

PROPOSED REMARKS  
BY  
WILLIAM H. WEBSTER  
DIRECTOR OF CENTRAL INTELLIGENCE  
BEFORE THE  
AMERICAN BAR ASSOCIATION  
WASHINGTON, D.C.  
OCTOBER 28, 1988

IT'S A PLEASURE TO BE HERE. I'LL BE SPEAKING TO YOU TODAY ABOUT LAWYERS IN GOVERNMENT, BUT I THOUGHT YOU MIGHT ALSO BE INTERESTED IN SOME OF THE THINGS THAT I'M CURRENTLY DEALING WITH.

AS YOU MIGHT EXPECT, THOSE OF US IN THE INTELLIGENCE BUSINESS HAVE BEEN KEEPING A CLOSE WATCH ON THE LEADERSHIP CHANGES AND REFORM EFFORTS IN THE SOVIET UNION. AND I'D LIKE TO SHARE WITH YOU A STORY THE PRESIDENT TOLD ME RECENTLY. GENERAL SECRETARY GORBACHEV SENT A REPRESENTATIVE OUT INTO ONE OF THE UKRAINIAN STATES TO SEE HOW PERESTROIKA WAS GETTING ALONG. HE WENT TO ONE OF THE SMALL VILLAGES AND ASKED TO SEE THE MAYOR. AFTER TALKING TO THE MAYOR FOR A MOMENT HE SAID, "DO YOU HAVE ANY TELEVISION SETS IN THIS VILLAGE?" THE MAYOR LOOKED AT HIM AND SAID, "OF COURSE WE HAVE TELEVISION SETS. THERE IS A TELEVISION SET IN EVERY HUT IN THIS VILLAGE. IN FACT, THERE MAY BE TWO TELEVISION SETS IN MANY OF THESE HUTS." THE

REPRESENTATIVE SAID, "THAT IS VERY INTERESTING. WHAT ABOUT REFRIGERATORS?" AND HE SAID, "OF COURSE. WE ALL HAVE REFRIGERATORS." THE REPRESENTATIVE LOOKED HIM IN THE EYE AND SAID, "DO YOU KNOW WHO I AM?" AND THE MAYOR SAID, "OF COURSE I DO. WHO ELSE BUT A CIA AGENT WOULD COME INTO A VILLAGE WITH NO ELECTRICITY AND ASK QUESTIONS LIKE THAT?"<sup>1</sup>

IN AUGUST, I HAD THE PLEASURE OF VISITING TORONTO AND ADDRESSING THE ABA'S ANNUAL MEETING. I WAS INTRODUCED BY MY GOOD FRIEND BOB MACCRATE, AND AFTER HIS COMPLIMENTARY REMARKS I COULDN'T RESIST SAYING THAT WHEN I AM CALLED TO ACCOUNT FOR MY SINS, I HOPE THAT BOB IS AROUND TO IMPANEL THE JURY.<sup>2</sup>

SOON AFTER I WAS ASKED TO SPEAK TO YOU, I RE-READ A MESSAGE THAT BOB HAD WRITTEN FOR THE MAY ISSUE OF THE ABA JOURNAL.<sup>3</sup> THE MESSAGE WAS ENTITLED "THE UNSUNG REWARDS OF PUBLIC SERVICE," AND ITS INSPIRATIONAL THEME BROUGHT TO MIND MANY OF THE REASONS WHY I HAVE FOUND GOVERNMENT SERVICE FULFILLING AND WHY I HAVE SPENT 20 YEARS IN THE PUBLIC SECTOR.

OF COURSE, I STILL THINK OF MYSELF AS A PRIVATE CITIZEN ON LOAN -- THOUGH IT'S GETTING TO BE A LONG LOAN. BUT EVERY TIME I'VE ACCEPTED ANOTHER JOB IN GOVERNMENT, I'VE LEARNED A LITTLE MORE ABOUT THE DIMENSIONS OF THE LAW AND HOW IT APPLIES TO OUR CITIZENS. FOR ME, THE LAW IS WHAT IT IS BECAUSE -- AS MARK ANTONY SAID ABOUT CLEOPATRA -- OF ITS INFINITE VARIETY. AND SO ANSWERING THE CALL OF DUTY HAS NEVER FAILED TO ENRICH MY APPRECIATION OF THIS COUNTRY, ITS CITIZENS, AND ITS SYSTEM OF JUSTICE, WHICH GUARDS AND PROTECTS ALL OF US.

AFTER I GRADUATED FROM LAW SCHOOL IN 1949, I NEVER EXPECTED TO BE DOING WHAT I'M DOING NOW. I WAS CONTENT PRACTICING LAW IN ST. LOUIS. BUT I'VE LEARNED -- AS I'M SURE MANY OF YOU HAVE LEARNED -- THAT A CAREER IN LAW BRINGS UNUSUAL AND SOMETIMES UNEXPECTED RESPONSIBILITIES. AND I AM EVEN MORE FIRMLY CONVINCED NOW -- AFTER NEARLY 40 YEARS AS A MEMBER OF THE BAR -- THAT LAW IS WHAT HOLDS OUR SOCIETY TOGETHER AND MAKES IT WORK. IN ORDER FOR A GOVERNMENT OF LAWS TO SURVIVE; LAWYERS MUST PLAY A VITAL ROLE.

I'D LIKE TO TALK TODAY ABOUT WHY I THINK GOVERNMENT SERVICE IS AN EXCELLENT OPPORTUNITY FOR MEMBERS OF OUR PROFESSION TO MAKE A DIFFERENCE -- AN OPPORTUNITY TO GIVE OUR CITIZENS THE BEST REPRESENTATION. I WANT TO DISCUSS THE PARTICULAR OBLIGATIONS OF ATTORNEYS WHO ENTER THE PUBLIC SECTOR. AND THEN I WANT TO TALK ABOUT THE CRUCIAL ROLE LAWYERS HAVE PLAYED IN THE TWO GOVERNMENT AGENCIES I HAVE MANAGED, THE FBI AND THE CIA.

