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PLAYBOY INTERVIEW:

RAMSEY CLARK

a candid conversation with the civil-libertarian ex-attorney general

Throughout his 1968 Presidential campaign, Richard Nixon regularly promised that, if elected, he would fire Attorney General Ramsey Clark. Even in his acceptance speech at the Miami Beach convention, Nixon reiterated his ritual pledge to get rid of Clark, so that American streets could be made safe again and the Justice Department would stop going soft on criminals, pornographers, demonstrators and rioters. From his small working room next to the immense formal office of the Attorney General, Clark watched the campaign with wry amusement—but with some concern, too. He didn't particularly mind being Nixon's political target, but he feared that Nixon's law-and-order rhetoric was aimed at the wrong people—toward "those who are least involved: the suburbanites and the whites. They are the most angered, but they are the least affected."

What made Ramsey Clark so large a target for the opposition was the fact that most of his efforts as Attorney General had pointed in the other direction, toward those most affected by crime and the whole range of social ills—the poor, the black and the disadvantaged. In a year when Nixon was appealing specifically to what he called "the forgotten American"—the tax-paying, law-abiding, middle-income white in the suburbs—Attorney General Clark was often expressing sympathy for, and even doing things for, this country's most forgotten Americans—in the ghettos, on the welfare rolls,

in the prisons, in Resurrection City and in all the shabby streets and alleys of a nation in which too many have been left behind.

Many of those on law enforcement's front lines, however, disagreed with Nixon's notion that Clark was soft on crime. Quinn Tamm, the executive director of the International Association of Chiefs of Police, said Clark had "done more for local law enforcement than any other Attorney General I know." He provided, in the opinion of Baltimore police commissioner D. D. Pomerleau, "more enlightened leadership and demonstrated more sensitivity to the problems of law enforcement than any other Attorney General of the United States." Nixon himself seems to have got an inkling of the injustice in his portrait: When Clark's successor, John Mitchell, called on the outgoing Attorney General in that small office at the Justice Department, Mitchell said he hoped Clark understood that the campaign attacks had been political and not personal. The outgoing Attorney General replied that he understood perfectly well. As Clark left office, President Johnson said, "He stood for human dignity and the best aspirations of the human spirit." And about the same time, Senator Edward Kennedy told Clark: "You have built on the work and principles of Robert Kennedy . . . and have brought the Justice Department to new heights."

The object of all this effusive praise—

and, during the campaign, of so much abuse—was known to scarcely anyone outside the Justice Department when he was sworn in as Attorney General on March 10, 1967. What fame he had achieved was dubious. On the one hand, he was the son of Supreme Court Justice Tom C. Clark, a friend of President Johnson's, and so was widely regarded as having gotten his job through favoritism; and on the other hand, there was widespread suspicion in Washington that he had been installed in the Justice Department to ensure that no more Bobby Baker scandals or other embarrassments would arise to deter Johnson from his concentration on Vietnam.

But those who had been following Clark's activities since Johnson had made him Deputy Attorney General under Nicholas Katzenbach on January 28, 1965, knew that he rated the top job on his own merits, not as Tom Clark's son nor as Johnson's patsy. And during his 22 months in office, he proved them right. Even a limited list of Justice Department advances during Clark's tenure is impressive. The National Crime Information Center was established; suits to enforce equal employment were brought, to the extent of the limited powers available; the Federal Bureau of Prisons was reorganized to emphasize rehabilitation; the first voting-rights suit and the first school-desegregation suits were filed in the North; and the concept of the Federal



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"strike force" against organized crime was introduced. What was most impressive about Ramsey Clark's tenure as Attorney General, however, were the stands he took against what Ted Kennedy called "the awesome pressures of reaction." Clark defended court decisions guaranteeing the rights of defendants as clamor arose in Congress and elsewhere to abrogate them. He refused to use the wire-tap authority provided him by legislation. He became the first Attorney General to advocate an end to the death penalty. And at a time when the cities were terrified of black rioters, he spoke out against shooting looters.

The origin of such views in a Southerner of Clark's generation—he was born in Dallas in 1927—is explained at least in part by his wide-ranging childhood and adolescence. Clark attended public schools in Dallas, where his father was an attorney and a political figure, but also in Los Angeles and later in Washington, where his father's political career ultimately took him as well. Growing up in Washington as the son of a Cabinet officer in the Roosevelt-Truman era put Clark at ease with high officials and officialdom; as a teenager, he was allowed to wander through the corridors of the Justice Department.

Just before World War Two ended, he joined the Marine Corps, serving until he received an honorable discharge in 1946. In the next three years, Clark earned his B. A. from the University of Texas and two graduate degrees from the University of Chicago—and found time to sail around the world. That trip was not his only exposure to foreign lands; as a Marine, he had had the responsibility of carrying diplomatic pouches to most of the capitals of the world. After all that globe-girdling, he went home to Texas and married Georgia Welch, an attractive blonde, on April 16, 1949, in Corpus Christi. They now have two children, Ronda Kathleen, 17, and Tom C. Clark, 15.

The Clarks settled in Dallas, where he practiced law, handling primarily large corporate clients, for the next ten years. But the yen for public service and perhaps for the life he had known as a boy in Washington ran deep in him. When John F. Kennedy brought the Democratic Party back to power in 1961, it wasn't difficult for a family friend of Vice-President Johnson to land a job on the New Frontier. It was probably easier, in fact, to secure a position—as Assistant Attorney General in charge of the Lands Division, a sort of real-estate manager for Uncle Sam—than to accept it. The spot was not among the gems of patronage Kennedy had to offer: It wasn't the kind of office in which professional reputations could be made, and it afforded

little latitude for dedication to the socially oriented causes in which Clark was to show so much interest later on.

But he ran the division ably and reduced its budget in 1965 by more than five percent and its staff by ten percent, thus making him look better than ever to President Johnson. When the latter succeeded to the White House after that tragic November 22 in Ramsey Clark's home town, Johnson named Clark to the Presidential staff. Then, after Robert Kennedy was elected to the Senate from New York and Johnson appointed Katzenbach to succeed him as Attorney General, Clark was sent back to the Justice Department as his deputy. When he was sworn in as Attorney General two years later, the oath was administered by his father—the only time in American history that an Attorney General had been sworn in by a father who was a member of the Supreme Court. The elder Clark, who elected not to continue to sit on a tribunal that would weigh cases initiated by his son, promptly resigned from the Court.

Today, eight years after he entered public service and with his official battles for social justice at least temporarily behind him, Clark has returned to private practice as a partner in the socially activist New York law firm of Paul, Weiss, Goldberg, Rifkind, Wharton and Garrison. In view of the mounting urgency of the libertarian reforms sought by Clark during his term as Attorney General—reforms that many feel his successor regards as not only permissive but pernicious—PLAYBOY believed the time had come to elicit Clark's views on the relative priorities of order and justice in a nation beset by escalating civil disorder and official repression. Accordingly, we asked Tom Wicker, associate editor of The New York Times and a Southern liberal with a temperament matching Clark's, to conduct a "Playboy Interview" with the 41-year-old Texan. Clark readily agreed and the two spent a full day conversing in Wicker's Washington office. Offered a seat on a comfortable sofa, Clark declined; he ought not get too relaxed, he said, or his answers would show it. So a straight chair was provided and Clark and Wicker talked for the better part of the morning. They broke for lunch and went back for three more hours of questions and answers in the afternoon.

"A rangy six feet three, with a leisurely manner, a thick drawl, widespread ears and a nose that looks as if it had taken a punch or two," writes Wicker, "Clark could almost have been playing a sort of early James Stewart part—quietly impressive, eloquent in a Southern manner, with a touch of grandiloquence and homeliness in his sentences. He demurred at only a few questions; he

didn't want to discuss cases still pending and he didn't want to be very specific in talking about individuals unless he could praise them. But Clark certainly didn't hesitate to speak his mind forthrightly on the controversial issues that marked his months in office. We began with a subject that had become even more explosive than it was when he left the Government last January: the campus revolt [subject of next month's 'Playboy Panel']."

PLAYBOY: Last spring, the Nixon Administration began to adopt a get-tough policy toward student unrest. What role do you think the Federal Government should play in this area?

CLARK: There is very little the Federal Government can or should do to police student unrest. If we have to call for Federal help to control students in this vast country, our plight is desperate, indeed. Both educational and governmental institutions have failed. We must understand youth unrest as expressing an idealistic and profound concern about the purposes and capabilities of our people. If the Federal Government wants to reduce student unrest, it must work effectively to end the war in Vietnam, to stop the arms race and the development of the anti-ballistic-missile system, to relieve international tensions and to avoid such tragic affairs as starvation in Biafra and hunger at home. It must take a strong, unequivocal moral stand against racial discrimination, poverty and the misery of life in the central city. It must provide more resources to improve health, education and employment and to fulfill equal rights. It must reform welfare and give power to all of our people. These are the causes of student unrest.

The Federal Government cannot be campus cop any more than it can be world cop. The Federal Government has no police, just soldiers. To use soldiers against students is unthinkable; it means revolution. It is the universities themselves that must deal with students, as nearly all have. What can be more foreign to the mission of the university than the use of raw police power on campus? The scars of division that result from each use of police on campus will be long in healing. Officials in Washington who take the tough line—which may be popular for the moment with the three fourths of our people who are so affluent and comfortable that they resent any disquiet—do a grave disservice. They divide. Division is just what we do not need. When people talk tough to me, I feel my blood rising. I figure others are the same. We need to be gentle, humane and understanding. We need to communicate. How can a man who has just finished talking tough communicate with the young? He can't. He has destroyed

his chance to reason, to be constructive. I believe in these young people. They are strong-minded, honest and concerned. They will not be intimidated. Of course, there are some wild ones; but the one chance these few have to be effective—to be really destructive—is to cause the repression of dissent.

PLAYBOY: We gather that you feel much of the dissent is justified.

CLARK: On balance, I find the truth to lie most often with the protesters. They are not always precise in expressing their grievances, but when they focus, they almost always find injustice. Even when they are groping, it is usually toward the germ of inarticulate truth. We shouldn't criticize them for not formulating their gripes with absolute philosophical perfection; after all, we haven't done so ourselves. I think the students have caused more change for the better in the past five years—especially in university administration and in the relevance and quality of courses offered—than the system had since the turn of the century.

PLAYBOY: Why do you think student protests have so often involved civil disobedience?

CLARK: The leisurely adaptations of the Government and of educational and social institutions in bygone years are grossly inadequate for the stormy present. The system has to develop and apply techniques of swift, sensitive, effective change. We have to recognize that the individual can be absolutely powerless in a mass society. Dr. Kenneth Clark—who is no relative of mine, although I'd be proud to claim relationship—describes riots as the exercise of power by the powerless. We are a highly urbanized people today and we live in a complex, technologically advanced society. Our numbers are in the millions and the things other people do affect us—our education, our health, our opportunity for personal fulfillment—in the most vital ways. As individuals, we can't do much to change what seems wrong. But in mass groups, we have learned techniques that force institutions to change. Frequently these techniques are undignified and quite often they are unpleasant. Sometimes they seem completely unintelligible to many. But they have worked. Society will need the tolerance and the flexibility to utilize this force beneficially—to accept change while keeping action within limits that don't irreconcilably divide us.

PLAYBOY: What kinds of protest do you consider unacceptable legally? Should the criterion be whether or not a protest activity infringes on the rights of others?

