

Inside Justice

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UNITED STATES ATTORNEY:
An Inside View of "Justice" in America Under the Nixon Administration. By Whitney North Seymour Jr. Morrow. 248 pp. \$8.95

By JON R. WALTZ

THE JACKET around Whitney North Seymour's book declares that it is "An Inside View of 'Justice' in America under the Nixon Administration." This is followed by testimonials to the book's worth by nine eminent friends of the author — a serious case of overblurb and inaccurate as well.

It is one of the curiosities of Seymour's book that it provides very few "inside" views of the justice system. Much of *United States Attorney* is based on the sort of library research that generates a thin film of background material for chapters and sections that can be called "The Making of the Department of Justice"; "Early Glimpses of Federal Justice"; "Federal Law Enforcement Comes of Age"; and "The Decline of the FBI." It is pretty stale stuff. The author has also placed heavy reliance on old newspaper files, so that a longish description of Spiro Agnew's corrupt conduct tells one nothing that this newspaper didn't tell at and before the time Agnew entered his plea. And

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Seymour spends a great deal of time drawing little sketches of cases that arose not in the U.S. Attorney's office that he headed, in New York City, but in the bailiwicks of other federal prosecutors, such as Herbert Stern in Newark and George Beall in Baltimore. Perhaps because these men might wish to write about their own cases in their own books someday, they have not provided Seymour with much "inside" information about their operations.

The jacket previews of *United States Attorney* are misleading in another respect. A number of the blurb-writers suggest that the book will tell the reader about the Watergate affair and how it came to pass, but it has almost nothing to do with the scandals and what little it does do with them has a distinctly warmed-over flavor.

Having issued these advisories as to what *United States Attorney* isn't, we can now describe what it is. It is a primer on the U.S. Department of Justice, with emphasis on the workings at the local level of the offices of the U.S. Attorneys. The position of U.S. Attorney was created in 1789 by a statute that provided for the appointment in each federal judicial district of "a meet [worthy] person, learned in law to act as the attorney for the United States." His duties were to "prosecute in each district all delinquents for crimes and offenses cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned." The U.S. Attorneys are an integral and important component of the American power structure. Lodged with

them is a broad discretion whether and how to initiate enforcement proceedings in a wide range of federally occupied areas. Seymour, who was one of the most admirable U.S. Attorneys ever named to the post, is at his best — and closest to providing "inside" details — when he is describing his own and his staff's day-to-day efforts to exercise that discretion wisely and well.

Seymour has pulled together a revealing collection of prosecution statistics. What emerges from it is not a profile of crime in the nation, since jurisdiction over many crimes, including most crimes of violence is exclusively in the state courts. Seymour's profile is of important affirmative aspects of current federal law enforcement. In the mid-70s it is not the anarchist or the peace demonstrator who consumes the time of federal prosecutors. The four fields of prosecutorial emphasis are these:

(1) narcotics prosecutions, aimed at achieving some measure of control of illicit marketing in heroin; (2) the protection of union funds from looting by dishonest union officials; (3) increasingly vigorous prosecution of white-collar criminals, including lawyers, bank officials, and securities law violators; and (4) the prosecution of persons engaged in the corrupting of public officials. As Seymour points out, these are areas of enforcement in which the federal government can and should make consistent and positive contributions.

A negative side of federal enforcement efforts also can be discerned in Seymour's statistics. It is fairly evident that in recent times there have been no coherent national enforcement guidelines — which is not surprising when one contemplates the abysmal quality of recent Attorneys General. In the Eastern District of Alabama the federal forces are combating illegal pinball machines; in the Central District of California it's all-out war on marijuana smuggling; in New Jersey the U.S. Attorney fights some battles for the consumer by bringing antifraud actions against, for example, the promoter of a quick-reducing scheme; New York City's prosecutors spend much of their time prosecuting tax and securities frauds; in North Carolina they're tied up with a case involving the shipment of poisoned chicken treatment compound. It is apparent that the resources of many U.S. Attorney's offices are being squandered on local gambling prosecutions that exert little long-term impact. Furthermore, Seymour's case studies raise serious questions about the excessive use of criminal sanctions. One wonders, for example, whether it was essential to marshal the full force of the federal government against an alcoholic whose participation in an attempt to rob a New Jersey bank was so inept that he was apprehended by two of its female employees. And how much time

should be devoted by a busy prosecutorial office to enforcement of the Migratory Bird Act?

In a subsequent chapter Seymour traces the debasement, during the Nixon years, of the Department of Justice. (Seymour's book was written before he had a chance to assess how fresh a breeze the current Attorney General, Edward Levi, is fanning through the corridors at Justice.) This is followed by an attack on the FBI in general and J. Edgar Hoover in particular that is virulent enough to inspire the revisionists to begin rehabilitating the Bureau's late director. Seymour takes up the Nixon Administration's disastrous undermining of federal narcotics enforcement; he briefly revisits such causes célèbres as the Pentagon Papers case and Clifford Irving's instant biography of Howard Hughes. There is heavy reliance on fragmentary vignettes and the heavy platitude; chapter after chapter ends with a pious preachment: "As long as law enforcement power is kept in the hands of those who are themselves corrupt, the public interest is frustrated."

Had Seymour's book been based more solidly on his own experience, with less reliance on historical filler and saccharine sermons, it might have been useful to those knowing very little about the federal justice apparatus. Sadly, because it is far fainter praise than one would wish to bestow on any effort by a man who served the cause of justice well at a time when his Washington superiors were aggressively perverting it, one can only say that Whitney North Seymour Jr. almost wrote a book that some people might have found interesting.