DURING MY CAREER, I HAVE HELD A VARIETY OF POSITIONS IN GOVERNMENT, AND I CAN SAY WITHOUT RESERVATION THAT THE OPPORTUNITY FOR CHALLENGING AND IMPORTANT WORK IN PUBLIC SERVICE IS UNPARALLELED. MANY OF THE ISSUES GOVERNMENT ATTORNEYS DEAL WITH ARE NATIONAL IN SCOPE, AFFECTING THE VITAL INTERESTS OF MILLIONS OF AMERICANS. AND LAWYERS IN GOVERNMENT QUICKLY GAIN VALUABLE LEGAL EXPERIENCE -- IN AND OUT OF THE COURTROOM -- THAT WILL BENEFIT THEM THROUGHOUT THEIR CAREERS. WHILE NEW ASSOCIATES AT A LARGE LAW FIRM MAY SPEND THEIR FIRST MONTHS OR EVEN YEARS IN PRACTICE DOING ROUTINE

REVIEW OF CASE DOCUMENTS, ATTORNEYS IN GOVERNMENT ARE OFTEN GIVEN IMPORTANT ASSIGNMENTS AT THE VERY OUTSET. HANDLING LITIGATION, PREPARING BRIEFS, REVIEWING LEGISLATION -- EVEN ADVISING SENIOR PUBLIC OFFICIALS ON THE LAW -- ARE AMONG THE RESPONSIBILITIES OF STILL RELATIVELY INEXPERIENCED GOVERNMENT ATTORNEYS. AND THE GOVERNMENT'S NEEDS ARE SO BROAD THAT NO MATTER WHAT YOUR INTEREST, YOU CAN FIND A LEGAL POSITION THAT OFFERS THE TYPE OF WORK IN WHICH YOU WANT TO CONCENTRATE.

GOVERNMENT WORK OFTEN INVOLVES PERSONAL SACRIFICE -- ALL OF US ARE AWARE OF THE SALARIES THAT CAN BE EARNED IN THE PRIVATE SECTOR. AND THE HIGH VISIBILITY OF PRACTICING IN THE PUBLIC ARENA IS NOT ALWAYS WELCOME. BUT I BELIEVE THE REWARDS OF SPENDING AT LEAST SOME TIME IN THE PUBLIC SECTOR FAR OUTWEIGH THE DRAWBACKS.

BOB MACCRATE, IN HIS MESSAGE FOR THE ABA JOURNAL, QUOTED A WOMAN NAMED EDITH SPIVACK, WHO HAS SPENT MORE THAN 54 YEARS AS A LAWYER FOR THE CITY OF NEW YORK. I THINK WHAT EDITH SPIVAK TOLD BOB IS

WORTH REPEATING. SHE OBSERVED: "THE REWARDS AND SATISFACTIONS OF GOVERNMENT SERVICE CANNOT BE MATCHED IN THE PRIVATE SECTOR. IT GIVES YOU THE FEELING OF USEFULNESS TO SOCIETY."

AND SHE ADDED: "IN DISPUTES INVOLVING GOVERNMENT, THE MAIN CONCERNS ARE FOR JUSTICE TO BE DONE AND FOR FAIR MEANS TO BE USED IN OBTAINING IT. RESOLUTION OF DISPUTES ON THIS BASIS IS WHAT MAKES GOVERNMENT SERVICE SO WORTHWHILE."<sup>4</sup>

MOST OF US, I BELIEVE, SHARE HER VIEWS. AND TODAY IS A GOOD OPPORTUNITY FOR THOSE OF US IN GOVERNMENT TO REFLECT ON THE PARTICULAR RESPONSIBILITIES OF OUR PROFESSION -- TO RECOGNIZE AND PROTECT THE RIGHTS OF THE PUBLIC; TO ENSURE THAT INDIVIDUALS AND INSTITUTIONS ARE GOVERNED BY THE RULE OF LAW ACCORDING TO THE CONSTITUTION; AND TO INSPIRE TRUST AND FAITH IN OUR LEGAL SYSTEM. FOR AMERICANS, ABOVE ALL, NEED TO BELIEVE THAT THE LAWS OF THIS COUNTRY ARE WORKING FOR THEM -- NOT AGAINST THEM. THEY NEED TO BELIEVE THAT LAWS ARE APPLIED FAIRLY AND CONSISTENTLY, AND THAT THERE IS AN ADEQUATE SYSTEM OF REDRESS.

YOU MAY RECALL THAT ARTHUR VANDERBILT, ONE OF AMERICA'S GREATEST JUDGES, SPENT THE LAST YEARS OF HIS LIFE WORKING TO IMPROVE THE TRAFFIC COURTS OF OUR COUNTRY BECAUSE IT WAS THERE THAT MOST AMERICANS CAME INTO CONTACT WITH AND DEVELOPED THEIR IMPRESSIONS OF AMERICAN JUSTICE. HE SAID WE HAVE TO IMPROVE THE TRAFFIC COURTS IF OUR SENSE OF AMERICAN JUSTICE IS TO BE IMPROVED.<sup>5</sup>

JUDGE VANDERBILT SERVED THE PUBLIC IN A NUMBER OF WAYS DURING HIS LEGAL CAREER. I THINK THAT MOST OF US IN THIS ROOM HAVE ALSO HAD OPPORTUNITIES -- OFTEN UNEXPECTED -- TO FURTHER THE PUBLIC INTEREST.

WHEN THE KOREAN WAR BROKE OUT IN 1950, I WAS RECALLED TO ACTIVE DUTY IN THE NAVY. I WAS THE EXECUTIVE OFFICER OF A TANKER, AND THE CAPTAIN CAME TO ME AND SAID, "FOUR OF OUR MEN HAVE BEEN ARRESTED AND ARE BEING INTERROGATED. WILL YOU REPRESENT THEM?" WELL, THIS WAS POST-ESCOBEDO BUT PRE-MIRANDA, AND THE UNIFORM CODE OF MILITARY JUSTICE WAS BEING REVISED. WE HAD SOMETHING CALLED NAVAL COURTS AND



BOARDS. SO I WENT TO THE ROOM WHERE THE MEN WERE BEING HELD AND BANGED ON THE DOOR, WANTING TO GET IN. THE INVESTIGATORS SAID, "YOU CAN'T COME IN NOW BECAUSE WE ARE QUESTIONING THEM." I SAID, "THAT'S WHY I WANT TO COME IN." WE WENT THROUGH THE WHOLE ESCABITO EXERCISE, AND FINALLY I GOT INSIDE THE ROOM AND SAID, "I WANT TO BE SURE THAT THESE MEN UNDERSTAND THEIR RIGHTS. HAVE YOU ADVISED THEM THAT THEY DON'T HAVE TO ANSWER QUESTIONS?" THE INVESTIGATORS REPLIED, "WELL, WE'VE TOLD THEM THAT THEY HAVE CERTAIN CONSTITUTIONAL RIGHTS." AND I SAID, "VERY GOOD, HAVE YOU TOLD THEM THAT INCLUDES THE RIGHT NOT TO ANSWER YOUR QUESTIONS?" SO I ADVISED THEM OF THEIR RIGHTS.

