expensive and inefficient."

WHAT CLARK thought, finally, was that the Attorney General of the United States should have a sense of proportion. When the white suburbanite sits down over the bridge table and hears of the neighbor's kid who gets busted for smoking pot and stealing a Chrysler, he nods and shakes his head and says that the crime situation is terrible. What is happening to society? And it's true that crime is up in the suburbs. But that is not the real world of crime. The real world is out there in the city, where the Mexican-American or the Negro has one chance in 80 years of being a victim of violence, and the average American one in 400.