CLARK: That criterion doesn't begin to tell us enough. What are the rights of others? We can hardly do anything without interfering with others in this mass society. If you're standing on the side-

walk, just *standing* there, you're interfering with others. Because there are so many of us, we must have traffic lights to say stop or go. When we talk loud, or honk a horn, or run out of gas on a freeway, we cause inconveniences. I think we have to decide what is permissible in terms of specific situations. I fear generalities in any context, and this is much too difficult a context for generalization. One thing we know: Protest cannot be permitted to injure people physically nor to damage property significantly. "Damage property significantly," of course, is a general phrase that will require definition; I'm talking about more than bending the grass.

PLAYBOY: Let's be specific, then. What's your reaction to protesters who seize and destroy university files or who are armed during their demonstration?

CLARK: The destruction of manuscripts or the theft of private, confidential papers could very well constitute intolerable interferences with the rights of others. If so, there should be full legal redress. And it can *never* be permissible to force others to act by threat, such as through the possession of guns. Indeed, guns should not be permitted at all in public places in our mass society.

PLAYBOY: How do you feel about student occupation of campus buildings?

CLARK: Sitting in buildings is a more difficult problem. Some sit-ins should be tolerated. But those that interfere with the significant activities of others or that prevent or impair important operations cannot ordinarily be permitted. Whenever it is necessary to remove sit-ins, however, it should be done with great restraint and with a determination to avoid violence if at all possible.

In the entire area of protest and demonstration and their attendant interferences, we must consider differences of degree. Above all, we should recognize that we are enveloped in swift change, that there are deep frustrations and anger and that sometimes there is no way of effective communication except through protest. Unless protest reaches a level where it *substantially* interferes with others, and particularly when the impact tends to be directed toward the private rights of specific individuals, I think it has to be permitted. Where can you protest today? This is a crowded land. If you're poor, you don't have property to protest on. If you can't protest in the streets or parks or on the sidewalks or campuses, there is no use talking about free speech. There's no place to speak where you can be heard—and no reason to speak if you can't be heard.

PLAYBOY: You go considerably beyond Supreme Court Justice Hugo Black, who defines free speech, rather narrowly, as the spoken or written word.

CLARK: While I believe that Mr. Justice Black has made an immense contribution to this country, he misses the major dynamics of our society today. He recalls an earlier, simpler time in rural Alabama. History has changed us. We must recognize that massive assembly by many people to protest is commonplace and will become more so until we develop new ways of efficient institutional change.

PLAYBOY: Would you agree, then, that the approach of Dr. Edward Levi, president of the University of Chicago—which was to negotiate with the students—is generally more productive of order and progress than the approaches of Dr. Hayakawa at San Francisco State and Father Hesburgh at Notre Dame?

CLARK: I have known President Levi for many years. He was a professor of mine, as fine an educator as I have encountered and, in my judgment, one of the greatest law deans of the century. He loves the University of Chicago intensely. He was literally born and raised on the campus—schooled in its grammar school, high school, college and law school. It must be extraordinarily difficult for him to suffer the indignities of student protests against that institution. The students struck at the thing he loves the most; yet he remained quiet. He did not make any public utterances. He did not call on police, believing that if you cannot prevail with reason in a university environment, there are few places where you can hope to prevail with reason in this turbulent world of ours. He weathered the crisis with very remarkable success.

There are great differences in universities; we ought to recognize that. Many, perhaps most of them, remain relatively placid places, even while some junior high schools and high schools are in turmoil. If you look at the students who are attracted to schools like the University of Chicago, you realize that the potential for turbulence there is much greater than in most places. Who are the turbulent ones? They tend to be the socially concerned. It's rarely the law students; it's often the sociology students. The very things that motivated them to go into that area of learning and motivated them toward change frustrate them when they don't see change coming. The University of Chicago has a very difficult task and must be much more sensitive than the average university.

PLAYBOY: How would you compare the way in which Levi handled the problem with the hard line taken by Hayakawa and Hesburgh?

CLARK: Surely the long-range impact of the reasoned and restrained action at Chicago will be more beneficial for the institution and the individuals involved than the bellicosity manifested by Dr.

Hayakawa at San Francisco State. He may seem a hero to an emotionally aroused but uninformed and insensitive public. But there is a tomorrow. Militancy divides. I wouldn't compare the situations at Chicago and San Francisco—just the attitudes of leadership.

Father Hesburgh has, as I read it, taken two somewhat different positions on the issue. The first and most famous was his 15-minute warning before disciplinary action. The second, on the other hand, is about as fine and understanding a statement on the subject as I have seen. I have had the privilege of working with Father Hesburgh; he was on the Civil Rights Commission and is now its chairman. I think the public received a somewhat mistaken impression from the notoriety given his earlier statement. He has since said he believes that, generally, students have the truth on their side and that school administrations must deal constructively with them in trying to achieve change.

PLAYBOY: How much evidence was there when you were in the Justice Department of a conspiratorial element—deliberate incitement by revolutionaries or professional agitators—in student protests?

CLARK: Virtually none. Americans see conspiracy in everything. The majority of our people believe that the tragic assassinations of this decade are the result of conspiracy. We refuse to recognize the truth: that social conditions, especially in an environment that glorifies violence, breed violence.

Of course, student leadership from one university to another knows each other. They've always known one another, and we're much more mobile people today than ever before. Students know one another from one country to another; there have been international meetings every year since the War. They identify and communicate with one another. But to describe student protest in terms of some evil and foreign conspiracy bent on the overthrow of the Government is to engage in a pitiful diversion from the facts. As I've said, there are some wild ones around. Never doubt that. There always have been. But their power doesn't derive from any personal force. It comes from the general need for change. When society resists needed change, it is playing into the hands of violent extremists.

PLAYBOY: Though the number of those participating in protests is relatively small, do you think the majority of the student body recognizes the need for change?

CLARK: Lethargy may be the dominant quality of the American people, on campus as well as off. Perhaps human nature can't stand affluence. It's not even a matter of people leading lives of quiet

desperation; most Americans are quite happily uninvolved and unconcerned. The ability of radical leadership to attract a following depends on how it conducts itself. If you look at the polls that were taken before and after most campus police actions, you'll see what I mean. Often, when the police have been brought in, they have been undisciplined and unprofessional; opinion swings strongly to the protesters. At this point, I think the great majority of the young people in our colleges sense the need for change, the inadequacy of our social and educational and governmental institutions. Sensing that need, they tend to identify with those who are trying to do something about it.

PLAYBOY: What's your reaction to black students' demands for separate campus facilities and programs?

CLARK: I'm old-fashioned; I believe in integration. Separatism—black or white—is wrong. The present black-separatist movement is an understandable aberration toward which we should be sympathetic and tolerant. To the extent that it builds pride and self-confidence, it is worth while; to the extent that it accomplishes separation of the races, it is harmful. When I see school administrations capitulate to demands for separate black dormitories, I doubt their strength and judgment and sometimes even fear that prejudice may underlie their actions. We cannot run away from problems. We must face the facts of slavery and lynching. The history of blacks both in Africa and in this nation has been ignored and distorted in the past. White America as well as black must learn black history. We will all learn the real meaning of racism better if we learn together. Racial turmoil will increase until we integrate. With a billion more people expected in the world in the next decade—most of them black, brown or yellow—we don't have much time.

PLAYBOY: What correlation—if any—do you see between the demand for black student power and the black-power movement?

CLARK: Ghetto dwellers in urban America have even fewer rights than students at the most paternal and restrictive college. A right is not what someone gives you; it's what no one can take from you. But by and large, in terms of implementing legal rights, blacks are equally powerless on campus as well as off. When they buy a television set, even though it may have been repossessed twice before they get it, they probably pay more for it than a white person does for a new one. When they carry it up four flights to their tenement and it doesn't work and the dealer knew the tube was no good when he sold it, what are they going to do? Sue? How are they going to sue? The

need to build self-confidence—to really instill in black America the belief that it is equal—is clear and imperative. Black power can help do this.

PLAYBOY: During the Poor People's Campaign, and despite such views as you've just expressed, you were fiercely denounced at close range by black people as a white racist. How did that make you feel?

CLARK: It wasn't the first time. I recognized then, as I have before, that pent-up frustrations and anger frequently overwhelm reason in people who have suffered great deprivation. My objective was to communicate. It's hard to do. The ghetto poor and other disadvantaged groups often are not really prepared for, or capable of, communication in meetings until they've spent an hour or more releasing bottled-up emotions. There was a great lesson in Resurrection City. It's a lesson that I'm afraid we didn't have the capacity to learn in 1968, but we must learn now. The lesson, roughly, is this: that poverty, in all of its manifestations, is not only ugly and demeaning but also something that the American people do not want to see. We know poverty exists in this country. We know of the misery and ignorance, the sickness and despair of the ghetto. But in the ghetto, it's out of sight and out of mind. We don't want it out in the open, where we have to look at it. Some people said, during the Poor People's Campaign, "How can you give these people a permit to be on monument grounds?" If the poor people were given their proportionate share of time to use our parks and grounds, there wouldn't be room for anybody else for 10 or 20 years. They've never had their chance.

PLAYBOY: Toward that end, what do you feel are the primary and remaining needs in the field of civil rights legislation?

CLARK: All I can visualize are our present needs. We must integrate housing. If we don't, we'll never bring equal justice to all Americans. To integrate our living patterns, we need major building programs providing millions of units on principles that will integrate rich and poor, black and white, young and old. In 1968, a courageous act of Congress provided fair housing with legal sanctions. It is imperative now that we enforce that law; this will require additional funding, for the Department of Housing and Urban Development and the Civil Rights Division of the Department of Justice will need substantial additional manpower if that law is to be implemented. We also, and no less urgently, need to move to a recognition that segregated education is inherently unequal, whatever the cause; that it must be eliminated, whatever the cause. Until we do this, the very

strong current of increasing segregation in Northern and Midwestern and Western schools will continue.

PLAYBOY: How much of this segregation is *de facto* and how much the result of overt discrimination?

CLARK: It's unrealistic to talk in terms of *de facto* segregation, as if it could be found in a pure state. These things all get mingled together. Racism is pervasive in America. I don't believe you will find a single jurisdiction where *purposeful* discrimination by government has not contributed to segregation. Until 1948, for example, the Federal Housing Administration itself regularly included racial covenants in deeds to properties it financed. The essential fact is that segregation in schooling is bad, whatever the cause, and that school districts—and, where necessary, re-formed or combined or coordinated school districts—must do everything within reason to desegregate.

PLAYBOY: Won't integration, in many cases, mean increased large-scale busing of children?

CLARK: School sizes are easier to change than residential patterns. We can redistrict to create new school districts that include black and white neighborhoods. Some busing is necessary and beneficial today; but busing fills only a small part of the need. There are just not buses, patience nor time enough to transport all the children who need to be transported. In addition, how much can you really accomplish when the children are bused to another location to go to school, then spend all the rest of their lives—the afternoons, evenings, weekends and long summers—in the ghettos? But busing indicates our purpose and begins the difficult process of integration. Many white people seem to be upset about busing, but we have bused Negro children miles and miles past white schools in the South for decades, and no one got upset about that.

PLAYBOY: How effective are the so-called Federal guidelines that provide for the withholding of funds from school districts that fail to achieve what Washington considers a reasonable racial balance?