A FEW WEEKS LATER WHEN I WAS OUT AT SEA, I RECEIVED A LONG MILITARY LETTER THAT HAD COME THROUGH ALL THE ADMIRALS FROM THE NAVY SHIPYARD AT PEARL HARBOR WHERE THIS INCIDENT OCCURRED, TO THE COMMANDANT OF THE FOURTEENTH NAVAL DISTRICT, TO THE COMMANDER SERVICE FORCE FLEET. THE KEY LINE OF THE LETTER WAS: "DUE TO

LIEUTENANT WEBSTER'S INTERFERENCE. WE WERE UNABLE TO OBTAIN A CONFESSION." LATER, I DID RECEIVE A VINDICATION, NOTING THAT I HAD DONE NO MORE THAN GUARANTEE TO THESE MEN THEIR RIGHTS ASSURED BY THE CONSTITUTION OF THE UNITED STATES, AND I HAVE KEPT THAT LETTER.<sup>6</sup>

THAT EXPERIENCE PROVED TO ME THAT AN INDIVIDUAL ATTORNEY COULD MAKE A DIFFERENCE -- EVEN IN A PART OF THE GOVERNMENT AS LARGE AND IMPOSING AS THE UNITED STATES NAVY.

I REMEMBER READING AN ARTICLE THAT APPEARED IN THE ABA JOURNAL A NUMBER OF YEARS AGO ENTITLED "LINCOLN AND THE LAW" BY THE NOTED LEGAL SCHOLAR ARTHUR L. GOODHART. DR. GOODHART MADE AN IMPORTANT OBSERVATION ABOUT LINCOLN'S LEGAL PHILOSOPHY. HE SAID: "...TO LINCOLN THE MOST IMPORTANT IDEA THAT THE LAW REPRESENTED WAS THE IDEA OF FAIRNESS. JUSTICE CARRIES A PAIR OF SCALES THAT ARE EVENLY BALANCED."<sup>7</sup> MAINTAINING THAT SENSE OF FAIRNESS IS AS IMPORTANT TODAY AS IT WAS IN LINCOLN'S TIME, AND GOVERNMENT ATTORNEYS HAVE A PARTICULAR RESPONSIBILITY TO MAKE TRUE AND FAIR DECISIONS.

I ALSO BELIEVE THAT GOVERNMENT ATTORNEYS -- IN REPRESENTING THE LAW -- HAVE A RESPONSIBILITY TO KNOW THE LAW BETTER THAN ANYONE ELSE. LAWYERS IN THE PUBLIC SECTOR SHOULD FEEL A RESPONSIBILITY TO KEEP CURRENT ON LEGAL DEVELOPMENTS AND CONTINUE THEIR EDUCATION IN THE LAW.

WHEN I WAS CALLED TO BE A UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI, I HAD A GREAT OPPORTUNITY TO LEARN SOMETHING ABOUT OUR CRIMINAL JUSTICE SYSTEM, AN AREA OF PRACTICE THAT I HAD EXPERIENCED ONLY AS AN APPOINTED COUNSEL UP TO THAT POINT. I SOON DISCOVERED THAT THERE WASN'T A BETTER PLACE TO ACQUIRE LITIGATION EXPERIENCE. AND BEFORE PROSECUTING, I REALIZED THE IMPORTANCE OF BUILDING A CASE THAT WAS LEGALLY SOUND, FACTUALLY CORRECT, AND FAIR.

((YOU MIGHT WANT TO MENTION SOME MEMORABLE EXPERIENCES DURING YOUR TENURE AS A U.S. ATTORNEY))

MY EXPERIENCE ON THE BENCH -- ANOTHER PART OF MY LEGAL EDUCATION -- PROVED TO ME THAT THE RIGHTS OF THE INDIVIDUAL WILL BE PROTECTED AND SOCIETY WILL PROSPER ONLY WHEN THOSE OF US ENTRUSTED WITH CARRYING OUT THE RESPONSIBILITIES OF THE LAW -- AS DEFENDER, PROSECUTOR, OR JUDGE -- DO OUR JOBS. AND FOR OUR SYSTEM TO WORK, WE ARE RESPONSIBLE NOT ONLY FOR OUR OWN ACTIONS, BUT FOR ENSURING THAT THE SYSTEM OF LAW SET OUT IN THE CONSTITUTION IS NOT VIOLATED -- ESPECIALLY BY THOSE ENTRUSTED WITH PROTECTING IT.

FAITHFUL ADHERENCE TO LAWS AND GUIDELINES IS NECESSARY TO PROTECT THE RIGHTS OF THE INDIVIDUAL, BUT IT IS ALSO IMPORTANT IN ENSURING PUBLIC TRUST AND CONFIDENCE IN GOVERNMENT. I HAVE GREAT CONFIDENCE IN THE AMERICAN PEOPLE TO SUPPORT SOMETHING THAT MAKES SENSE AND SOMETHING THAT THEY KNOW IS NECESSARY.

