

Books of The Times

"Around Here the Attorney General Is the Law"

By CHRISTOPHER LEHMANN-HAUPT

JUSTICE. The Crisis of Law, Order, and Freedom in America. By Richard Harris. 268 pages. Dutton. \$6.95.

THIS is required reading—a basic sourcebook to studies of the sixties and after. On the one hand, it is simply a portrait of a Government cabinet post that is seldom spotlighted—a useful portrait. On the other hand, it may very well explain the atmosphere that now surrounds us—the feeling of the charged interval between lightning and thunder by which country folk measure the approach of a storm.

It is a simple enough project that Richard Harris has undertaken: to profile the United States Department of Justice under two Attorneys General, Ramsey Clark and John N. Mitchell, and during the transition between them. Originally written as a three-part New Yorker piece, the book is so soft-spoken that one must cup one's ear to hear it. It lobs little sandbags of factual information into place, leaving only an occasional gap of emotion or crack of wit. But the final structure is imposing, and hides whole battalions of outrage.

Mr. Harris begins by embracing Ramsey Clark, the unimposing Texas lawyer who succeeded Nicholas deB. Katzenbach as Attorney General in October of 1966. Clark is portrayed as one of the strongest and most able Attorneys General in history. On all the big issues—civil rights, law enforcement, criminal rehabilitation, organized crime, narcotics and drugs, dissent and demonstration—Clark was right: progressive, libertarian, just, and, most important of all, effective.

Law Before Order

And he believed that law came before order. He "was the only Attorney General to oppose wiretapping except in matters of national security" and "he was also the only one in the last thirty years or so to take strict precautions to see that it was not abused in the name of preserving the Union." He stressed rehabilitation of criminals over detention. He defended the First and Sixth Amendments in the face of pressure from Congressional members, the President, and Mayor Daley. He insisted on indicting members of the Chicago police department and refused to move against the demonstrators. He conceived of the department as "a ministry of justice," and sought to depoliticize (and therefore to depublicize) it.

And because he did—because no one had ever heard of Ramsey Clark—he was highly vulnerable when Richard Nixon told the Republican delegates at Miami in his acceptance speech that "We're going to have a new Attorney General of the United States," not just as a reminder that whenever a party regains the Presidency from its opponent it tends to appoint a new cabinet, but as if to suggest that a new Attorney General was desperately needed.

It was pure politics, Mr. Harris asserts. And, as he sets out to demonstrate through his detailed account, it was only the begin-

ning. For the new Administration has set order above law, and placed politics above both. And in the interest of that politics—a grand design to build a Republican majority out of Southerners and Wallaceites—it has reversed the course of Clark's Attorney-Generalship.

For politics, Harris continues, the Administration has alienated blacks by slowing up desegregation in the schools, by "gutting" the 1965 Voting Rights Act, by cutting off communications with hard-core ghettos, and by handcuffing the Justice Department's civil-rights lawyers. Worse, for politics Mitchel has supported preventive detention, cracked down on "dissenters" and "activists," begun to question the right of a person in a criminal case not to bear witness against himself, instructed Justice Department lawyers to proceed with convictions in spite of violations of the Miranda ruling, and liberalized the use of wiretaps bugs. In other words, Harris suggests, Mitchell has begun to question the First, Fifth and Sixth Amendments. And all because, as Jerris Leonard, head of the civil rights division, put it, "Around here the Attorney General is the law."

Not Party Measure

This barely touches the details of Mr. Harris's case. It is a strong one. It would, I suspect, have been even stronger had he not chosen to identify so closely with Ramsey Clark, whom he virtually sanctifies, and from whose point of view much of the criticism is stated. For surely, despite his previously unsung excellence, Ramsey Clark is not the measure of the Republican party. Surely Harris would have protected himself from the charge of partisanship had he assumed a more objective point of view. Surely Clark made other errors besides indicting Benjamin Spock and his co-defendants for conspiracy.

But the impact of Harris's message is not too greatly diminished. That message concludes: "Most people no longer seem to care—if, indeed, they know—what is happening to their country. Exhausted by the demands of modern life and muddled by the fearful discord tearing at society, they seem to have turned their common fate over to their leaders in a way that would have been inconceivable five years ago, when the public rejected extremist appeals for more war in Vietnam and less justice at home. And their leaders—convinced that this abdication means agreement, and the agreement means the public interest is being served—manage the people's affairs in a way that can only divide the country further. When the people finally awaken, they may find their freedoms gone, because the abandonment of the rule of law must bring on tyranny. Since it is the majority's fear—fear of black men, fear of crime, fear of disorder, fear even of differences—that allows repression to flourish, those who succumb to their fears are as responsible as those who make political use of them. And in the end both will suffer equally."