

UCLA

National Black Law Journal

Title

Crime in America: Observations in its Nature, Causes, Prevention and Control by Ramsey Clark

Permalink

<https://escholarship.org/uc/item/1q62v2sj>

Journal

National Black Law Journal, 1(2)

Author

Graham, Kenneth

Publication Date

1971

Copyright Information

Copyright 1971 by the author(s). All rights reserved unless otherwise indicated. Contact the author(s) for any necessary permissions. Learn more at <https://escholarship.org/terms>

Peer reviewed

BOOK REVIEW

CRIME IN AMERICA: Observations on Its Nature, Causes, Prevention and Control. By Ramsey Clark. New York: Simon & Schuster, 1970. Pp. 346. \$6.95.

SOME BOOKS ARE IMPORTANT for what they say, others for who says it. This book, by the Attorney-General under the Johnson Administration, falls in the second class. It is, however, by no means a second-class book. Clark, who became a folk-hero to many left-wingers when Richard Nixon made him the Alger Hiss of the last presidential election, has based his reply to this attack on a useful combination of hard fact and liberal ideology.

This book is, contrary to the tone it assumes at some points, a political document. For Clark, like the President, is using the current hysteria about "crime" as a means for advancing ideological goals. To Richard Nixon, "crime" was a useful war cry because it appealed both to those who were its victims and to those who needed a new word to identify Them — The forces opposed to Our Way of Life. But where the Vice-President would blame "crime" on something called "permissiveness," Clark thinks it is due to our failure to enact the liberal program of more jobs, better homes and an integrated society.

Just as the Nixon campaign did nothing new beyond giving fear another name, so Clark's book tells us nothing that is not already to be found in the pages of the reports of the President's Crime Commission and the Kerner Commission. Though the book probably owes its popularity to the insatiable need of liberals to be told there is a Santa Claus, it can well be suggested to anyone who is seeking a short, humane and reasonably accurate account of current thinking on the topic.

As the subtitle suggests, Clark covers everything: the questionable value and

cynical manipulation of crime statistics; the care and feeding of the Mafia; the dope menace; gun control; police malpractice; prosecutorial discretion and political corruption of the courts; the prison as an academy of crime and a sanctuary for sodomy; and the explanations of lawyers, social scientists, philosophers and other think-types for all of this. Though intended for the general reader, the book tries to give an accurate picture of even the more complex problems, and Clark attempts to cover concisely the empirical underpinnings for his conclusions. However, this richness of detail, coupled with a prose style which favors short, choppy sentences, does make the book difficult to take in large doses.

Minor defects of style aside, this is a deservedly popular book, for it says all those things that people ought to be aware of on the subject of crime. Moreover, though it is modest about Clark's own role as Attorney-General, one cannot read very far before deciding that Ramsey Clark is a nice guy, a useful conclusion for those who feel he was unfairly treated by Republican propagandists. However, the fact that Clark is more personable than John Mitchell does not necessarily mean that his conclusions are more acceptable.

CONSIDER, if you will, his analysis of the police problem. He is willing to state that the police departments are often corrupt, that individual policemen are often brutal; and that the anti-crime strategies adopted are usually ineffective, often illegal and frequently administered in racist fashion. Moreover, Clark recognized the threat that growing police powers

present to the democratic process. Finally, his attack on the F.B.I. and the ancient G-Man who runs it is a useful anecdote to the press-agentry that passes for crime-fighting in the Bureau. But his proposed remedy for all this is disappointing.

The traditional libertarian response to the police threat is to attack police practices head-on, attempting to reduce the power of the police and to subject it to judicial or popular control by devising institutions such as civilian review boards to act as a check, and to expose to constant scrutiny the conduct of the department and individual officers. It is far from clear that this approach has been effective in the past; it is clear that in most states today the police have become so politically powerful that present prospects to cut back the powers that the police have assumed are slim.

Clark adopts the strategy of "if you can't beatem, joinem." He proposes that we treat the police like large corporations and attempt to bribe and cajole them into behaving properly. He accepts the view of the police themselves that the difficulty is that individual officers are poorly paid and are less talented and less trained than the job requires, rather than the equally plausible explanation that the nature of the police role is such that it will always attract an unusually high number of brutes and sadists who are willing to accept the quasi-military rules in return for the opportunity to work out their problems on the downtrodden. What we need, according to Clark, is not more restrictions on the police but more "professionalism."