CLARK: Effective enough to stir up a great deal of controversy. *Brown versus Board of Education*, the basic school-desegregation decision, came down in May of 1954. Nine years later, without the guidelines, one percent of the Negro children in the 11 states that had comprised the Confederacy were in schools defined as desegregated. "All deliberate speed" at that pace would have accomplished desegregation in nine centuries. On July 2, 1964, Title VI of the Civil Rights Act became effective; and by the school year beginning September 1965, the guidelines that came out of that act were beginning to make a difference. In three

years, by September 1968, that one percent had risen to better than 20 percent. The guidelines by themselves cannot do the whole job, since they tend to desegregate the easiest places first, but they have made a major difference, and their very strict enforcement in the years ahead is essential to the well-being of this nation. It is tragic that some leadership has more sympathy for the deliberate frustration of the constitutional rights of black children than for their fulfillment.

PLAYBOY: When you were Attorney General, were you ever restrained politically in your efforts to force desegregation by Title VI or otherwise?

CLARK: Enforcement within a bureaucracy is very difficult. The bureaucracy has a stubbornness of its own and change is very hard to bring about. We had to have many lawyers who worked constantly in a coordinating capacity with the Federal departments and agencies that were primarily involved—HEW, Agriculture, OEO, Labor and Defense. Some progress was made. Though there was severe political opposition, I never felt that it affected the actions of the Department of Justice. I believe we went full speed ahead.

PLAYBOY: Would you say that the provisions of Title VI of the Civil Rights Act are the best weapon we could use against school segregation?

CLARK: No. Litigation is too slow and the guidelines are too narrow. We need legislation that makes it unlawful to maintain segregated school districts for whatever cause, and that places a direct responsibility on state and local government to do everything reasonably possible to cause desegregation. And we need to provide the resources to coordinate new schools with integrated housing opportunities.

PLAYBOY: How much is being done in the other important civil rights areas, such as job discrimination?

CLARK: The Federal Government was first authorized to prevent racial discrimination in employment by the 1964 Civil Rights Act. There was a year's delay in the effective date of Title VII, until July 1965. The first Federal lawsuit was filed in 1966. In 1967, only a handful of lawsuits were filed; but in 1968, we filed more than 30 in more than a dozen major metropolitan areas. Each suit had an effect on other unions and businesses in the same industries and the same areas. Even so, litigation is too slow and too limited to be adequate.

National leadership in most unions is sensitive to the national need, but it's different at the local level, particularly in the building trades. And even in management, we find corporations listed on the New York Stock Exchange and employing tens of thousands of people in which—incredibly—clear and deliberate

racial discrimination is still practiced. You also find some small employers, particularly in the South, who say they will go out of business before they will desegregate. But usually, management is not as personally or as emotionally concerned as local labor unions.

PLAYBOY: Do we need more legislation in this area, or should we put more teeth into existing legislation?

CLARK: We need more legislation. The Equal Employment Opportunity Commission needs cease-and-desist powers. It must have sanctions. We are not going to have time to negotiate nor to arbitrate these problems. The Office of Federal Contract Compliance in the Department of Labor should be transferred to the Equal Employment Opportunity Commission to unify enforcement. And the Civil Rights Division should be given many more lawyers.

PLAYBOY: In December 1968, as one of your last official acts, you brought suit against a North Carolina farmer for interfering with the civil rights of a worker under a provision of the 1968 Civil Rights Act. Do you see such suits as a useful instrument for civil rights enforcement?

CLARK: That farmer was alleged to have threatened Negroes to prevent them from voting. The Federal Government must enforce the important national rights that state and local governments fail or refuse to enforce. If the local and state governments will not protect people who are exercising such important civil rights as voting, seeking employment and going to school—all of them constitutional rights—then the Federal Government simply must move in.

PLAYBOY: Of all the black leaders you dealt with during your tenure as Attorney General, who impressed you most?

CLARK: The potentials of different people are so very different. The contributions of Thurgood Marshall and Roy Wilkins, for example, are profound. The histories of their lives are documents of strength, of human compassion and understanding. When you realize the discrimination they saw and lived with as young men, these are real heroes. But Martin Luther King brought perhaps the most important lesson to those who would seek change today. That is nonviolence. Violence won't work in a mass society. It divides and destroys. We were fortunate that a leader of such vast personal influence took nonviolence as his basic doctrine. He was a very great man. But he is dead and both Wilkins and Marshall are getting along in years.

I believe the present need for leadership is among youth. Black, white, brown or yellow, young people see things older people don't see. Young people live with the realities of today; older people cling to yesterday's realities. It is among the

youth that we have to develop a strong leadership. This is a very difficult task for black Americans. There are many divisions in America: rich-poor, ignorant-educated, young-old, black-white. When all these divisions are compounded in a poor, uneducated young black, you find the individual who is in the most difficult posture of anyone in this country. I've met and seen young blacks who haven't established their names as household words yet, but they are young men who can make a major difference in the years ahead. We need to help them find the strength to build themselves.

PLAYBOY: What about militants such as Stokely Carmichael, Rap Brown and Eldridge Cleaver?

CLARK: None of these men has any significant personal followings that I've been able to detect. They have tended to be loners, with influence in one place, or sometimes in several places. But in the most important places, they've had no influence at all. Which one of them has had any influence in Harlem? Or in Watts? Or in Hough? There are young men like Jesse Jackson and Andy Young, who are in civil rights exclusively, so to speak, who have much broader followings. There are other young blacks who, though not directly in the civil rights movements, have large followings and strength, and a few, such as Julian Bond, with new political foundations. What an immense opportunity Julian Bond offers civil rights and the country.

PLAYBOY: You said that you found very little evidence of conspiracy in the turmoil on campus. Has that been true also of the black-ghetto rioting of the past several summers?

CLARK: There is almost a total absence, to my knowledge, of any evidence of planning and conspiring. There are high levels of tension in most ghetto areas most of the time, so it takes only a small spark to set the place aflame; that spark has always been spontaneous and has always begun capriciously. This doesn't mean that people haven't moved in after a disturbance starts. People always move in and do a little organizing; a group of kids want to do some looting and they see the opportunity. But those who are constantly telling us that there is a massive conspiracy—that there is a barn in Alabama full of guns and tanks and that there is going to be a great wave of black violence—never come up with any evidence. The closest we came to proving conspiracy was in Cleveland in July of 1968. We finally had the coincidence of advance rumor and the subsequent fact that something happened. Yet all the information that came my way indicated that there was no real relationship between the rumor and the riot.

PLAYBOY: In view of all this, do you think

there is any real utility to the recent Federal legislation that makes it a crime to cross state lines to incite riots?

CLARK: While I was in office, the Department of Justice opposed such legislation, for several reasons. It's terribly misleading for Federal officials to cause the American people to believe they can stop the rioting with such a law. I think most voters know that there are underlying causes and that we will continue to have riots unless we move to correct these. They know, too, that the Federal Government doesn't have the investigative nor the enforcement manpower to make a real difference. When riots happen, local law enforcement must control them. The Congress recognized this in the two laws it has passed on the subject. One prohibits Federal prosecution where there is a state prosecution on the same case. The other defers Federal prosecution to state actions unless state or local prosecution is unlikely. The Federal Government can conduct investigations of interstate movement that may develop a body of intelligence or knowledge that would be helpful to local and state law enforcement. But we are a very mobile people; we move constantly from state to state. The burden of proving what a person intended when he crossed a state line is almost insuperable. Equal justice in the enforcement of such a statute is virtually impossible. The risk of intimidating dissent and protest is very real. I think that the two laws are unfortunate and will do more harm than good.

PLAYBOY: In this connection, let's go back to October 1967, when you coordinated the Federal Government's response to the march on the Pentagon. In retrospect, do you think you should have handled it differently?

CLARK: No. The key to our approach was to permit the demonstration. We cannot fear dissent. We endeavored to condition the permit so that the demonstration could be constructive. It was conditioned in ways that would make injury to persons or property least likely. The demonstration was huge. It was a time when national emotional concern about Vietnam was at its peak. At least 50,000 people participated. Probably 30,000 came from outside the metropolitan Washington area. That is ten, perhaps twenty times the number of protesters that came from outside Chicago during the Democratic Convention in August of 1968.

There are many law-enforcement bodies in and around the District of Columbia—National Park Police, Metropolitan Police, Capitol Police, National Guard, General Services Administration guards, Army. Training and coordinating all of these was a major concern. Police had to act with balance in an environment calculated to cause imbalance and

in which the very purpose of many protesters was to cause police to exceed their authority. This training was a major part of our preparation. I think, if we could measure, we would find that the incidents in which the police used more force than was necessary did not exceed 30 or 40.

There was no serious injury to any person. The confrontation continued over a period of days. At the end, several hundred persons were arrested for refusing to leave the area in front of the north entrance to the Pentagon. There were thousands of people arriving for work in a few hours on Monday morning. The removal was accomplished without a single act of violence or injury to any person. This was a pioneer venture in the recent history of such situations. It could have been handled better, but it wasn't handled badly. There was a real opportunity for free expression.

PLAYBOY: After the demonstrations at the Democratic National Convention last August, you said that "of all violence, police violence in excess of authority is the most dangerous. . . . It is the duty of leadership and law enforcement to control violence, not cause it." Apparently, that's what you were trying to do at the Pentagon demonstrations. Do you think that the principle was violated in Chicago?

CLARK: Yes, I do.

PLAYBOY: Should city permits have been issued for the various marches that the demonstrators there wanted to conduct? Do you think that would have eased the situation?

CLARK: I have never cared much for Monday-morning quarterbacking; but it was apparent even before the convention that clearer lines of communication between demonstration leaders and city officials should have been established. This is important both to demonstrators and to the police. Without such communication, no clear rules can be set for the demonstrators, and the police lose a major opportunity to know what the demonstrators intend to do. Perhaps more important was the failure of the city to prepare the police to act with restraint. Police are under the most intense pressures of urban life. They are subjected to great provocation. They need to be thoroughly conditioned to meet that provocation with complete self-control. If they are not so conditioned, they can react emotionally and lawlessly. Instead of being trained to perform with restraint, an atmosphere of toughness was generated in Chicago. From the days following the April 1968 riots, when Mayor Daley spoke of shooting to maim looters and to kill arsonists, a tough tone was set. It doesn't work. In my judgment, it undermined the opportunity for the police leadership to maintain professional discipline over its officers. They didn't seek

violence, but their attitude guaranteed it. It was a tragedy.

PLAYBOY: When the whole thing was over, did it seem to you that the Chicago police and the community leadership investigated these actions honestly and accurately? Were the guilty punished?

CLARK: I can't answer that entirely, because I don't know all the facts. I can answer the concluding part by saying that, quite obviously, all of the guilty have not been punished. Only eight policemen have been indicted—and all by a Federal grand jury.

PLAYBOY: Many people believe that police actions against the Chicago demonstrators were the justifiable result of serious provocations. Does the evidence support that belief, in your view?

CLARK: We will have few situations where the capability of police to contain a crowd without police violating the law, without exceeding legal limits, is so clear. Chicago has 12,000 officers. In surrounding communities, in the Cook County sheriff's office and in the state police, it has a sizable professional backup. Illinois also has a National Guard that began riot-control training 15 years ago. In any case, there was an immense law-enforcement presence at the convention. The crowd was small, compared with what the Memphis police had to deal with on the Monday following the assassination of Martin Luther King, and compared with scores of other equally or more emotional occasions where police departments have had fewer than 1000 officers.

The police in Chicago had only to keep cool and move professionally to arrest those who were involved in any substantial violation of the law. This they failed to do. Now, there's no doubt that the crowd contained some who are about as good as you can get at baiting authority. They've had a lot of practice at it. As with the wildest kids at the colleges, the baiters' one chance to succeed, really, was to provoke the police. If they had failed to do so, *their* conduct would have been the focus of attention, for it was undignified and miserable in many respects. But because they did provoke the police, the focus shifted from the ugly things they did to the very dangerous things the police did, and this is why the baiters won.