I RECALL THAT WHEN I WAS SWORN IN AS DIRECTOR OF THE FBI IN 1978, PRESIDENT CARTER, IN HIS REMARKS, OBSERVED THAT HE COULD THINK OF NO ORGANIZATION IN GOVERNMENT THAT HAD MORE TO DO WITH HOW THE

PEOPLE OF THIS COUNTRY THOUGHT ABOUT THEIR GOVERNMENT THAN THE FBI.<sup>8</sup> WHEN I TOOK OVER AS DIRECTOR, MY GOALS WERE TO MAINTAIN THE HIGH STANDARDS AND TRADITIONS OF THE BUREAU AND TO PROTECT OUR SOCIETY WITHIN THE FRAMEWORK OF THE CONSTITUTION.<sup>9</sup>

WHILE AT THE FBI, I WAS ALWAYS BEING ASKED, "IS IT TRUE THAT THE FBI IS ALL LAWYERS AND ACCOUNTANTS?" WHEN I SAID NO, I WOULD BE ASKED: "WELL, WHY ISN'T IT?" AMERICANS LIKE THE IDEA THAT THERE ARE LAWYERS WORKING IN THE FBI. THERE WERE LESS THAN 1,000 LAWYERS IN THE BUREAU WHEN I CAME ON BOARD, AND I BUILT THAT NUMBER BACK UP TO ABOUT 1,400, ASIDE FROM THE GENERAL COUNSEL'S OFFICE AND THE PRINCIPAL LEGAL ADVISERS IN EACH OF THE FIELD OFFICES. I BELIEVE THAT THE INFLUENCE OF LAW-TRAINED PEOPLE IN THAT ORGANIZATION HAD A POSITIVE EFFECT ON EVERY ACTION THAT TOOK PLACE. IN HELPING TO PLAN THE BUREAU'S ACTIVITIES, LAWYERS, IN MY VIEW, WOULD BE MORE LIKELY TO TAKE INTO ACCOUNT WHAT OUR SOCIETY DEMANDS OF US IN TERMS OF MAINTAINING THE BALANCE BETWEEN PRESERVING INDIVIDUAL LIBERTIES AND KEEPING OUR SOCIETY SAFE AND FREE.<sup>10</sup>

THOSE REALLY WERE MOMENTOUS, EXCITING YEARS. WE WERE ABLE TO FOCUS OUR EFFORTS ON SOME OF THE MAJOR LAW ENFORCEMENT CONCERNS IN THIS COUNTRY -- ORGANIZED CRIME, WHITE COLLAR CRIME AND CORRUPTION, HOSTILE INTELLIGENCE ACTIVITIES, DRUGS, AND TERRORISM.<sup>11</sup> AND I'M PLEASED THAT THIS IMPORTANT WORK IS CONTINUING UNDER THE LEADERSHIP OF DIRECTOR SESSIONS.

I AM PARTICULARLY PROUD OF WHAT THE BUREAU WAS ABLE TO ACCOMPLISH DURING THE ABSCAM INVESTIGATION, AND I'D LIKE TO FOCUS FOR A MINUTE ON THE ROLE OF LAWYERS IN THE INVESTIGATION. THIS CASE WAS REVIEWED ON A DAILY BASIS BY FEDERAL PROSECUTORS IN NEW YORK AND IN WASHINGTON BY JUSTICE DEPARTMENT ATTORNEYS WHO MADE RECOMMENDATIONS ON NUMEROUS INVESTIGATIVE STEPS. PROSECUTORS PERSONALLY MONITORED, ON CLOSED-CIRCUIT TELEVISION, MANY OF THE TRANSACTIONS THAT TOOK PLACE. ONE PURPOSE FOR THIS ON-LINE MONITORING WAS TO GUARD AGAINST CONDUCT AMOUNTING TO ENTRAPMENT. THE ATTORNEYS COULD PICK UP A TELEPHONE AND CALL INTO THE MEETING

ROOM. THE UNDERCOVER AGENT WOULD ANSWER AS IF HE WAS RECEIVING A BUSINESS CALL AND OBTAIN INSTRUCTIONS NECESSARY TO ENSURE THAT WE WERE FOLLOWING ALL LEGAL REQUIREMENTS. THE PROCEDURES WORKED WELL, AS WE WERE SUCCESSFUL IN EVERY APPEAL TAKEN IN THE ABSCAM CASES.<sup>12</sup>

I MIGHT ADD THAT WHILE I WAS AT THE FBI, I BROUGHT YOUNG, TALENTED ATTORNEYS INTO THE BUREAU TO SERVE AS MY SPECIAL ASSISTANTS. THESE TALENTED PEOPLE REPORTED DIRECTLY TO ME AND CLOSELY MONITORED THE BUREAU'S OPERATIONS, THUS INCREASING ACCOUNTABILITY.

A YEAR AND A HALF AGO, I ACCEPTED A NEW RESPONSIBILITY -- DIRECTOR OF CENTRAL INTELLIGENCE -- AND I HAVE CONTINUED THE PRACTICE OF BRINGING IN SPECIAL ASSISTANTS WITH LEGAL BACKGROUNDS. THESE ASSISTANTS WORK WITH ME AND WITH THE OFFICE OF GENERAL COUNSEL, AND THEIR WORK IS BOTH IMPORTANT AND NECESSARY. THERE ARE A GREAT MANY STATUTES AND REGULATIONS, SUCH AS THE HUGHES-RYAN AMENDMENT AND EXECUTIVE ORDER 12333, THAT IMPOSE SOME

SIGNIFICANT RESPONSIBILITIES ON INTELLIGENCE AGENCIES. BUT, IN MY VIEW, THE INTERNAL PROCESS BY WHICH WE SEND PROPOSALS FORWARD IS AS IMPORTANT AS THE EXTERNAL REGULATIONS.

THE OFFICE OF GENERAL COUNSEL AT CIA PLAYS A VITAL ROLE IN VIRTUALLY EVERY ACTIVITY OF THE AGENCY. AND NOWHERE IS THE ADVICE OF OUR LAWYERS MORE VALUABLE AND MORE ACTIVELY SOUGHT THAN IN THE AREA OF COVERT ACTION. MY GENERAL COUNSEL, RUSS BRUEMMER, SITS ON THE COVERT ACTION REVIEW GROUP, WHICH EVALUATES COVERT ACTION PROPOSALS BEFORE THEY ARE SUBMITTED TO THE NATIONAL SECURITY COUNCIL. THE SPECIFIC ACTIVITIES TO BE UNDERTAKEN ARE CAREFULLY CONSIDERED BY OUR ATTORNEYS TO ENSURE THAT THEY ARE CONSISTENT WITH OUR LAWS AND OUR CONSTITUTION. THE COVERT ACTION REVIEW GROUP ASKS ITSELF THESE KINDS OF QUESTIONS BEFORE FORWARDING A PROPOSAL TO THE NSC AND THE PRESIDENT FOR CONSIDERATION: IS IT CONSISTENT WITH THE OVERT FOREIGN POLICY OF THE UNITED STATES? WHAT ARE THE CONSEQUENCES GOING TO BE IF THE ACTIVITY IS PUBLICLY EXPOSED? WILL



IT BE ACCEPTABLE AND MAKE SENSE TO THE AMERICAN PEOPLE? IS IT CONSISTENT WITH AMERICAN VALUES? AND, OF COURSE, WILL IT WORK? AS I MENTIONED, LAWYERS HAVE VERY SUBSTANTIVE INPUT IN THESE IMPORTANT DELIBERATIONS. AND BEFORE ANY DECISIONS ARE MADE, ALL SIDES OF AN ISSUE ARE EXPLORED.