It is easy to see why the police would agree with this approach. Everyone wants to be considered a "professional," since it usually means more status if not more money. Perhaps even more important, if the legal profession is taken as the model, it means that one only has to answer for one's derelictions to other members of the profession instead of outsiders "who don't really understand our problems." Finally, for the frankly racist, it means that we can "raise standards" and keep

the department white. It is difficult to see why Clark would think that "professionalism" is a plausible cure for the ills he has sketched.

AS THE little we know about the C.I.A. suggests, paying more money may simply mean that you get a higher-priced thug to do your killing. And though Americans love to think of education as a cure-all, it is stretching things a bit to suggest that if all cops had college degrees, the police would be more humane. Do you really want John Mitchell, B.A., J.D., armed and patrolling your neighborhood?

This approach to the police problem is nowhere supported by the profuse statistics cited elsewhere in the book. I am aware of no study showing that cops with college degrees are less likely to violate Fourth Amendment rights or that those police departments that pay more have less corruption. Indeed, professionalization may mean simply the use of more sophisticated kinds of abuse. For example, in many Southern California communities, it now appears to be the practice to condition the granting of licenses dispensed by the police on the employment of off-duty policemen in featherbedding jobs, a far cry from the cruder forms of pay-off that Clark mentions.

Even if it is no substitute for institutional checks upon the power of the police, Clark's notion that the police ought to be better educated might be justified on other grounds. If so, this brings us to the question of just who is to do the "educating." If we rely upon the departments themselves to do the training, we must recognize that a large part of the training will consist of indoctrination in the police mystique, that curious mixture of racism, *machismo*, and religious fundamentalism that is the party line in most departments today. (In Los Angeles, this ideology is known as the Gospel According to Tom Reddin — a former police chief who now runs a right-wing news commentary on local radio and TV stations.)

ONE MAY question, as well, some parts of Clark's position on gun control. He argues quite convincingly that the ready availability of guns has much to do with violence in our society, citing statistics to show that more murderous assaults are made with guns than with other dangerous weapons. He also has figures which demonstrate that there are more murders per capita in states with weak gun control laws. Though inclined to favor gun control, I do not find the cause-and-effect relationship as clear as Clark apparently does.

His response to the argument that gun control deprives the citizen of self-protection is even weaker. Clark claims that a police department is a better safeguard than a gun. I wonder. Suppose for a moment that instead of increasing police patrols in the high crime areas, the government decided instead to buy everyone who lived there a revolver. Can we be really confident, despite the many disadvantages of such a scheme, that it would not decrease the number of rapes, muggings and burglaries in these neighborhoods? One who accepts some of the easy casual connections Clark appears to draw might point out that police departments devote most of their gun control efforts to disarming people in the ghetto where most of the street crime takes place. Clark would probably answer that even if the hypothesis were true, his opposition to the death penalty would include delegating its exercise to private citizens in this manner.

IT IS TO Clark's credit that he does not embrace technology as eagerly as some crime-fighters, rightly labeling it both a promise and a peril. This is illustrated by the attempt to give the police a non-lethal weapon. Mace, the first such tool, was rushed into use without any prolonged inquiry into its harmful effects. But even more disturbing was the fact that in most departments, it was used not as a replacement for a gun but in situa-

tions where even the police agree the use of a gun would not be justified.

Furthermore, for too many departments technology is synonymous with weaponry. Instead of computers, tax dollars are used to buy tanks, machine guns and other tools of urban warfare. In Los Angeles, where the police already have their own air force consisting of dozens of high-priced helicopters, Ed has asked the City Council to buy him a submarine!

Finally, as Monroe Price, colleague on the U.C.L.A. law faculty has pointed out, increasing the funds available to the police to buy gadgets may lead to the rise of a police-industrial complex. Corporations are beginning to add retired cops as "consultants," just as retired generals and admirals find easy employment with firms doing business with the Pentagon. And just recently it was disclosed that the Los Angeles Police Department has been juggling specifications to defeat competitive bidding, a standard operating procedure in some parts of the military.

But for all one may question some aspects of the conventional reformist wisdom that Clark has adopted and here expounds, such quibbles do not make this less than an admirable book. Though a reply to the attack of the Know-nothings, it is not a defense of Ramsey Clark. Since some commentators have questioned why Clark did not make his attack on the F.B.I. while its nominal superior, it ought to be pointed out that several passages in the book appear to be adaptations of speeches made while he was Attorney-General, most notably his devastating reply to Mayor Daley's call for the shooting of rioters. In my opinion, that one speech more than compensated for Clark's role in the Spock prosecutions. By that calculus, he has accumulated enough points in the writing of this book to excuse the sins of a John Mitchell.

Kenneth D. Graham
Professor of Law
U.C.L.A. School of Law