PLAYBOY: In April 1968, after the death of Martin Luther King, there were explosions in the ghetto areas of Washington, where you had some direct responsibility. Would you comment on the handling of that violence?

CLARK: The violence that followed Dr. King's death was fundamentally different from anything we had experienced theretofore. Every riot during the Sixties had

arisen from a local incident, and in nearly every instance, the incident had resulted from police action. But after Dr. King was shot, people were coming out of their houses all over town—all over the country, in fact—and there was deep emotional shock. It affected many people in many ways, some with despair, some with anger, some—and this is understandable, too—with the opportunity for a lark. All these factors combined to cause great agitation on that Thursday evening and again on Friday. There were waves of action and reaction for three or four days, until more than 100 cities were affected.

The problem of control in Washington was quite different from the problem of control in the riots in Newark and Los Angeles and Detroit, where early responsive action at one location might have made the difference. In Washington, on Thursday evening and Friday, it wasn't possible to tell where the greatest risks were. It wasn't just at 14th and U [a major intersection in the Washington ghetto]; risks were high in a dozen places. The police force here totaled fewer than 3000 men and the National Guard potential was very limited. Fortunately, police departments over the country had begun riot-control training in January, conducted by the International Association of Chiefs of Police and sponsored by the Department of Justice.

With this potential for a massive blood bath, with riots spread over hundreds of places in scores of cities, with Federal troops in three—Baltimore, Chicago and Washington—there were almost as few people killed as in Detroit alone the previous year; and there was less property damage throughout the country than in Detroit alone. The use of deadly force, as it's called in the police world, was strictly limited. New techniques were employed and more gas—in some places, too much gas, but that is how you learn. There was an outcry that property here in Washington had been deliberately exposed to destruction, but that wasn't true. Police tried to follow what is considered to be the most effective control techniques, and shooting people has not proved effective in the short run nor in the long run. America must understand this.

PLAYBOY: Do you feel the police were right to stand by, as they did in some instances, as looting took place?

CLARK: The worst thing an officer can do is to engage a crowd with force when they are the superior force and are prepared to use force themselves. Police should have adequate force to control a situation before they engage an angry crowd. Otherwise, there can be a shootout. Unfortunately, however, some po-

lice, because of inadequate training or the very low professional standards of police generally, stood by when they should have sought help. Sometimes police have stood by even when they could have controlled lawlessness. That's bad. But to characterize the conduct of the entire force by what a few officers do is a mistake.

PLAYBOY: Do you expect more civil disorder, despite increasingly sophisticated riot-control techniques?

CLARK: I think the potential remains. We've learned a lot about how to deal with riots. We've not had the recurrence of a really serious riot in a city that has already experienced a serious riot. But the underlying forces that cause riots remain. We must understand that. We must deal with them, because as terrible as riots are, they are far from the worst that could happen. If despair and hopelessness reach a level where guerrilla warfare can occur, this could cause an irreconcilable division of the country.

PLAYBOY: Do you think guerrilla warfare is a real possibility?

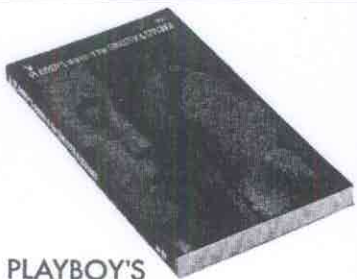
CLARK: Yes. We have seen none yet, but if we do no more to improve conditions than we have, we can look forward to violence more directed and planned than riots, which are irrational and spontaneous.

PLAYBOY: In that event, or simply in the event of continued rioting, what do you think is the potential of the white majority in this country for real repression?

CLARK: It's substantial. We are gripped with fear. Fear could lead to a repression that would cause guerrilla warfare to occur. Fear may have been a good instinct for cave men; it may have kept them alive. But in our time, it's terribly dangerous. When you're afraid, you lose all compassion for other people. Fear deprives you of the very concern that is essential to remove the cause of that fear. Frightened, you fail to fulfill the obligations of a compassionate and just people—to educate and employ and house and give health to the poor. Finally, fear deprives you of any concern for justice itself. Frightened, you want to shoot looters, to arrest without cause, to hold without bail, to force confessions.

PLAYBOY: Many on the left think that if such a climate of repression develops in America, the police will be in its vanguard. Do you agree?

CLARK: The policeman must meet the leading edge of protest, demonstration, frustration, anxiety, crime—all of the turbulence that we are experiencing. Unless he meets it with skill and high professionalism, he, more than any other factor, will cause division. He must be where the action is, and if he himself is a

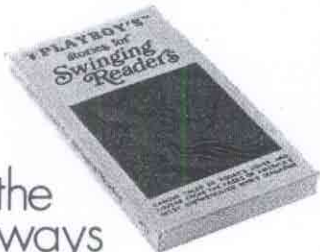


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provocation, if he is not professional—as was the case in Chicago—then we will have violence. But by effective control, the police could give this nation the few years it has left to mount a massive effort to meet the vast needs of its cities, its minorities, its poor.

PLAYBOY: How well are police prepared to handle this task responsibly, and what can be done to help them?

CLARK: The best way is to pay them better salaries. We should know ourselves: We are motivated by money in this country. The average policeman in the United States makes three fourths the salary that the Bureau of Labor Statistics says is necessary to maintain a family of four at a minimum standard of living. The average patrolman who has been on the force more than five years makes less than \$1000 more than the average rookie. That's how you measure opportunity in the police world. To attract the people we need, to attract the skills we need, to retain and train the people we need, to develop professionalism, we will *have* to pay much higher salaries. Our very liberty depends on it, not to mention our safety.

There is no activity of modern times that requires a greater set of professional skills than policework. Police must know law. If a policeman doesn't know the law, how can he enforce it? The policeman has to be a scientist in a broad range of physical and social sciences. A good department must have psychologists, chemists, psychiatrists. An officer often needs to be even a medic and an athlete. Twenty-one percent of all the policemen in the United States killed in the line of duty from 1960 through 1967 were killed interceding in disturbances, usually domestic quarrels. If you train officers to handle such disputes, you can reduce injuries to both the policemen and the civilians involved. This has been demonstrated by a model project in New York City. In addition, police must be trained to work with kids. That's where most crime is.

Yet today there are major police departments in the United States in which a fifth of the men didn't finish junior high school. Now, when you send a 27-year-old, eighth-grade-educated, married policeman, with a wife and three children at home, onto a campus where he will be called on to control 18-, 19- and 21-year-old kids who have all the opportunities that he didn't have, who will make more money their first year out of college than he'll make in any year of his career, you are looking for trouble. In short, our neglect of our police has been incredible.

PLAYBOY: Many police feel that the Supreme Court neglected public safety in two recent decisions—which you have supported—that guarantee the rights of

defendants; specifically, the *Escobedo* and *Miranda* cases, which hold that a suspect must be informed prior to any interrogation of his right to remain silent, and of his right to have counsel present. After some years of experience with the new rulings, what effect have these decisions had on law enforcement and criminal convictions?

CLARK: There have been only a handful of cases lost in which *Miranda* or *Escobedo* was the authority cited for reversal. The real question is whether we intend to be just. The rich have lawyers, the mobsters don't confess, the well informed know their rights. Only the poor and the uninformed are affected by *Miranda*. The next question is whether confessions are necessary. Chief Justice Warren noted in the opinion on *Miranda* that the FBI began giving suspects a warning containing all but one of the elements required by *Miranda* as early as 1948, 18 years before the *Miranda* decision. The Bureau gave this warning not because an Attorney General told it to, and not because a court told it to, but because it thought it was in the best interests of effective law enforcement—and it was.

Today, the guilty-plea rate in FBI cases is averaging about 87 percent, and the conviction rate in all the cases that go to court is about 97 percent. In fact, the *Miranda* and *Escobedo* decisions tend to force the police to professionalize, to use scientific methods. In 1931, the Wickersham Commission reporting on crime in America noted that most police jurisdictions in the United States used force to secure confessions. I don't know anyone who thinks law enforcement was more effective or more efficient in the Twenties. Now, as then, the poor don't know a lawyer; they couldn't call one if they wanted to, because they don't have a dime to use the phone and they couldn't get the secretary to put the lawyer on the line if they did, because they couldn't pay a fee. Why should people who have the ability to enforce their rights, to hire lawyers, have advantages over people who don't have the ability to enforce their rights or to hire lawyers? And how reliable are confessions, anyway? Mental-health is the major factor in crime. The opinions in *Miranda* and *Escobedo* were right from a moral standpoint, and they also have the effect of professionalizing police.

PLAYBOY: You don't think it's fair, then, to say that criminals are going free because of these decisions?

CLARK: That's a pathetic thing for a politician or anyone else to say. Most crimes in the United States are not even reported to police in the first place. This ought to tell us something about crime and law enforcement. How are you going to get a confession out of someone to a crime that you don't even know has been committed? Our needs for money, manpower

and reform in the whole field of criminal justice are so great that the small protection we might possibly get from forced confessions is trivial. All this insistence on the importance of confessions is very often a diversion by people who are unwilling to face up to the immensity of the job and unwilling to appropriate the funds necessary to do it. I think you'll find that if you look at the men who vote that way, they also vote to deny funds for increased police salaries and for better training and higher standards for police. They want to save money, and they want to find an easy way. There isn't one.

PLAYBOY: Even if the *Miranda* and *Escobedo* decisions haven't made it more difficult to obtain convictions, isn't it true that they have affected the ability of the courts to bring about speedy judgment?

CLARK: They have slowed down court trials. Some legislative acts of the past few years—such as the Criminal Justice Act, which provides funds for lawyers to defend the indigent accused of crime in Federal proceedings—have had the same effect. If a guy has a lawyer, a trial is more likely than a guilty plea. But these problems are a small price to pay. The criminal-justice system was operating inefficiently before these additional burdens were imposed on it. They have added little, and the problems of a speedy trial remain essentially the same as they were before.

PLAYBOY: There has been a good deal of talk lately by law-enforcement officials about preventive detention: the denial of bail to hard-core criminals who might be expected to commit new crimes during the long delay between arrest and trial. How do you feel about this?

CLARK: It would be a tragic mistake for many reasons—so many that I'm afraid we could fill this magazine just listing them. First, there *must* be a speedy trial. As any prison warden will tell you, unless the person who is convicted sees an immediate relationship between the commission of a crime and his conviction and incarceration, it won't affect his future conduct. He has to believe that there is a real probability that if he commits a crime, he will be arrested, tried, convicted and imprisoned swiftly. There is already an unacceptably long gap between arrest and trial. But preventive detention would *increase* the gap. It would take the pressure off the courts to provide speedy trials. If the accused are in jail, why worry about a speedy trial? The public is safe, it thinks, and so the pressure to provide a speedy trial evaporates.

Second, under a system of preventive detention, some innocent people would be jailed while awaiting trial; let's face that. One of our judicial principles is that a person is presumed innocent until proven guilty. It's rather an important

principle, not just a bunch of words. It means that we place the individual above society; it means we believe he's important. But if we engage in preventive detention, we presume guilt, and our presumption will often be erroneous. In 1967, only two thirds of the people arrested for robbery were formally charged. Of those charged, only 49 percent were convicted; 17 percent were convicted of lesser crimes and 34 percent were acquitted altogether. If we can predict guilt before trial, we ought to forget about trials completely.

