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## **Fight the Power**

Rebecca Roiphe

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Lonnie T. Brown, Jr., [Defending the Public's Enemy: The Life and Legacy of Ramsey Clark](#) (2019).

Ramsey Clark is a bit of a mystery. As Attorney General, Clark fought diligently for civil rights. He began his career as an insider who was independent and critical but seemed to respect the institutions in which he worked. The son of Supreme Court Justice Tom Clark, he made enemies when he served in the Johnson administration, but he was hardly radical. When he left government work, however, his practice took an unusual turn for a lawyer of his stature and pedigree. Like the famous leaker of the Pentagon Papers, Daniel Ellsberg, Clark went from consummate insider to unyielding government critic. He went on to represent infamous clients like Saddam Hussein, the Palestinian Liberation Organization (PLO), and President of Syria Bashar Al-Assad. He also defended two former Nazis in deportation proceedings and stood by Elizaphan Ntakirutimana, a Hutu clergyman accused of luring Tutsis to their slaughter during the Rwandan genocide. Conducting these representations with skill, Clark often seemed fond of his clients, kind and even admiring at times. All the while, he relentlessly criticized the United States for its cruelty and hypocrisy.

In this biography of Clark, author Lonnie T. Brown, skillfully leads us through his subject's life and career, giving us clues as to why Clark turned into such an unyielding critic of his country. Clark was involved in so many major events in American history that the book offers a unique perspective on the last sixty years. But *Defending the Public's Enemy* is more than just a retelling of famous events in our past. Ramsey Clark's unflinching independence offers insight into the role of the Attorney General, a particularly timely topic. His later career as a defense attorney and activist—representing some of the most notorious individuals—sheds new light on age-old discussions of how lawyers, especially the elite of the profession, should choose their clients, and how they can justify defending villains. Finally and most importantly, Clark's transformation, his personal story, told directly to the author, is a story of the American Left. It helps us understand the political landscape in a way that most political and cultural histories cannot.

Clark worked in the Department of Justice (DOJ) during the Kennedy administration, and when President Lyndon Johnson replaced Attorney General Bobby Kennedy with Nicholas Katzenbach, Clark was chosen as Deputy Attorney General. He spent his early career in the DOJ working to protect civil rights. He traveled throughout the South to enforce the desegregation mandate of Brown v. Board of Education.

In the early 1960s, as the Freedom Riders rode buses through the South to protest segregation and African-American activist, James Meredith, sought admission to the University of Mississippi, Clark became more actively involved in the administration's response to the civil rights movement and its backlash. Horrified by the violence these peaceful demands met, Clark drafted a memorandum to Robert Kennedy urging legislation, an early inspiration for the Civil Rights Act of 1964. In 1965, he coordinated the U.S. Army troops and the Alabama National Guard to protect marchers in Selma, Alabama, and he responded to the riots in the Watts neighborhood of Los Angeles, by studying and drafting a report on the causes of racial unrest.

Once elevated to Attorney General in 1967, Clark devoted much of his time to shaping the Johnson administration's response to the civil rights and the anti-war movements. Inspired by Martin Luther King, Jr., Clark considered himself a pacifist. He privately opposed the war and clashed with F.B.I. Director J. Edgar Hoover, who sought to use the power of the DOJ to undermine King and other civil rights and anti-war leaders.

As the struggle for civil rights grew more violent, Stokely Carmichael and H. Rap Brown vied for control. Clark continued to support government institutions and advocate for a lawful response to injustice. Yet his personal

involvement, working with local civil rights leaders and law enforcement authorities in the aftermath of the race riots of the late 1960s, gave him a complex understanding of the racial dynamics in the U.S. He sympathized with activists like Carmichael and Brown who, frustrated with the slow pace of change, demanded a more immediate solution than King's peaceful protests could achieve.

At the same time, however, he believed in the rule of law and in government institutions, leading to willing (if not enthusiastic) enforcement of the [Selective Service Act](#) that authorized the draft. Despite pressure from members of the Johnson administration, however, Clark refused to seek an indictment against black activist Stokely Carmichael for his vocal anti-war stance. Instead, he prosecuted a group of wealthy, white protestors who came to be known as the Boston Five. Clark justified his decision for pursuing the Boston Five rather than Carmichael, by appealing to traditional rule of law values like the relative strength of the cases, though as Brown explains, Carmichael was probably guiltier than Spock and his cohort. Perhaps, as the author speculates, Clark refused to prosecute Carmichael because he empathized with the message that Black Americans should not have to fight a war for a country that denied them equal rights.

