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Book Review: Crime in America

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BOOK REVIEW

CRIME IN AMERICA: By RAMSEY CLARK. SIMON AND SCHUSTER, NEW YORK, 1970. Pp. 346.

THE STREETS of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger. Yes, danger from within and without. We need law and order." These words, although they might appear responsive to our present events and activities, were uttered some forty years ago by Adolf Hitler.¹ The concern that was shown at that time is still being felt today. Ramsey Clark, former Assistant Attorney General during the Kennedy Administration and Attorney General during the latter days of the Johnson Administration, describes with vivid candor and his typical low-keyed dialogue, the causes of crime in America. This is not a pragmatic approach to the problems of crime because it deals in depth with the causes that must be eradicated to abolish crime rather than with some short-term solutions.

With the complete change in this country from a rural to an urban society, we have brought problems inherent in the integration of such a mass society together to live in a large metropolis. With this massive integration of rural people into an urban setting and based upon varying backgrounds, the ghetto and the slums were born. Because we are a product of our common experiences, crime was and is being conceived, nurtured, and cultivated in such areas. When pressures from unfulfilled aspirations and blocked opportunity become sufficiently intense, deviant behavior ensues on a large scale. Discrepancies between aspirations and legitimate avenues thus produce intense pressures for the use of illegitimate alternatives. The author asserts that many lower class criminals are the victims of a contradiction between the goals toward which they have been led to orient themselves and socially structured means of striving for these goals. Under these conditions there is an acute pressure to depart from institutional norms and to adopt illegitimate alternatives.

Most of the problems that force people to live lives of crime could be prevented in time if man would become concerned about the plight of the disadvantaged, the oppressed, the mentally ill, the illiterate, the underemployed and the unemployed, those suffering from malnutrition and generally those so dehumanized that they resort to primitive instincts for their continued existence. This unconcern for our fellow man could be overcome, the author suggests, by a fundamental attack. This attack

¹ William O. Douglas, *Points of Rebellion* (New York: Vintage Books, 1970), p. 58. Although this statement has been attributed to Adolph Hitler by Mr. Justice Douglas, its authenticity is unproven and the statement must be presumed apocryphal.

would include a concerted economic thrust upon the bureaucratic institutions and governmental establishments that have propagated these apathetic conditions so long that it has become accepted as a necessary evil of the capitalistic power structure.

The main method of the author in describing crime in America is to relate criminal cases, cite statistics, and to generally show the economic and social factors of this country that deny persons access to legitimate opportunities. The illegitimate opportunities that exist for potential criminals are unlimited and admittance to the criminal class demonstrates the belief in another road to win social rewards—money and prestige—by sheer physical exertion and stamina.

Americans have become attuned to the statistical and bizzare accounts that have been published about the rising crime rate in the United States. But the majority of Americans have not become alarmed over the apathy that allows conditions such as these to breed, nurture, and cultivate due to the unconcern of man for his fellow man.

Since social worth is so closely identified with social position in our society, discontent and frustration pervade the lower reaches of our social order thus reinforcing the crime problem.

You are asked to examine your own city in detail as an example of the conditions that breed crime and affect the very life style of its inhabitants. If you will plot on a map of your city, the areas where the highest rate of employables are unemployed, where the oldest schools still stand and education is the poorest, where the areas that can least afford crowding are overcrowded, where the people who need public transportation the most receive it the least, where the city safety codes that are violated endanger the most people and are enforced the least, where the general health of the population is the poorest, and you will inevitably come up with that portion of the city with the highest crime rate. You will have marked the same areas in which crime finds a fertile bed to flourish. For these are the same areas and under virtually the same conditions that the conscience of the American people has allowed to exist for decades without showing enough concern to effectively help terminate the problem.

This unconcern for Americans mired in poverty and whitewashed with tokenism can only be overcome by an economic attack that will seek to destroy the roots of this apathy. This attitude must be systematically eliminated by public sentiment so strong that it will demand that bureaucratic institutions cease to propagate these despicable conditions.