Third, consider what happens to people in jail. If you really want to reduce crime, you don't worry only about what they might do if left at large during the few months between arrest and trial. That is a very minor aspect. What about jail? Most of our jails are more likely to *make* criminals than to reform them, so you're throwing people into an environment that breeds crime. Instead of worrying about jailing people who are constitutionally presumed innocent, we had better start spending money on professional skills to rehabilitate the people who are convicted.

PLAYBOY: Is it your feeling, then, that most people charged with a crime—whether repeaters or first-timers—should be set free until trial?

CLARK: Yes. Beginning in March 1963, under the leadership of Attorney General Kennedy, who was vitally interested in the problem of bail reform, the Federal Government started recommending to judges and commissioners the release of defendants who could not make bail, on their own assurance that they would return for trial. In one year, in the Federal Government alone, with a conservative experiment, we saved more than 1000 man-years of liberty; 9000 people were released for an average of 41 days apiece. And that figure represents less than five percent of the total number that might be released if this applied also to local law-enforcement jurisdictions. This meant that they had the chance to keep the job they would have lost. It meant that the families that might have broken up—a major cause of crime in itself—had that much greater chance to stay together. And to some, it meant the only opportunity they would get to obtain the evidence that would show their innocence.

PLAYBOY: How many of those released without bail showed up for trial?

CLARK: We found that their failure to appear for trial was at a lower rate, less than three percent, than the average for all the defendants released on bail before the experiment was undertaken.

PLAYBOY: If preventive detention isn't the answer, how are we to keep crime repeaters off the streets?

CLARK: We should start by reforming the way people convicted of crimes are sen-

tenced; this is basic to reform of the criminal-justice system. If we reformed sentencing, we could eliminate preventive detention as a problem. Sensible reform would involve what is called an indeterminate sentence in every case. This means that, rather than a judge looking at a defendant he never saw before and who has just come before him on a plea of guilty, rather than the judge guessing that in five years or ten years we can let this fellow out, we would turn the individual over to professional people who would tailor a program calculated to rehabilitate him. It might put him back into the community years before his sentence finally expires. If he commits a crime during that time, then you don't have the problem of preventive detention; you have the problem of revocation of parole, because the man is still obligated to society from a prior sentence, and that obligation is invoked. It must be invoked with due process, but the issue is much easier than guilt or innocence of a new crime. The issue is whether the conditions of parole are violated.

If you look at the people who would be confined by preventive detention, you'll find that most of them are crime repeaters. The evidence is that 80 percent of all felonies in the United States are committed by repeaters. This is the most important statistic in the whole criminal-justice field, in my judgment, because it tells you where controllable crime is. The way to control crime is to work with these repeaters in the context of a continuing rehabilitation program from the very first time they come into the correctional system.

PLAYBOY: There's a good deal of disagreement, even among law-enforcement officials, about the reality of the so-called crime wave. How much do we really know in a statistical, factual sense about the crime rate in America?

CLARK: We know enough to see an increase in crime exceeding the increase in population. The problems of mental health, drug addiction and alcoholism—and all the anxieties of urban life—tend to cause crime. I think there are real increases, but our statistics need a tremendous amount of refinement and reworking. Our ignorance vastly exceeds our knowledge. What do we know when we are told there is a murder every 43 minutes and a rape every 19? If that time clock applied to the Virgin Islands, everyone there would be murdered in five years—after having been raped twice. You might start looking around, thinking it's time for another murder right now, according to the clock. But how many people are there in this country, and how much do we know about how many murders there *really* are? The crime clock measures only two dimensions, time and crime reported. Our world has many dimensions. We torture ourselves with

things like that. We lead ourselves to fear rather than to constructive action.

Crimes in the ghetto are usually not reported, for reasons that tell us much about our general problems. If people won't report crime to the police, it means that they don't trust the police, that they don't believe the police are effective, that they may be afraid of the police. "The last time we called the police, they arrested the old man," people tell us. Police-community relations are the most important and difficult police problem of today and of the future.

Now, murder will out. Sometimes we're fooled, but usually murder is detected. We think we know that about 85 percent of all murders are within families or between neighbors and friends. This means that if you're really frightened by the time clock about murder, the thing to do is to get away from your family and have no friends or neighbors. **PLAYBOY:** Then most murders are crimes of passion.

CLARK: That's right. A husband and a wife fighting, a son enraged at the father because he won't let him have the car, lovers quarreling, beer-drinking buddies arguing about George Wallace, whatever it might be. It's human nature. I don't mean to say that the police can't prevent much murder. They can. But to reduce such crimes as murder significantly, we will have to eliminate the conditions that cause rage, tension, anxiety and psychosis.

Probably two thirds of all assaults are between people who know each other. In two thirds of all rapes, the victim knows the person who assaulted her. So it's not a stranger, not the shadow in the night—it's us. People cause crime, and crime reflects the character of the nation. We need to realize that when we talk about crime in America, we're not talking about "them"; we're talking about the character of America.

PLAYBOY: What responsibility do you think the Federal Government has for curbing crime?

CLARK: One concrete thing the Federal Government is able to do is collect information. The new National Crime Information Center stores identifying, objective data on firearms, fugitive felons and stolen property. With computers storing and retrieving the data, 300 to 400 positive identifications are now made every day. The only information on fugitive felons is for identification: name, age, Social Security number, identifying marks, the public record of convictions—that sort of thing. Contrary to rumors I've heard, the center doesn't contain information on anyone's credit rating nor on how many times he's been married.

Apart from this kind of Federal service, we must constantly remind ourselves that law enforcement has always been a

local responsibility. It is imperative to keep it that way. But urban police departments are caught in the vise that grips all city governments in this country. They have inadequate resources and tax bases to perform all of their functions. The Federal Government must provide money and, with that money, must insist on priorities and must give guidance. This is the major thing the Federal Government can do.

PLAYBOY: You once announced figures to show that we spend 12.4 billion dollars a year for liquor and 8.8 billion dollars for tobacco, but only 2.8 billion dollars for all police—local, state and Federal—and only 4.2 billion dollars for all aspects of criminal justice. If that's the case, how much more money should we be spending on criminal justice?

CLARK: The total expenditure you mentioned, 4.2 billion dollars, includes all police, all prosecutors, all courts and all jails, prisons, probation, parole—Federal, state and local. In 1967, we estimated a gross expenditure on corrections, Federal, state and local, of 1.03 billion dollars. Ninety-five cents of every dollar went to pure custody—iron bars and stone walls. Five percent went to the real opportunity for public safety—rehabilitation, health services, education, vocational training, community control. Clearly, with 80 percent of all the serious crimes committed by repeaters, we could, by greater expenditure on this aspect of corrections, substantially reduce crime. Experiments have shown that crime repetition can be cut in half in this way. You begin with the young offender and get him back into school; nearly all juvenile offenders are school dropouts. If you can't get them back into school, you can get them into vocational training; and if they can't do that, you can get them into jobs they can handle, then supervise them. Supervise them for a long time, until you can see that they are stable and prepared to conduct themselves in society without injuring others.

A billion dollars more for correction—properly applied to professional services—would make an immense difference. Eighty-three percent of the juvenile courts in the United States have no access to any psychiatric or psychological assistance for offenders. Most offenders need such assistance. One third have no caseworker of any sort, volunteer or paid. Without more aid, a judge can do only two things with a kid—say, a first offender 12 years old. He can send him to jail, where he will probably be incarcerated with psychotics, addicts and homosexuals who may have spent three quarters of their lives in one penitentiary or another—men who have had the last bit of compassion beaten out of them. But if he does, that young boy will come out a dangerous person. Or the judge can send him back to the environ-

ment he came from. That's no solution, either. We've got to do a lot better than that. We can do a lot better than that. We know generally who these kids are. We know where they live. It is imperative that we commit ourselves to helping them.

PLAYBOY: On that point, you once said: "The clear connection between crime and poverty, ignorance, disease, poor housing, lack of opportunity, segregation, injustice, despair, is manifest." To what degree do you feel that crime is bred by society, by environment?

CLARK: Well, we certainly breed crime in America; there's no doubt about it. But the latest Uniform Crime Reports indicate that the risk of being the victim of violent crime for the average American is one time in 400 years. This is one of those facts, however, that tend to be the enemy of truth. If you are white, upper-middle-income to wealthy and live in the suburbs, your chance is one time in 10,000 years. Even if you're white, middle- to lower-middle-income, a central-city dweller, your chance is only one time in 2000 years. But if you are poor, urban and black, your chance of being a victim of violent crime is greater than one in 80 years.

In every major city in the United States, you will find that two thirds of the arrests take place among only about two percent of the population. Where is that area in every city? Well, it's in the same place where infant mortality is four times higher than in the city as a whole; where the death rate is 25 percent higher; where life expectancy is ten years shorter; where common communicable diseases with the potential of physical and mental damage are six and eight and ten times more frequent; where alcoholism and drug addiction are prevalent to a degree far transcending that of the rest of the city; where education is poorest—the oldest school buildings, the most crowded and turbulent schoolrooms, the fewest certified teachers, the highest rate of dropouts; where the average formal schooling is four to six years less than for the city as a whole. Sixty percent of the children in Watts in 1965 lived with only one, or neither, of their parents.

We are very proud of our unemployment nationally; it's less than four percent. That's not bad in terms of our history, but it's far from what it should be in terms of what other countries have shown can be done. The four percent doesn't tell you the misery that prevails in parts of America. If you take all young black teenagers, one third of the girls and one quarter of the boys are unemployed. But if you go to the black ghetto, you'll find that most black teenagers there are unemployed. You'll find whole census tracts where 50 percent are unemployed. In that same area, you'll find the oldest buildings: Half of the



WANTED

Pictured above is Ralph Ginzburg, publisher of the most notorious and wanted magazines of the 20th Century.

First he launched the quarterly *Eros*, a magazine dedicated to the joys of love and sex. *Eros* was an instantaneous *succès de scandale* and over a quarter of a million people ordered subscriptions, despite the fact that they cost \$25. But the U.S. Post Office declared *Eros* "obscene" and drove it out of business (and, incidentally, obtained for Ginzburg a five-year prison sentence, which has since been appealed).

Then he brought out the crusading bimonthly *Fact*, which was the first major American magazine to inveigh against U.S. involvement in Vietnam, cigarette advertising in the mass media, and Detroit's ruthless disregard for car safety (Ralph Nader was a *Fact* discovery). The

intellectual community was galvanized by *Fact* and bought—devoured!—over half a million copies, despite the fact that *Fact* was not available at most newsstands (most newsdealers found it too controversial) and it was priced at a steep \$1.25. But certain Very Important Persons got mad at *Fact*—including Barry Goldwater, who sued the magazine for \$2 million—and it, too, was driven out of business.

Undaunted, Ginzburg rallied his forces and last year launched still a third magazine, *Avant-Garde*, which he describes as "a pyrotechnic, futuristic bimonthly of intellectual pleasure." This magazine, he predicted, "will be my wildest yet, and most universally wanted."

From all indications, Ginzburg's prediction is proving correct. Although still

in its infancy, *Avant-Garde* already enjoys a readership of over 350,000, while its growth rate is one of the phenomena of modern publishing. Newsdealers report deliveries of copies sold out within a matter of minutes. Some dentists report that *Avant-Garde* is perhaps the magazine in their waiting rooms most frequently purloined. And librarians order duplicate—and even triplicate—subscriptions in order to provide replacements for worn-out copies (and perhaps to obtain fresh copies for their own personal delectation). Everywhere, citizens who are normally upright, respectable, and law-abiding are being tempted to beg, borrow, or steal copies of *Avant-Garde*, the most spellbinding and desperately sought-after magazine in America today.

