

10-1-1970

Justice: the Crisis of Law, Order, and Freedom in America. by Richard Harris.

Edwin H. Wolf

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>



Part of the [Criminal Law Commons](#)

Recommended Citation

Edwin H. Wolf, *Justice: the Crisis of Law, Order, and Freedom in America.* by Richard Harris., 20 Buff. L. Rev. 347 (1970).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol20/iss1/27>

This Book Review is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

BOOK REVIEWS

JUSTICE: THE CRISIS OF LAW, ORDER, AND FREEDOM IN AMERICA. By Richard Harris. New York, New York: E. P. Dutton & Company, Inc. 1970. 268 pages. \$6.95.

EDWIN H. WOLF*

Justice is the fourth book written by Richard Harris, a staff writer for *The New Yorker* magazine. The book is about the Nixon Administration, in particular the President's campaign strategy, his selection for Attorney General, his first year in office and the implications Mr. Harris sees from the campaign and early performance.

The book is divided into three parts: Something Has Gone Terribly Wrong in America, The Transition, and Watch What We Do. The first part deals with the election campaign, the issue of law and order, and the attacks on the Attorney General, Ramsey Clark. Mr. Harris maintains that the crime issue was greatly exaggerated and distorted, appealing to the fears and lesser emotions of the electorate.

The most extensive element of this part is the defense of Clark and the role of the Justice Department. This is extremely well done and most informative. Anyone interested in the problems of law and order should read it to appreciate the multiplicity of tasks facing the Justice Department and the difficulties of initiating and maintaining successful and progressive programs.

The second part of the book describes the *inter regnum* between the election of 1968 and the inauguration. It continues to contrast the previous administration with that which would soon take office. It indicates that the new appointees were reluctant to avail themselves of the offers of the old members to become familiar with the Department operations so as to be better prepared for the eventual takeover. It suggests that the new appointees would have been better advised to become familiar in order to be able to cope with the enormous problems which were certain to come. The Transition also directs its attention to John Mitchell and high members of the Justice Department. It implies that their political views presaged what was to come. The author is concerned with the role Mitchell played in the campaign and whether his political importance would impede the functioning of the Department.

The last part of the book is devoted to the early part of the Nixon Administration and delineates a great number of events which the author points to as showing a conservative drift to the policies of the government. He discusses all of what might be called the popular causes of the day and attempts to show how action on all of these reflects a crisis in law, order and freedom.

* B.E.P., Cornell University, 1957; J.D., State University of New York at Buffalo, 1970.

The style of *Watch What We Do*, is like that of the other two parts—the views of others are interspersed with the writing of the author. Unfortunately, the reader has no way of substantiating the outside sources and it is most difficult to separate anyone's comments from the opinions of the author.

Comments on this part of the book are most difficult to make. The contentions are very controversial and heavily debated by proponents and opponents. It is here that *Justice* will be judged by its readers, praised by its advocates and damned by its detractors. It is here that the book loses its air of authority and lapses into emotionalism.

Mr. Harris contends that the support of preventative detention (incorporated in the D.C. Crime Control Bill), the attitude toward school disruption, and other similar pronouncements is a sign of the get-tough policy of the Government. He also maintains that there is a slowdown in the enforcement of civil rights reflected in the pronouncements of all but Robert Finch and in the vote on the Voting Rights Act of 1965. In support of his thesis he makes reference to other events which have occurred throughout the nation.

A superficial reading of *Justice* will reveal few new issues to the moderately informed reader. It will, however, provide a rather complete source of study on the issues of our time. The book is well written and highly provocative and its merits or demerits can only be found by a careful reading and some independent thought. Those who will accept or reject *Justice* on its face do an injustice to themselves and the author.

The use of the comments of others lends authority and substance to the author's writing. This blend is most effective in part one, where Ramsey Clark is defended. The technique is used in the remainder of the book, except it becomes more difficult to separate the emotion from the facts. The last two parts leave a lot to be desired for one who might hesitate to share the author's views. It is just this failing which makes the appeal of the book doubtful to those who are uncertain of their political positions. No doubt the book will be heartily received by "liberals" and equally condemned by "conservatives."

While I would hardly classify myself as a devotee of Mr. Nixon, I cannot resist commenting on one particular point in the book which illustrates its style. Mr. Harris, and others, have labelled the Republicans with the southern strategy as if it were some despicable act discovered in 1968. If we are to grant that such a strategy exists then it would seem necessary, in all fairness, to examine its history and character.

First, Mr. Nixon's electoral and popular vote was more national than that of Mr. Humphrey, whose support, with two exceptions, came mainly

BOOK REVIEWS

from the Northeast. Surprisingly enough, no one has ever coined the phrase "northeastern strategy" and hurled it at the Democrats.

Second, since 1932, the Democratic party has pursued a kind of southern strategy which in fact was an impregnable bastion of its strength. As unholy as some thought the solid south to be, no one ever coined the phrase southern strategy to demean the Democrats. John Kennedy's selection of Lyndon Johnson to be his running mate was certainly as much a southern strategy (notwithstanding the recent comment of Kenneth O'Donnell) as was Nixon's selection of Agnew, yet I recall no similar criticism either in rancor or degree at that time.

Lastly, I suggest that Mr. Harris' reference to southern strategy in regard to an alleged slowdown in civil rights efforts may be somewhat more parochial than is merited. While the resistance to black demands in the South has been notorious, everything is far from rosy in the rest of the United States. It may be that an opinion which Mr. Harris attributes to the South as original is far more national than anyone would care to admit. For example, Baltimore, Maryland, started integrating its schools in 1952, some four years before *Brown v. Board of Education*.¹ By comparison, voters in Williamsville, New York, in 1969, voted over 7,000 to 200 against further work on a not then submitted proposal studying the possibility of busing 100 blacks to the school system on a voluntary basis only. I would trust that no one seeking election from that area would be accused of pursuing a Western New York strategy if he were to make that vote a campaign issue.

The point is that *Justice* does itself an injustice by adopting the popular catchwords and cliches of the time without really examining their bases. In so doing it uses lingo and jargon as a kind of shorthand for rational argument. In this way, the book succumbs to the weakness which pervades so much of what is written and spoken today. It adds little to our understanding of the American political system and masks the way to correct its faults.

Justice, at times, is as footloose with its thesis as the author claims Nixon was with the issue of crime. It is unfortunate that this is so, although such a fault is not the singular characteristic of any one part of the political spectrum. The book is worth reading despite its shortcomings. Parts are extremely incisive. Undoubtedly *Justice* will delight many who share similar views while it will annoy those on the other side. In any event it is timely, popular and quite interesting.

1. 347 U.S. 483 (1954).