The former Attorney General asks that we eliminate these dehumanizing conditions or America, the greatest empire in the history of civilization, will not long endure.

The attack on crime is all-inclusive. It includes the unrealistic crime figures issued by the Federal Bureau of Investigation and its enigmatic director that tend to frighten Americans into short range tactical measures

instead of strategic maneuvers and devices. The need is expressed for improvement of our penal systems that promote rather than rehabilitate criminals; reform of our police and prosecution systems that put premiums on arrests and convictions rather than speedy apprehension, prosecutions and then incarceration of the guilty.

In the early years of the United States, people lived in a rural society content to reside in communities quite different from the complex society that exists today. At that time, Americans were spread out so much that each family had a real need for protection of the family unit. The need for firearms for protection was a reality. With the industrialization of society and the urbanization of the population, the original need for firearms is no longer present. But these anachronistic excuses for guns remain to perpetuate violent and irrational acts. It would be but a small matter to outlaw the guns that have caused Americans so much pain from violence. In the last decade Americans have suffered the loss of a President, a potential President, and a clergyman who preached non-violence. These persons killed by firearms made history but there are countless statistics that bear no well known names or faces but were also victims of violence because we lack the determination to outlaw weapons that have no place in our modern society.

The presumption of innocence is a cornerstone of the American judicial system. Our society is probably more aware of this precept than possibly any other legal doctrine. Ask any layman and he will probably tell you that you are presumed innocent until proven guilty. This may all be just useless rhetoric unless the judicial system is responsive and reacts favorably to restrain pre-trial confinements. Confinement before trial has been recognized to be a valid use of this discretion only in limited instances such as some felonies and crimes of potential violence. But for lesser crimes, the penalty the poor and uneducated must pay is too terrible a price to pay in a society that extolls the virtues of equal justice for all under the law. The politically powerful or the affluent will seldom suffer such pre-trial confinement because they are too knowledgeable of their rights. It is typically the ill-advised or unprepared indigents who suffer because of a lack of financial support or knowledge sufficient enough to prevent their being detained before guilt has been established. This is the twofold type of justice that young Americans pointedly state as being hypocritical. This type of conduct can be prevented by evenly and uniformly informing persons, rich or poor, black or white, young or old, of their constitutionally guaranteed rights.

The author stresses that when informing persons of their rights we must adhere to the principles of the Fifth Amendment. The *Miranda* decision²—honored more in its breach than in its faithful application—

² *Miranda v. Arizona*, 384 U.S. 436 (1966).

must be applied in all cases. Again, the persons most likely to be harmed by breaches of the Constitutional dictates of the Fifth Amendment are the indigent. The affluent and the professional criminals know their rights and are not about to be deprived of them. The poor and the ignorant do not know their rights and in many jurisdictions, even after the *Miranda* decision, these people are not sufficiently informed of their right to remain silent, to have the advice of counsel, to confrontation of witnesses against them, and the right to a speedy trial.

The fear in people that causes concern about more adequate police protection should also cause concern about more professionalization of our police departments. The increasing crime rate is cause for concern but also a system that perpetuates itself so that in some communities police investigative methods that have not changed for decades should also be of concern. It should be our goal to help professionalize the police with more adequate facilities, better pay and a return of the police to policing duties rather than demeaning tasks that para-police professionals could perform.

The solutions to the problems as stated in *CRIME IN AMERICA* will not come quickly or easily. The solutions that are called for will require time and effort and a re-examination of our priorities. It will also require that we as Americans rid ourselves of hypocritical and prejudicial attitudes as they relate to the ill, the poor, the uneducated, the unemployed, the ignorant and the other disadvantaged segments of our communities.

Americans have traditionally been able to meet the challenge of critical situations once the collective consciences of the people have been united and committed to a common cause. If we are aware of the causes of crime as stated by Ramsey Clark, then such a united effort must be launched if America is to remain a country where all men are free to live in peace and without fear.

JOSEPH H. HILL

— NOTES —