What makes *Avant-Garde* such a tutti-frutti frappe of a magazine? Why is it in such insane demand? How does it differ from other magazines? The answer is threefold:

First, *Avant-Garde* is such rollicking great fun. Each issue really socks it to you with uproarious satire, irreverent interviews, madcap cartoons, ballsy editorials, deliberately biased reportage, demoniacal criticism, x-ray profiles, supernova fiction, and outrageous ribaldry. From cover to cover, *Avant-Garde* is one big bawdyhouse of intellectual pleasure.

Second, *Avant-Garde* stones readers with its mind-blowing beauty. It brings to the printed page a transcendental new kind of high. This is achieved through a combination of pioneering printing methods and the genius of Herb Lubalin, who is *Avant-Garde's* art director (and, incidentally, America's foremost graphic designer). In just the first few months of its existence, *Avant-Garde* has won more awards for design excellence than any other magazine in the world.

Third, *Avant-Garde* captivates readers with articles that have something to say. They're more than just filler between advertisements, as in most other magazines. Perhaps the best way to prove this is to list for you the kinds of articles *Avant-Garde* prints:

Unreported Antiwar Agitation at West Point Caught in the Act—An evening with New York's scandalous Orgy-and-Mystery Theater. **The Secret Plans of Leading Tobacco Companies to Market Marijuana**—If, as, and when pot prohibition is lifted.

Stock Trading by Computer—A report on "Instinet," the revolutionary new system that will render stock exchanges obsolete.

Living High on "The Hog Farm"—A visit to America's most successful hippie commune.

Pre-Mortem—At *Avant-Garde's* invitation, 28 celebrities (including Art Buchwald, Harry Golden, Woody Allen, and Gore Vidal) dictate their own obituaries.

"In Gold We Trust"—A satire on America's changing spiritual values, by Dan ("How to Be a Jewish Mother") Greenburg.

London's "Theatre of Eros"

The Case of Hitler's Missing Left Testicle—A round-table discussion on an intriguing detail of Russia's recently released autopsy of Der Fuhrer. (Satirist Paul Krassner speculates that "It's probably alive and well in Argentina." Philosopher Larry Josephson contends that "Hitler just wanted to prove that he was a consistent right-winger.")

Whitey's Little Baby Loves Shortnin' Bread—Soul food moves out of the ghetto.

Raquel on "Playing the Field"—"Sending actresses like me to Vietnam to entertain the troops is like teasing a caged lion with a piece of raw meat," says Raquel Welch. "I think it would be best if we stayed home and the government sent off troupes of prostitutes instead."

Coming Attraction—"Sex is the closest I can come to explaining the way I sing," says San Francisco rock songstress Janis Joplin. "I want to do it till it isn't there any more."

Live Wires—A report on Liberation News Service (LNS), the Underground Press Syndicate (UPS), and Intergalactic World Brain (IWB), the three supercharged wire services that supply news to the nation's 200 underground newspapers.

Custom-Made Man—The portent of latest genetic research.

R. Buckminster Fuller's Plan for a Floating City in Tokyo Bay

Fractured Hip—A collection of hilarious malapropisms by squares attempting to sound ultra-cool.

Free-Style Olympics—A report on the movement to revive Olympics in the nude.

Allen Ginsberg's Script for a New Film by Charlie Chaplin

The Pedernales River Baptism-a-thon: A Fugs Happening

"Amnesty Now!"—An impassioned outcry by the editors of *Avant-Garde* for the release of Dr. Howard Levy, David Miller, and more than 1000 other antiwar heroes now in prison.

Making a Scene—Never-to-be-forgotten stills from the scene in Andy Warhol's film *Romeo and Juliet* in which superstar Viva falls victim to an unplanned gang-rape.

Concrete Poetry: The New Hard Rock Verse All the World's a Stage—From The Theater of the Street in New York to the Guerrilla Theater of Stanford, dramatic groups all across the country are bringing plays to audiences that have never seen the inside of a theater.

The First Church of Love—Photographs of a phantasmagorical chapel being built in New York to celebrate sensual pleasure.

Fellini's "Satyricon"—On the set with *Il Poeta*, filming his version of Petronius' bawdy classic (with a cast that includes Mae West, Groucho Marx, Anna Magnani, Jimmy Durante, Michael J. Pollard, Danny Kaye, the Beatles, and scores of other comedians and superstars).

Best-Sellers in Underground Bookstores

Abreast of the Times—A report on the sudden return to breast-feeding by America's most highly educated, sophisticated, and sexually liberated women.

The Psychology of Political Affiliation—What character traits determine whether a person will become a Democrat or Republican, a radical or conservative?

Miami: Newest Haven for Abortion—A serendipitous result of the influx of refugee doctors from Havana.

And Now—Would You Believe?—Auto-Destructive Art—A feature entitled "Pop Goes the Easel."

Coitus Non Interruptus: The Erotic Tomb Sculptures of Madagascar

The Electric Banana Tickle: Latest Pop Invention

Nabokov's Complaint—The author of *Invitation of a Beheading* and *Lolita* in a damning denunciation of Phillip Roth's *Portnoy's Complaint*.

The Natural Superiority of Racially-Mixed Children

Phil Ochs: Kipling of the New Left

Computer Calamities—Case histories of computer malfunctions that resulted in bank accounts being wiped out, elections miscounted, and whole neighborhoods condemned to destruction.

Are Colds Psychosomatic?—Psychoanalyst Merl M. Jackel, of the State University of New York, believes they are since they almost always follow periods of depression and give the same medical symptoms as weeping.

Hold It, Please!—The growing popularity of Polaroid cameras for instant-pornography.

Brain Food—A report on the recent discovery by Dr. John Churchill, of the National Institute of Neurological Diseases, that certain foods can increase the power of the intellect.

Bob Dylan's Suppressed Novel "Tarantula"

Very Original Sin—A report on the increasing number of avant-garde theologians who are using kissing, hugging, and caressing to restore a sense of community to worship.

Postwar Vietnam: A Program of Atonement—Suggestions by 25 leading Americans.

In sum, *Avant-Garde* is a hip, joyous feast of gourmet food-for-thought. It's the quintessence of intellectual sophistication.

Small wonder, then, that critics everywhere have spent themselves in a veritable orgy of praise over *Avant-Garde*: "Reality freaks, unite! Weird buffs, rejoice! *Avant-Garde* has arrived bearing mind-treasures of major proportions," says the San Francisco Chronicle. "*Avant-Garde* is aimed at readers of superior intelligence and cultivated taste who are interested in the arts, politics, science—and sex," says The New York Times. "An exotic literary menu....A wild new thing on the New York scene," says Encounter. "Ralph Ginzburg deserves considerable credit for having risked printing this," says Life. "*Avant-Garde's* articles on medicine, space, and psychology have made science the eighth lively art," says the Boston Avator. "The fantastic artwork, alone, is worth the price of the magazine," says the New York News Project. "A field manual by the avant-garde, for the avant-garde," says New York critic Robert Reisner. "*Avant-Garde's* articles on cinema, rock, and the New Scene are a stoned groove," says the New York East Village Other. "*Avant-Garde* is the sawn-off shotgun of American critical writing," says the New Statesman. "Its graphics are stylish," says Time. "Borders on the genius," says the Miami Beach Sun. "It'll be the undoing of the strait-laced," says the Los Angeles Free Press. "*Avant-Garde* is MAGAZINE POWER!" says poet Harold Seldes. "Wow! What a ferris wheel! I was high for a week after reading it," says the pop critic of Cavalier.

Avant-Garde's contributors include the most brilliant artists, writers, and photographers of our time. Not only does *Avant-Garde* feature works by such acknowledged masters as Picasso, Arthur Miller, Norman Mailer, Kenneth Tynan, Karl Menninger, John Updike, Allen Ginsberg, Roald Dahl, Henry Miller, Bert

Stern, William Styron, Eliot Elisofon, Kenneth Rexroth, David Levine, Richard Avedon, Leonard Baskin, Dali, Genet, Beckett, Sartre, Burroughs, Yevtushenko, Warhol, *et al.*, but, perhaps more important, it hunts down the wild cats who will be the literary lions of tomorrow.

In format, *Avant-Garde* more closely resembles a \$10 art folio than a magazine. It is printed on the finest antique and coated paper stocks by time-consuming sheet-fed gravure and costly duotone offset lithography. It is bound in 12-point Frankote boards for permanent preservation. The format of *Avant-Garde*, like its editorial contents, is intended to endure.

Subscriptions to *Avant-Garde* cost \$10 per year (six issues). This is not cheap. However, right now, while *Avant-Garde* is still in its infancy, you may order a **Special Introductory Subscription for only \$5!! This is HALF PRICE!!**

Moreover, if you enter your subscription right now, you'll be a Charter Subscriber. This will entitle you to:

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■ Renew your subscription for \$5 forever, despite any subsequent price increases.

■ Start your subscription with one of *Avant-Garde's* early issues. *This is not to be taken lightly since early issues of high-quality magazines often become valuable collectors' items* (especially if they're Ralph Ginzburg publications; early issues of *Eros* now sell for \$100; early copies of *Fact* are worth \$25; and copies of *Avant-Garde* published just a few months ago are already bringing \$15).

To enter your subscription, simply fill out the coupon below and mail it with \$5 to: *Avant-Garde*, 110 W. 40th St., New York, N.Y. 10018.

But please hurry. This Special Introductory Offer may be withdrawn without notice.

Then sit back and prepare to receive your first copy of the most wanted, arresting, and rewarding magazine in America today (and the only one put out by a publisher with real conviction).

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buildings in the world have been built in the past 30 years, yet half of the buildings in Harlem were built before 1900. Parts of two or three families may live in a two-room, fourth-floor flat with 40-year-old electric wiring and no fire escapes. Think of the health and the sanitation in those buildings.

When you put poor education, poor employment, poor housing and, probably most important, poor health on the map, and then put high crime on the map, you have marked the same place every time. In those parts of town, the cost of law enforcement per capita will sometimes run ten times higher than in the city as a whole. And yet the laws aren't enforced there. There is an uneasy order; any major violence is suppressed—but rights aren't really protected. In fact, the people there have very few rights. And that's where crime is. Of course, there is suburban crime, too. Kids from affluent families commit crimes. The segregated country-club set worries most about that, because it's their kids and they know it. But those kids will be taken care of; they'll be sent off to correctional schools and they'll get training, but not the kids in the slums. We breed crime in the slums—which is why black Americans, who comprise only 12 to 14 percent of our population, are the victims of 55 percent of our murders and most of our assaults and rapes.

PLAYBOY: How useful would a strong gun-control law be in curbing violent crime in and out of the ghetto?

CLARK: Very effective. It is incredible to me that we have not yet moved to control guns. Sixty-three percent of the murders in the United States are committed with guns. There are two or three times more murders with firearms in Houston every year than there are in all of England, Scotland and Wales, which have 43 times more people. The presence of guns in an emotional and violent climate has caused not only several assassinations but the deaths of fathers at the hands of sons, of husbands at the hands of wives. In many instances, if the gun hadn't been there, it wouldn't have happened. The National Rifle Association slogan—"Guns don't kill people, people do"—does nothing but hide the facts. Guns are far more deadly than the other commonly available weapons. Thousands of people are dead because a gun happened to be handy at the moment of passion. One of five people who are shot dies; the mortality rate among those assaulted with a knife is only one in twenty.