LAWYERS PLAY A VERY SIGNIFICANT ROLE, ESPECIALLY IN GOAL-ORIENTED ORGANIZATIONS THAT ARE BUILT UPON "CAN DO" OR "MUST DO" MISSIONS. I HAVE ALWAYS BELIEVED THAT ONGOING LEGAL ADVICE -- THE SORT WE HAD DURING THE ABSCAM INVESTIGATION -- WAS VITALLY IMPORTANT TO THE SUCCESS OF A MISSION. I HAVE MADE SURE THAT I HAD THIS ADVICE BOTH AT THE FBI AND AT THE CIA. BUT I HAVE NOT FORGOTTEN THAT IT IS SOMETIMES DIFFICULT TO BE THE ONE GIVING ADVICE. STILL, I AM CONVINCED THAT LAWYERS ARE VITAL TO THE TRUST THAT THE AMERICAN PEOPLE MUST HAVE IN THEIR GOVERNMENT. THE AMERICAN PEOPLE MUST BELIEVE THAT WE ARE DOING THINGS RIGHT.

I HAVE TALKED AT LENGTH ABOUT THE REWARDS AND DEMANDS OF A CAREER IN PUBLIC SERVICE. BUT THE GREATEST BLESSING OF MY PROFESSIONAL LIFE HAS BEEN THE PRIVILEGE OF WORKING IN HARNESS WITH MEN AND WOMEN OF INTEGRITY -- FIRST IN THE NAVY, THEN THE BAR, ON THE BENCH, IN THE FBI, AND NOW AT CIA. THROUGHOUT MY CAREER, I HAVE WORKED WITH PEOPLE WHO ARE NOT PREOCCUPIED BY FAME AND FORTUNE, BUT SEE PUBLIC SERVICE AS A WAY TO PURSUE THEIR HIGHEST ASPIRATIONS FOR A BETTER WORLD.

AS I WAS PREPARING THESE REMARKS, I THOUGHT OF A PHOTOGRAPH AND QUOTATION THAT APPEARED ON THE COVER OF THE ST. LOUIS BAR JOURNAL WHEN I WAS ITS EDITOR IN THE EARLY 1950's. IT SHOWED A YOUNG LAWYER -- PERHAPS A LAW STUDENT -- SITTING IN A COURTROOM, BEHIND THE JUDGE'S BENCH, LOOKING OFF INTO THE FUTURE. AND THE QUOTATION, WHICH I SELECTED FROM JUDGE LEARNED HAND, SAID, "DESCENDED TO US, IN SOME PART MOLDED BY OUR HANDS, PASSED ON TO SUCCEEDING GENERATIONS WITH REVERENCE AND WITH PRIDE, WE AT ONCE ITS SERVANTS AND ITS

MASTERS, RENEW OUR FEALTY TO THE LAW." THOSE ARE WONDERFUL WORDS.  
ALTHOUGH MUCH WATER HAS GONE OVER THE DAM SINCE I FIRST READ THEM,  
THEY ARE STILL DEEPLY MEANINGFUL TO ME. AND PERHAPS THAT IS WHY I  
WAS SO GRATEFUL WHEN YOU INVITED ME TO BE WITH YOU TODAY.

2

REMARKS

BY

WILLIAM H. WEBSTER

DIRECTOR OF CENTRAL INTELLIGENCE

BEFORE THE

AMERICAN BAR ASSOCIATION

TORONTO, CANADA

AUGUST 9, 1988

Thank you very much Bob, President MacCrate, Prime Minister Robinson,  
other distinguished guests and fellow members of the American Bar  
Association. I am delighted to be with you. I can't resist saying that if  
some day -- as I'm certain I will -- I am called to account for my sins, I  
hope that Bob MacCrate is around to impanel the jury.

I particularly feel pleased to be here this morning and to follow in the  
wake of the award of the American Bar Association medal to my fellow  
St. Louisan, Bill McCalpin. It is richly deserved. I've known Bill for forty  
years as a friend and a colleague and, along with your distinguished past  
President John Shepherd, we worked together on many projects. I am proud for  
Bill, I'm proud for St. Louis, and I'm proud for the American Bar Association  
that Bill has been selected for this high honor.

Well, I am here in Canada speaking largely to Americans, and that, in a  
way, is a relief. I spoke to the Royal Canadian Mounted Police Annual Mess

6TH ARTICLE of Level 1 printed in FULL format.

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SECTION: A Message From the President

TITLE: THE UNSUNG REWARDS OF PUBLIC SERVICE

AUTHOR: Robert MacCrate

TEXT:

At any one time at least 10 percent of the American legal profession are in public service. Since the founding of the Republic, fortunately many of the most able and distinguished members of the bar have been drawn to public service. For the survival of a government of laws, lawyers have an essential part to play.

De Tocqueville commenting upon Democracy in America in 1835 said:

"I cannot believe that a republic could hope to exist at the present time if the influence of lawyers in public business did not increase in proportion to the power of the people."

And this has been what has happened as lawyers over the years have been drawn to public service, in President Grover Cleveland's phrase, as "servants and agents of the people, to execute the laws which the people have made."

But there are signs that in some circles within the legal community public service has lost its attraction. Public affairs are regarded as someone else's responsibility. From some law schools as few as 3 percent of their graduating classes are choosing to begin their careers in the public sector. We see a possibly related phenomenon in the declining number of lawyers willing to stand for public office and the shrinking number of lawyer legislators.

There have, of course, been two traditional paths for lawyers entering public service. First, there are those who enter public work upon completing law school. They seek initial employment in the public sector to have this experience before becoming accustomed to the generally larger financial rewards of the private sector. To encourage students to follow this path some law schools today have programs to ease the burden of student loans for those who immediately enter public work.

An alternative path is to defer public work and first to enter private practice. Here the lawyer can develop skills and experience and later enter as, it is argued, a better attorney and thereby make a greater contribution in the public sector when "working for the people."