Clark's independence was admirable. He refused to let political pressure influence his decisions in individual cases. However, as Brown explains, his [repeated rejection of the administration's policy goals bordered on arrogance](#). As a result of his intransigence, Clark was excluded from meetings of the [National Security Council](#) and increasingly seen as a hostile outsider rather than a trusted member of the cabinet.

Clark's clash with the other members of the Johnson administration demonstrates the importance of an independent Attorney General. Defensive about his role in the war and angry about perceived ingratitude for his efforts on behalf of the black community, Johnson had a political vendetta and was not in a good position to determine whom should be prosecuted. But at the same time, Clark serves as a reminder of the dangers of law enforcement unmoored from democratically elected officials. This need for balance between independence in individual prosecutions and a responsiveness to administration policy can help inform us now, as we seek to understand the proper relationship between the Attorney General and the President.

When Clark left government, he took his opposition to the war to a new front, defending anti-war activists. Skeptical of government representations about the scope of the war, he also traveled to North Vietnam with a group investigating the accuracy of reports on the nature of U.S. aggression. After the war, Clark's controversial list of clients grew. He represented one of the inmates in the infamous [Attica prison](#) uprising, as well as radical civil-rights figure Ruchell Magee. But he drew the most criticism for his representation of Nazi war criminals, Karl Linnas and Jack Reimer, as well as his long-time relationship with the PLO and Saddam Hussein.

How, Brown asks, could a man dedicated to peace and equality take on such violent and bigoted clients? Every accused man deserves a defense, the old line goes, but perhaps not all deserve a lawyer as skillful as Ramsey Clark. And in any event, they certainly do not deserve Clark's affection. Brown considers a few theories. Was Clark an anti-Semite? Brown engages the possibility but ultimately dismisses it. Did Clark grow angry and distrustful of the government because he witnessed America lie to the public during the [Vietnam War](#) and use unlawful tactics in its fight against civil rights activists? That is certainly true, but it does not explain why he represented the PLO or the Hutu reverend. Nor would it account for his seeming affection for some of history's worst villains. Instead, Brown suggests that Clark was disillusioned with the U.S. government, in part, because it tends to dehumanize its enemy, which in turn legitimates cruel and even unlawful actions and policies. Clark, in reaction and defiance, learned to find the humanity in his clients, even in those who had committed grave wrongs. The purpose of his controversial representations then became finding humanity in even the worst criminals.

In addition to an insight into Clark's motivations, this analysis serves as an interesting contribution to an old, legal ethics debate, most famously expressed in [an exchange](#) between [Monroe Freedman](#) and [Michael Tigar](#) about whether a lawyer, especially one with elite status, has an obligation to offer a public justification for representing an unpopular client. If one accepts Freedman's view that lawyers do have this duty, Clark's example offers one such possible

justification. As Abbe Smith has written, “defense lawyers try to find the humanity in the people they represent no matter what they have done.” They are drawn to the outsider. As Clark himself explained, “By instinct, I am a maverick. I rather like the outside way. It’s more fun.” (P. 31.) Finding the humanity in a client, as Clark’s story shows, is not just a personal choice but a political conviction based on his assessment of how government power corrupts.

But as Brown notes, resisting dehumanization and finding the humanity in the vilest enemies of the state blinded Clark “to other possible alternative realities and made him do to his nation what he contends his nation does to others. He has demonized America, or at least the American government.” (P. 199.) I would go even further to argue that Clark, in his later life, seems to distrust all power. Israel may be the home of people targeted by the greatest genocide in world history, but it is rich and powerful now, so Clark chose to serve the Palestinians because they are not. The Hutus grotesquely abused their power in Rwanda; however, by the time Clark represented Ntakirutimana, the Tutsis had taken control, so Clark was representing a member of the disfavored group. It seems that his proximity to American leaders taught him that power and ambition corrupt, necessitating that he stand with the least powerful to combat that inevitable degradation.

The question this book poses, and Brown’s thoughtful if tentative answer, do more than contribute a new voice to a discussion in professional ethics. They also suggest a possible insight into the development of the American Left. Why, some wonder, does the Left seem to hate America? Why do progressives equate all of the country with its worst historical institutions, such as slavery and Jim Crow? While many dismiss these critics as modern-day McCarthyites, and insist that the Left is patriotically holding America to its highest promise, there is at least some truth to the fact that the Left focuses on the country’s wrongs. The same critics ask, why do those on the Left seem to favor every marginalized group over those with power regardless of their relative merit? Again, the question may unfairly characterize the Left. But to the extent there is truth in the query, the answer may lie in part in Clark’s story. Disaffected with the government and horrified by what happens to those in power, the Left chooses to stand by individuals and groups who have none.

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