Far from demeaning our manhood, gun control is the only way we can show our manhood. Methods of effective firearms control are employed in every civilized country in the world except ours. There are three necessary steps: First, the transportation of firearms must be strictly controlled. To permit mail-

order purchase of firearms by anonymous persons is insane. If President Kennedy's death didn't show us that, then there is just no hope. Second, every firearm must be registered. The registration must be computerized, so that law enforcement throughout the country can immediately identify the ownership of any firearm. The progress that California has made in this area made it possible to trace—in seconds, by computer—the pistol that Sirhan Sirhan used to assassinate Robert Kennedy.

And, third, anyone who possesses a firearm must have a license authorizing him to possess it. Possession is a privilege, not a right. It must be a privilege denied to persons with a serious criminal record, to persons who engage in any type of violent conduct and to persons who are mentally unstable. We have tens of thousands of mentally unstable people who own firearms. It hardly needs to be said that psychotics with firearms are dangerous to themselves as well as to others. Guns should also be denied to juveniles, with perhaps some exceptions. They should even be denied to people who cannot demonstrate a valid reason, as is required in many countries, to have a gun.

PLAYBOY: Would you favor the outlawing of all private gun ownership?

CLARK: No, but I would like to see licenses granted only in rare cases on showing of need or for sporting purposes under strict limitations. I think we should work for the day when there are no guns at all, at least in urban areas—even for the police on normal duty.

PLAYBOY: How does that square with the Second Amendment, which appears to allow people to bear arms?

CLARK: When you read the entire Second Amendment, you will see that it states, "A Militia being necessary to the security of a free State, the right of the people to bear Arms shall not be infringed." The Supreme Court has noted on many occasions that the amendment limits only the power of the Federal Government over a state militia. There is no constitutional inhibition on limiting individual possession of guns.

PLAYBOY: Let's move from individual to organized crime. Why can't the Federal Government be more effective than it has been in combating and controlling it?

CLARK: As every careful study of organized crime has noted, it cannot operate significantly without at least a neutralization, and probably a corruption, of some elements of local criminal justice. That doesn't mean a whole police department or a whole district attorney's office or a whole court. It means, perhaps, a lieutenant, a sergeant and a handful of patrolmen in a particular precinct. It could mean the clerk of a court, an assistant district attorney or a judge.

The other reason organized crime not only survives but prospers is that it deals in goods and services people want. Gambling, Shylocking, narcotics, prostitution—these comprise something like 90 percent of the income from illegal activity in organized crime. Anyone can go to almost any city in America as a stranger, and if he has a bank roll, he can find gambling. If he wants narcotics, he can find them—or prostitution. The reason is that they're looking for him, just as he's looking for them. Now, if any citizen can find them, law enforcement certainly can, too. Police know where the action is.

The main thing that the Federal Government can do in fighting organized crime, therefore, is to liberate local law enforcement. Federal "strike forces" start with the premise that if crime can organize, why can't Government? A strike force organizes Federal law enforcement first and then, when possible, state and local enforcement. In every city that we've moved into with strike forces, we have secured more indictments of organized-crime figures than were secured by all Federal activities throughout the United States during all of 1960. In seven months, we secured between 70 and 80 indictments of organized-crime figures in one town as the result of a strike force. They'd never had anything like that hit them before.

PLAYBOY: How much of organized crime is traceable to the Mafia?

CLARK: It would be very hard to say. The problem is one of definition. Are you going to include every small prostitution and burglary ring, every crap game and juice racket? I would venture to make only four observations: that there are probably several thousand people in the Cosa Nostra, not all of them working full time at crime; that the Cosa Nostra has less of the action today than it did 30 or 40 years ago; that its early Sicilian and southern-Italian dominance is substantially diluted; and that there are legitimate major corporations that have greater shares of important legal markets than the Cosa Nostra has of organized crime.

PLAYBOY: Have bugging and wire tapping been of significant help in the fight against organized crime?

CLARK: Not really. There will be organized crime as long as we have hundreds of thousands of people living in slums, isolated from sources of power. The slum dweller is the base and natural prey for organized-crime activity. Wire tapping won't change that. We make crimes of such activities as gambling, drug traffic, bootlegging and prostitution, but do almost nothing either to treat the causes of the demands for those services or to reconcile the law with the facts of life. Someone will always supply what is

wanted. If he must act outside the law, his business is high risk and he will use force and violence. As in every other substantial market, suppliers will organize. It's big business. As I said, law enforcement knows where and how organized crime operates; you can't hide bookies, loan sharks, dope peddlers or prostitutes. Cases have been known where police wire-tapped bookies to find out how much money they were making and then demanded a higher pay-off. If we professionalize our police, give them the resources and skills they need to combat modern crime, wire tapping will be unnecessary. And if we don't professionalize them, I don't think we would want them tapping phones.

PLAYBOY: Are you unequivocally against electronic eavesdropping under any circumstances?

CLARK: There are exceptions to every rule; but quite apart from any other reason for not using them, wire taps and bugs are generally very inefficient. There are bugs that have recorded every sound in a room for months and never overheard evidence of a crime. You hear babies crying, bacon frying, your favorite TV show, family quarrels, weeks of silence—but no crime. The manpower required to monitor a wire tap is substantial; Frank Hogan, the district attorney of New York County, has testified that it takes from two to six men to handle one wire tap. Those men could be involved instead in effective criminal investigation. Rather than causing police to wire-tap, we need to build strong traditions against such activity. If we don't, technology, which has mastered nature, may master man as well. The future potential to invade privacy is total.

PLAYBOY: How do you feel about the use of taps in the national-security area?

CLARK: You cannot compare national-security matters with crime in the United States. We cannot control what happens in a foreign country, but it may be very important to us to know what is happening there. Knowledge of troop movements, political developments, spy efforts, new ballistic or anti-ballistic-missile systems can mean survival. This is a dangerous world. For better or for worse, nations have engaged in extensive foreign intelligence-gathering efforts for generations. But the Government *can* control crime effectively within its own borders without resorting to wire taps; at least, our political philosophy assumes that it is possible to exercise such control fairly with due process of law.

It must be admitted, however, that wire tapping is almost as inefficient in national-security matters as it is in domestic ones. I doubt if one percent of the conversation picked up on national-security taps has value. You do a lot of listening to get a little information.

With present priorities, of course, we can afford to be inefficient in national-security matters; but not in crime control at home. We spend 80 billion dollars for national security, compared with just over four billion dollars for all criminal justice within this country.

PLAYBOY: Did you clash personally with J. Edgar Hoover on the issue of eavesdropping?

CLARK: There was never any personal confrontation, nor even any discussion in which differences of opinion were strongly stated. I think it is pretty clear, however, that throughout my tenure, Mr. Hoover favored wire tapping in both the domestic field and international security matters, while I was opposed to it domestically.

PLAYBOY: Is Mr. Hoover really under the effective control of the Department of Justice?

CLARK: Mr. Hoover never failed to execute any orders that I gave him the entire time I was in Justice. His responsiveness was not always all I hoped for, but that's true in almost any institutional setup. The FBI is independent, even as Federal agencies go. But on balance, I think it's better to have investigative power centered in a career professional investigator than in an Attorney General—and some of my best friends have been Attorneys General. The reasons are several. The Attorney General is much too busy to supervise the FBI closely. The agency handles 700,000 or 800,000 investigations a year. It's a complex field and one in which the Attorney General is not usually experienced. Further, if the United States Attorney in a city controlled the local FBI office, the office would inevitably become involved in political matters. The independence of the FBI has kept politics out of its investigations. Mr. Hoover may have stayed too long, but he built an exceptionally good bureau—probably the best there has ever been in its field.

PLAYBOY: Hoover's critics charge that—whether or not the FBI is independent of partisan political pressure from the Administration—his well-known archconservatism permeates the organization, compromises its integrity and presents a danger to the public interest. Do you agree?

CLARK: There's no question but that it's dangerous to have investigative agencies headed by men with strong ideological fervor. I hope that Mr. Hoover's successor will discipline himself to stick to objective, professional fact finding and stay out of ideology.

PLAYBOY: Many people thought you might have been well advised to take that advice yourself, after hearing your pretrial statements with regard to two famous murder cases. Before James Earl Ray was arrested for the assassination of

Martin Luther King, you were reported to have said, "One man did it alone and we have him in custody." Would you tell us why you said that?

CLARK: I never said that. But the assassination of Dr. King was one of the most traumatic events the American people have suffered in this century. I thought I had an obligation to the people to disclose the facts of our investigation to the extent that I could without impairing the investigation itself or impairing the chance for a fair trial. I made no comment after the arrest of James Earl Ray; but on Friday, April fifth, and Sunday, April seventh, and from time to time thereafter, I reported on the status of the investigation. We had no evidence of any conspiracy, and that was the situation as far as I knew when I left the Department of Justice on January 20, 1969.

PLAYBOY: Will Ray's guilty plea and his sentencing preclude any further investigation into the possibility of a conspiracy in the killing?

CLARK: No. As in the case of President Kennedy, or in any similar situation, you must continue to investigate any new evidence that may be discovered. You don't close such cases even though the evidence developed is overwhelming.

PLAYBOY: In another famous assassination investigation, you were quoted as saying, soon after the arrest of Clay Shaw by New Orleans District Attorney Jim Garrison, that you might have to prosecute Garrison for violating Clay Shaw's rights. Wasn't such a statement prejudicial, to say the least?

CLARK: That quote was attributed to me in a talk to a student group at the University of Virginia. But the fact is that I didn't say it, and I issued a denial. I would never say someone should be prosecuted if I were the prosecutor. I would either prosecute or not prosecute. But I did believe Mr. Garrison acted outrageously, and I still do. Perhaps I showed it. If I did, that was wrong.

PLAYBOY: Since Shaw's acquittal, Garrison has charged him with perjury. Do you think he'll be able to prosecute this new case?

CLARK: Mr. Garrison has already done more than I like to think possible under the American system. He demonstrates the great power of a district attorney and the cruel abuse that can be made of that power. I don't know what he can do. It's up to the criminal-justice system of Louisiana, the bar and the people. I don't know whether there is evidence of violation of Federally protected rights.

PLAYBOY: On the larger question of President Kennedy's assassination, have any of the books or articles subsequently published challenged your belief in the essential rightness of the Warren Report?

CLARK: No. I felt it was imperative that

Who is "we"? Those who are original writers, who were & present or
debated & justify?

we know everything possible about the assassination, that we ask every question and seek every answer. We accumulated every article, every book, every expression of doubt, every allegation we could find. We endeavored to examine all. I believe the Warren Commission made the most comprehensive and intensive investigation of a series of facts ever undertaken. Few juries in murder trials have ever had at their disposition the quality and quantity of evidence that pointed to the guilt of Lee Harvey Oswald. From all I've seen, I believe that Oswald, acting alone, assassinated President Kennedy.

PLAYBOY: You were the first Attorney General to oppose the death penalty. Had Oswald lived, would you have wanted to spare his life also?

CLARK: Yes. In opposing the death penalty, I do so knowing that all murder is ghastly, that some may wound an entire country, that someday I or a member of my family may be the victim. The death penalty lowers the state to the level of the killer by attempting to redress a private execution with a public execution. Either human life—all human life—is sacred or it is not. I think it is. In his appeal for mercy in the sentencing of Sirhan Sirhan last May, Senator Edward Kennedy—who might be expected to feel the desire for revenge as deeply as any man—also acknowledged the sacredness of what he called "God's gift of life itself."