But regardless of which of these paths is followed, the majority of lawyers entering public service (with the obvious exception of members of the judiciary) become "in-and-outers." They move in and out as the opportunities for

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rewarding public work come and go. They respond to what has been a common desire among many lawyers to give some part of their lives to public work with its unique job satisfaction from feeling one is doing something useful for the community as a whole.

Fortunately, however, there are a substantial number of lawyers in local, state and federal service who once in public work make a long-term commitment to this work and become our career public servants.

An extraordinary example of such a lawyer's career in public service is that of Edith I. Spivack. For more than 54 years she has been a lawyer for the City of New York -- for the last 12 years as executive assistant corporation counsel. Entering public service in 1934 to clean up corrupt practices, she remained and became an outstanding trial and appellate advocate.

I asked Edith Spivack what her life as a lawyer in public service has meant to her. Here is a brief excerpt from her reply:

"The rewards and satisfactions of government service cannot be matched in the private sector. It gives you the feeling of usefulness to society. Since it is the public at large to which the government lawyer is really responsible, there is leeway in determining the appropriate course of action without the pressures to which the private sector is subject.

"In disputes involving government, the main concerns are for justice to be done and for fair means to be used in obtaining it. Resolution of disputes on this basis is what makes government service so worthwhile."

In such spirit, public service lawyers have again and again proven to be an invaluable asset of good government and have provided inspiration to all of us by their devotion and continuing contribution to the public weal.

We hope to enrich the ABA by encouraging their greater participation and to assist them through our new Public Service Lawyers Membership program (See "Reduced Dues For Public Servants," April 1 ABA Journal, page 144) and our new Special Advisory Committee on Programs for Public Service Lawyers (page 161 in this issue).

These efforts I hope will better acquaint us all with the true rewards of public service.

GRAPHIC: Picture, Edith I. Spivack, New York City executive assistant corporation counsel, discussing the rewards of a public service career with President MacCrate. ABAJ/Wide World

5

**U.S. Department of Justice**

**Federal Bureau of Investigation**

*Washington, D.C. 20535*

REMARKS BY

WILLIAM H. WEBSTER

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

AT THE

DICKINSON SCHOOL OF LAW COMMENCEMENT

CARLISLE, PENNSYLVANIA

JUNE 6, 1981



There are many organizations that offer windows into the law enforcement system. The Backstoppers, the 200 Clubs, the Crimestoppers, Victims of Crime, even the Law Enforcement Explorer Scouts, which reach some 40,000 high school students, are just some examples. They can give insight into the working of law enforcement agencies so often neglected and misunderstood by the leaders of the communities they serve.

Law enforcement is the threshold of the criminal justice system. It's also its most visible symbol. You may recall that Arthur Vanderbilt, one of America's greatest judges, spent the last years of his life working to improve the traffic courts of our country because it was there that most Americans came into contact with and developed their impressions of American justice. He said we have to improve them if our sense of American justice is to be improved. The same can be said of understanding and support given to our law enforcement agencies.

All of you here today can make a difference in how effective we are. Society will look to you for new ideas in meeting the challenge of contemporary violence. We expect that some of you will eventually join us on the firing line as judges, prosecutors, defense attorneys, or perhaps as other members of law enforcement, and help hammer out the cases which shape our constitutional rights. We need all the

6

REMARKS

BY

WILLIAM H. WEBSTER

DIRECTOR OF CENTRAL INTELLIGENCE

INTELLIGENCE COMMUNITY ATTORNEYS

11 MAY 1988

THE LAWYERS" TO SIGNIFY THE IMPORTANT ROLE LAWYERS HAVE IN PRESERVING ORDER. THAT INTERPRETATION PUTS A SLIGHTLY DIFFERENT SPIN ON THE WORK THAT YOU DO AND THAT I LIKE TO THINK THAT I STILL DO. THE SIGNIFICANCE OF YOUR ROLE IS ONE OF THE THINGS I HOPE TO COVER TONIGHT.

WE HAVE ALL HAD THE EXPERIENCE OF WORKING IN THE EXECUTIVE BRANCH OF GOVERNMENT, WITH PEOPLE WHO EXERCISE FAIRLY FIERCE AUTHORITY. THESE PEOPLE HAVE A SOMEWHAT DIFFERENT ATTITUDE ABOUT THE ADVICE THEY RECEIVE FROM THEIR GENERAL COUNSELS THAN DO COMPANY EXECUTIVES, WHO HAVE BEEN BETTER CONDITIONED TO ACCEPT ADVICE. AND I KNOW THAT THERE AREN'T MANY OF US WHO HAVEN'T ASKED THE QUESTION: "WHAT DO YOU MEAN I CAN'T DO IT?" I KNOW THIS BECAUSE I HAVE ASKED THE SAME QUESTION OF JOE DAVIS AND RUSS BRUEMMER. IT'S A QUESTION THAT WE HAVE TO UNDERSTAND AND COME TO GRIPS WITH.

I RECALL ASKING THIS QUESTION WHILE SERVING IN THE KOREAN WAR. I WAS THE EXECUTIVE OFFICER OF A TANKER, AND THE CAPTAIN CAME TO ME AND SAID: "FOUR OF OUR MEN HAVE BEEN ARRESTED AND ARE BEING INTERROGATED. WILL YOU REPRESENT THEM?" WELL THIS WAS POST-ESCABITO BUT PRE-MIRANDA, AND THE UNIFORM CODE OF

MILITARY JUSTICE WAS BEING REVISED. WE HAD SOMETHING CALLED NAVAL COURTS AND BOARDS. SO I WENT TO THE ROOM WHERE THE MEN WERE BEING HELD AND BANGED ON THE DOOR, WANTING TO GET IN . THE INVESTIGATORS SAID: "YOU CAN'T COME IN NOW BECAUSE WE ARE QUESTIONING THEM." I SAID: "THAT'S WHY I WANT TO COME IN." WE WENT THROUGH THE WHOLE ESCABITO EXERCISE, AND FINALLY I GOT INSIDE THE ROOM AND SAID: "I WANT TO BE SURE THAT THESE MEN UNDERSTAND THEIR RIGHTS. HAVE YOU ADVISED THEM THAT THEY DON'T HAVE TO ANSWER QUESTIONS?" THE INVESTIGATORS REPLIED: "WELL, WE'VE TOLD THEM THAT THEY HAVE CERTAIN CONSTITUTIONAL RIGHTS." AND I SAID "VERY GOOD. HAVE YOU TOLD THEM THAT INCLUDES THE RIGHT NOT TO ANSWER YOUR QUESTIONS?" SO I ADVISED THE MEN OF THEIR RIGHTS. A FEW WEEKS LATER WHEN I WAS OUT AT SEA, I RECEIVED A LONG MILITARY LETTER THAT HAD COME THROUGH ALL THE ADMIRALS FROM THE NAVY SHIPYARD AT PEARL HARBOR WHERE THIS INCIDENT OCCURRED, TO THE COMMANDANT OF FOURTEENTH NAVAL DISTRICT, TO THE COMMANDER SERVICE FORCE PACIFIC FLEET. THE KEY LINE OF THE LETTER WAS: "DUE TO LIEUTENANT WEBSTER'S INTERFERENCE WE WERE UNABLE TO OBTAIN A CONFESSION." LATER, I DID RECEIVE A VERY NICE VINDICATION SAYING THAT I HAD DONE NO MORE

THAN GUARANTEE TO THESE MEN THEIR RIGHTS ASSURED BY THE CONSTITUTION OF THE UNITED STATES, AND I HAVE KEPT THAT LETTER.

BUT THAT INCIDENT TAUGHT ME THAT LAWYERS PLAY A VERY SIGNIFICANT ROLE THAT IS NOT OFTEN UNDERSTOOD OR APPRECIATED IN GOAL-ORIENTED ORGANIZATIONS THAT ARE BUILT UPON "CAN DO" OR "MUST DO" MISSIONS. SOMETIMES, IT TAKES A LOT OF CONSIDERED "STROKING" FOR US TO MAKE EXECUTIVES UNDERSTAND THAT WE ARE REALLY THERE TO HELP THEM DO WHAT THEY WANT TO DO -- AND DO IT PROPERLY. WE MUST MAKE OUR EXECUTIVES SEE THAT OUR QUESTIONS AND OUR "AS YOU GO" ADVICE IS VITALLY IMPORTANT TO THE SUCCESS OF THE MISSION. AND LAWYERS ARE VITAL TO THE TRUST THAT THE AMERICAN PEOPLE MUST HAVE IN SECRET ORGANIZATIONS. THE AMERICAN PEOPLE MUST BELIEVE THAT WE ARE DOING THINGS RIGHT.

AS WE GO ABOUT THIS BUSINESS, I THINK IT'S VERY IMPORTANT FOR US TO UNDERSTAND THE NATURE OF OUR MISSION, BECAUSE IT HELPS US UNDERSTAND THE PEOPLE WITH WHICH WE ARE INVOLVED. HOW MANY OF YOU -- MAY I SEE A SHOW OF HANDS -- HAVE OFFICES WITHIN 500 FEET OF THE SENIOR PERSON TO WHOM YOU REPORT? THAT'S IMPRESSIVE. HOW MANY HAVE OFFICES ON THE SAME FLOOR? NOW I'M

7



U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

THE TYRRELL WILLIAMS MEMORIAL

LECTURE

BY

WILLIAM H. WEBSTER

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON UNIVERSITY

SCHOOL OF LAW

ST. LOUIS, MISSOURI

3/14/85

"SOPHISTICATED SURVEILLANCE--INTOLERABLE INTRUSION OR PRUDENT PROTECTION?"

SUMMARY

Informants, electronic surveillance and undercover Agents are effective tools for law enforcement. But our use of these tools is bridled by legal and self-imposed restraints to protect constitutional guarantees of fairness and due process.

Introduction - Tradition of liberty in America; use of intrusive techniques--prudent protection or intolerable intrusion? Concept of fairness (pages 1-4)

Informants - Use in law enforcement; Jimmy Fratianno; Judge Brockton Lockwood; control and record keeping; assessing suitability; AG guidelines; testimony at trial (pages 5-10)

Electronic Surveillance - Title III authorization; keeping Agents informed on court rulings about electronic surveillance; court orders; CHIFAL (pages 10-15)

Undercover Agents - Reasons for using them; cost effectiveness; SATOH; approving proposals for undercover operations; ABSCAM (pages 15-20)

Conclusion - Safeguards for using sensitive techniques; importance of ensuring fairness (pages 21-22)

Most of us willingly accept some degree of intrusion to ensure public safety. For example, some years ago, while sitting on the Eighth Circuit, I wrote an opinion touching upon the use of inspection points for passengers boarding aircraft. It was my opinion then that the minimal intrusion involved in that situation was more than offset by the additional measure of safety provided to passengers in flight. Experience has reinforced that view, and as I said then, I believe the public would be outraged if these checks were suddenly removed from airport terminals.

But the use of sensitive techniques in Federal investigations has raised some important issues--particularly questions about fairness. I remember reading an article that appeared in the American Bar Association Journal a number of years ago entitled "Lincoln and the Law" by the noted legal scholar Arthur L. Goodhart, who delivered the Tyrrell Williams Lecture in 1964. Dr. Goodhart made an important observation about Lincoln's legal philosophy. He said, "...[T]o Lincoln the most important idea that the law represented was the idea of fairness. Justice carries a pair of scales that are evenly balanced." Maintaining that sense of fairness is as important today as it was in Lincoln's time. So, I would like to tell you how we manage these sensitive techniques to keep the scales in balance.

Remarks at FBI Portrait Ceremony

by

William H. Webster

Director of Central Intelligence

FBI Headquarters

Washington, D.C.

July 20, 1988



tackle some of the great problems of our country in the midst of troublesome events, such as the shooting of a President. But equally important, I think, we were able to focus our efforts -- focus them on organized crime, on white-collar crime and corruption, on foreign counterintelligence, on drugs and terrorism -- real problems in law enforcement. Twenty-one thousand women and men of the FBI made a difference in America, just as they did in earlier years. And I know they will do so again with today's leadership.

I remember when I was sworn in just over ten years ago that President Carter remarked that he knew of no organization in government that had more to do with how the American people felt about their government. When the FBI did well, they felt good about their country. When President Reagan came into office, he continued the tradition of professionalism in the FBI and kept us out of politics with the help of Ed Meese, who later became Attorney General. Ed, I want to thank you for all the cooperation that you've given me. Through the years there has never been a moment when you have not wanted to see done for law enforcement what needed to be done, and you have helped to keep us as

# GO WEBSTER

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William H. Webster  
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**WEBSTER is a judicial middle-of-  
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**HOW THE SEARCH led to Judge  
Webster. Page 3B.**

gated both men and found them highly  
qualified.