In any case, I'm not sure it's correct to say that I was the first Attorney General to oppose the death penalty. I believe there were several of my predecessors who felt as I do without taking a public position. The Department of Justice first took a formal position in opposition to capital punishment when Nicholas Katzenbach was Attorney General, in a letter that I wrote, as his deputy, to a Congressional committee.

You try to keep your personal prejudices and viewpoints out of your official conduct. If you don't, we become a government of men rather than of laws. But in fairness, I would have to say that since very early days, since high school, I have opposed the death penalty. To me, it's more important that we face up to this issue now than ever before, for many reasons. We live in a climate of violence. The massiveness and growth of our population depreciates the significance of the individual. What's a person worth? You talk to kids in the ghetto and they tell you that if they're killed, it won't make much difference. It's just one more dead bum. They half believe it—and that's a tragedy. Reverence for life, "mere life," as Justice Holmes put it, is essential to the quality of our civilization. When society exacts the death penalty, it cheapens life and the value of the individual. There was a time, perhaps, when man had to work so hard to eke out an exist-

ence that it approached injustice to divert substantial resources to keep alive people who were hopeless or dangerous or mentally disturbed beyond any medical capability for redemption. But the time has long since come in this country when we've been able to feed, clothe and shelter ourselves many times over. Further, we've developed medical and other skills that promise the opportunity of rehabilitation for most lawbreakers.

I believe that every director of the Federal Bureau of Prisons in its 30-odd years of existence has favored the abolition of the death penalty. They've all supervised death rows. They've watched men there and they know that the death penalty is inconsistent with the best learning that we have in the field of corrections and is actually counterproductive. And the hypocrisy of our use of the death penalty is immense. In the past five years, there have always been at least 300 people on death row in the United States. In 1968, for the first year in our history, there were no executions. In 1967 there were two and in 1966, one. There has not been a Federal execution since 1963. I fervently hope that one will be the last. But the society has to do what it says. If you say you will execute people, you must have the courage to do it when cases arise. The hypocrisy of sentencing 300 people to death—with all the attendant psychological implications for them and for thousands and thousands of others—and then not having the guts to go ahead and do it is devastatingly cruel.

PLAYBOY: You said a moment ago that the death penalty is counterproductive. What did you mean?

CLARK: According to every survey and study I have ever seen, the death penalty does not cause a reduction in violent or capital crime. We've seen states abolish the death penalty with no apparent change in their crime rate, and we've seen states reinstate the death penalty with no apparent deterrent effect. It doesn't deter crime. What it does do is add to the climate of violence, the insignificance of the individual and the cheapness of life in modern society.

PLAYBOY: Many people believe that the prime cause for the climate of violence you decry is the war in Vietnam. Of the thousands who have protested the war, few have paid a higher price for it than Dr. Benjamin Spock and the Reverend William Sloane Coffin. Was it your decision to prosecute them for conspiring to counsel evasion of the draft?

CLARK: I was Attorney General and I was responsible for what was done. I reviewed the matter before it was presented to the grand jury. The question was not what was right or wrong morally. The question was whether the law was violated. The system must have integrity. Whatever your personal feelings, you either do your duty or you resign. It

never seemed wrong to me that Thoreau and Gandhi were prosecuted or that they went to jail. That was their point: They so disagreed with their governments that they would sacrifice freedom itself to show their concern. As to the specific factors and legal reasons for which Dr. Spock, the Reverend Coffin and others were indicted, the case will have to speak for itself. It would not be right for me to comment on it while it is still pending.

PLAYBOY: But you are free to comment on the issue they were testing. What are your views on the draft? Should we even have one?

CLARK: The inequities in the current draft are intolerable, especially because the injustices fall upon youth, which has little confidence in the system, anyway. I think we must call upon youth—ultimately, upon all youth—to serve in various areas of public need. Indeed, I believe we must reorient our philosophy from self-service to public service. Ideally, that service would come on completion of high school. Those who serve should be given the opportunity, if they have the capability and the desire, to go to college after their service. The service might be for two years and it would be in a wide range of activities, involving such organizations as the Peace Corps and VISTA, and work with the young in Head Start and in health and social programs. Young people can help meet the needs of the central city; they can work on conservation projects throughout the country and in dozens of other ways. Youth needs to have a sense of responsibility and a sense of contribution.

But we will still need a military capability in this world; and in my judgment, a free society should not look for a purely professional military to maintain that capability. The military must be close to the people; it should have a large civilian involvement. Therefore, within the youth service, we should accept those who volunteer for the military as such, and then choose others—by random selection, the only method I know that would be fair—to the extent necessary to man our military services.

PLAYBOY: You once said that no activity of a people "so evidences their humanity, their character, their capacity for charity in its most generous sense, than the treatment they accord those who have offended them." In the light of that thought, would you favor an amnesty for draft resisters?

CLARK: There are a variety of types of draft resisters. We need to discriminate when talking about them. Among those who protest Vietnam are some of the best motivated, most promising young people we have. We should not write them off. We ought to remember the damage we did to ourselves in the conscientious-objection field during past wars. Good people—some of the best people, some of those who made and would have made the greatest contribution—were

Only if applied universally. If not, it is a policy & political decision, not a legal decision

marked in a way that clearly limited their future. We need to work very sensitively with these young people and give them the opportunity to fulfill their promise. In my judgment, that will necessarily include forgiveness for many. But at a time when some are forced to go to Vietnam, others cannot be permitted to avoid the Service. Pardons will have to come later.

PLAYBOY: If the country decides to extend forgiveness, as you put it, to those who have conscientiously objected, isn't it likely that there will have to be a blanket amnesty?

CLARK: Well, there are some who engaged in specific acts, such as injuring people, that in and of themselves deserve punishment. But I think that young men who objected on moral grounds and engaged in no harmful activity should certainly be pardoned.

PLAYBOY: Some people might find it difficult to reconcile the libertarian views you've expressed here with your background as a Southerner and the son of a prominent conservative. In fact, Representative Joe Pool of Dallas, your home town, once said of you: "I don't know how he's got off on this kick." How did you get to be the liberal you are?

CLARK: I don't know that I'm off on a kick. But many of my views aren't traceable back to Dallas. I went to grammar school in both Texas and Washington, D. C.; to junior high school in Los Angeles; to high school in Washington; to the University of Texas for an undergraduate degree; and—perhaps most important—to the University of Chicago for two degrees. Wherever my views came from, I have tried to square my actions with them over the years, as any man does.

PLAYBOY: After finishing law school, you returned to Dallas and practiced private law for ten years. Is that where you acquired your social conscience?

CLARK: Basically, my time was consumed with trying to straighten out the legal troubles of individuals and businesses. There were occasions when I had a sense of deep satisfaction—when I thought I had advanced the state of the law or improved a significant legal principle or secured acquittal for someone I thought was innocent—but by and large, it was a private practice for profit. By 1960, I had come to the conclusion that I wanted more than that. I wanted to be involved in the major and troubling problems of the country and therefore sought and entered public service at the beginning of the Kennedy Administration.

PLAYBOY: As we indicated a moment ago, there is—or seems to be, at any rate—a wide divergence between many of your views and those of your well-known father, Justice Clark. How does your philosophy depart from—or derive from—his?

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by his. They would have to be. It's hard for me to trace the influence exactly; I don't recall my father ever trying to teach me by word the lessons I learned from him. But we are a very close family. The lessons were not from what he said but from what he did: his inner drive to get things accomplished, his long and tireless hours, his sacrifices to the bar and the bench, his craftsmanship. These are the real lessons I think I learned from him. It's true, of course—as with most fathers and sons—that our points of view are quite different. He was born just before the turn of the century; I was born just before the Depression and went through adolescence during World War Two. So the worlds in which we lived during our formative years could not have been less alike. His education was almost entirely in Texas, while mine was all over the country. He had never left Texas by the time he was 18, while before I was 19, I'd been on five continents and in 75 countries. But we each have the ability, I think, to shape our points of view by exchanging them with each other. I'm sure we both profit from that.

PLAYBOY: You and your family have had a long association with Lyndon Johnson. Did you ever feel that, as President, he was surprised or disappointed by the views you expressed as Attorney General?

CLARK: You can't have a long and close relationship when you're dealing with many critical issues without having differences. If two people always agree, one of them isn't thinking. We had disagreements. I think that's inherent in the situation. But he was the President and I always tried to remember that.

PLAYBOY: What do you think were the greatest achievements and failures of the Johnson Administration in the areas that concern you most?

CLARK: It may be a little early to judge, but I think he may have been the first President to clearly arouse a concern and a commitment in the American people to eliminate poverty. And I mean poverty in its broadest sense—not just the lack of money but its concomitant ills: ignorance, sickness, unemployment, slums, wasted lives and an ugly, unhealthy, polluted environment. We should never forget that Lyndon Johnson dramatically put us on the road toward solutions to those problems. He increased Federal expenditures for education in four years from three billion to nine billion dollars. Federal expenditures for health increased from five billion to fourteen billion dollars. Federal manpower development efforts were training slightly over 100,000 people in 1964 but nearly 1,300,000 a year in 1968. And in civil rights legislation, his accomplishments were magnificent. The 1964 Civil Rights Act—with its public accommodations, public facilities, employment, Federal-contract denial, community-relations serv-

ice and other titles—was the greatest step forward since emancipation. The Voting Rights Act of 1965 and the 1968 Civil Rights Act were historic. The fair-housing title of the 1968 act states the goal we must reach if we are ever to know equal justice.

PLAYBOY: Do you think this kind of liberal legislation—which entailed vast Federal expenditures and benefited mostly the disadvantaged minorities—had anything to do with the loss in popularity among the white middle class that finally persuaded Johnson not to run again?

CLARK: We don't know that. I'm not sure what would have happened if he had run again. Vocal opposition was clearly very intensive. But unquestionably, Vietnam was the basis for most of it. The war was so horrible that we could think of little else. Domestically, it may be that he wanted to do so much—and yet was able to bring all the essential forces such a little distance with him—that the gap created a reaction. If this is right, the failure was ours, not his. Action is so urgent that we cannot be timid; we cannot afford to compromise.

PLAYBOY: Toward that end, you once said of the Department of Justice that it would have to become more nearly a ministry of justice. What did you mean by that?

CLARK: The Department of Justice is much more than a mere office of prosecution. It also has responsibility for corrections, which may be its greatest opportunity to reduce crime. It also enforces the Civil Rights Acts: Here it can manifest to the American people that the purpose of our laws is equal justice under law. The department must live up to its name. It must serve and seek justice in the broadest sense. It has an obligation to develop new laws, relevant to our times, that will effect justice in modern America.

PLAYBOY: Do you take that to be your own obligation, too, even though you've left the department?

CLARK: Yes, I do. I've joined the New York law firm of Paul, Weiss, Goldberg, Rifkind, Wharton and Garrison, for which I'll be practicing in both New York and Washington. I hope that I can use this private practice as a study of methods to bring law and equal justice to all our people. In any case, it should provide an exciting new experience where much of the major action is. I will treasure the eight years at Justice wherever I am, of course. Somehow, I will have to remain involved with civil rights, with criminal justice, with corrections. I want very much to be around young people, and so I hope to teach a course in law and poverty at Howard University. I will also lecture and write on the subjects we've been discussing today. In short, I'm concerned about our country—and determined to help wherever I can.