Bell described Webster as "a man of  
strength, high intellect and integrity,  
experienced in our system of justice and  
an experienced lawyer."

Bell said he hoped Judge Webster  
would be prepared to go before the  
Senate Judiciary Committee in two or  
three weeks for confirmation hearings.  
He said that might mean Webster would  
have to finish writing any pending  
decisions between the hearings and his  
swearing-in.

After Bell's announcement, Webster  
opened a press conference in the Federal  
Courts Building in St. Louis with the  
following statement:

"I would like to express my deep  
gratitude for the confidence expressed  
by the president and the attorney general  
in selecting me to lead the Federal  
Bureau of Investigation in the next  
decade."

"I consider this nomination a great  
honor because the FBI has a unique  
place in the hearts of the American  
people. It is a vital institution that has  
served the public well."

"If confirmed, I hope to carry on the  
fine work of Director (Clarence) Kelley  
in moving the bureau forward to meet  
the challenges of modern law enforce-  
ment, to maintain the high standards  
and traditions of the FBI and to protect  
our society within the framework of the  
Constitution."

"Because I am a sitting judge and I  
would not want to interfere in the  
management of the bureau, and am not  
fully briefed, I will be reluctant to  
comment on any substantive questions  
until my confirmation hearings."

Bell told reporters that before Webster

agreed to accept the nomination, the  
Judge gave Bell two or three pages of  
questions he wanted answered. Bell said  
he could recall only one: Why could not  
the FBI come directly under the attorney  
general on the organization chart?

Bell said Webster would report to him.  
It had been the practice of the late J.  
Edgar Hoover, director for 48 years, to  
often ignore attorneys general and report  
directly to the president.

"He does not report to the president,"  
Bell said. "I do not want the head of the  
FBI involved in White House operations.  
We've been down that road before."

Bell said that he told the heads of the  
Civil Rights and Criminal division to  
study all of Webster's decisions in those  
two areas. He read some of the cases  
himself. An aide said that the attorney  
general had worked on this Monday until  
10 p.m. with law books spread around  
him on a table.

"I concluded that he is a moderate

See FBI, Page 8



Judge William H. W.  
The president's cho

## Is A Man With Impeccable Credentials

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integrity and fairness. He is a Christian  
Scientist who neither drinks nor smokes.  
Nowhere in his past is the slightest hint  
of impropriety, say those who know him.

Unfailingly polite, a devoted family  
man, a good listener and social mixer, a  
highly disciplined person with often  
surprising warmth, a formidable com-  
petitor whether on the tennis courts or in  
the courtroom, a long-time supporter of  
the Big Brothers program in St. Louis —  
those are some of the descriptive phras-  
es that repeatedly surfaced in 20 inter-  
views with persons of varying political or  
philosophical persuasion.

Webster, a Republican chosen for the  
FBI post by a Democratic President,  
also is depicted as a man who knows  
what he wants out of life.

"He is a man who has goals and moves  
toward them," says one long-time friend.

"He is not the type to hide his talents  
under a bushel. If you put him in a room  
with the chairman of the board and the  
personnel director of a company, he will  
gravitate toward the chairman of the  
board. It is his nature."

Another friend, who also asked not to  
be identified, offered a somewhat similar  
appraisal:

"If a pie is on the table and every-  
body's got a knife and fork, Bill is not  
going to take a back seat. He will be  
polite, of course, but he will get his share  
of the pie. He knows where he is going,  
although he doesn't rough-house other  
people in the process."

Webster may be ambitious, says still  
another long-time friend, Bourne Bean.  
But his ambition, says Bean, is a trait  
that goes beyond self. "I think Bill has a  
very fierce pride and loyalty on a big

scale. I honestly believe his ambition is  
to do something great for his country.  
Yet he has a sense of humility and is  
very modest about his achievements."

Bean is a member of the law firm in  
which Webster was a partner before  
Webster's appointment as a federal  
district judge in late 1970 by then-  
President Richard M. Nixon.

Along with several other persons inter-  
viewed, Bean said he was surprised by  
Webster's interest in the FBI appoint-  
ment. "I and so many of his friends  
would like to see him on the Supreme  
Court," Bean said.

Webster, a judge of the United States  
Court of Appeals for the Eighth Circuit  
since 1973 and a former U.S. Attorney  
here, was among six persons whose

See WEBSTER, Page 8

REMARKS

BY

WILLIAM H. WEBSTER

DIRECTOR OF CENTRAL INTELLIGENCE

INTELLIGENCE COMMUNITY ATTORNEYS

11 MAY 1988

WHAT WE DO AND WHY WE DO IT. BECAUSE WE CANNOT TRUMPET OUR SUCCESSES ON THE INTELLIGENCE SIDE OF THE HOUSE, THE AMERICAN PEOPLE MUST DEVELOP CONFIDENCE AND TRUST IN WHAT WE ARE DOING -- AND THAT WE ARE DOING IT RIGHT.

I AM ALWAYS BEING ASKED: "IS IT TRUE THAT THE FBI IS ALL LAWYERS AND ACCOUNTANTS?" WHEN I SAY NO, THEY ASK: "WELL WHY ISN'T IT?" THEY LIKE THE IDEA THAT THERE ARE LAWYERS WORKING IN THE FBI. I LIKE THE IDEA TOO, BUT I HAVE FOUND THAT THEIR NUMBERS ARE SHRINKING. THERE WERE LESS THAN 1,000 LAWYERS IN THE FBI WHEN I CAME ON BOARD, AND I BUILT THAT NUMBER BACK UP TO SOMETHING LIKE 1,400, ASIDE FROM THE GENERAL COUNSEL'S OFFICE AND THE PRINCIPAL LEGAL ADVISERS IN EACH OF THE FIELD OFFICES. I BELIEVE THAT THE INFLUENCE OF LAW-TRAINED PEOPLE IN THAT ORGANIZATION IS BOUND TO HAVE A POSITIVE EFFECT ON EVERY ACTION THAT TAKES PLACE. IN PLANNING THESE ACTIONS, LAWYERS WOULD BE MORE CERTAIN TO TAKE INTO ACCOUNT WHAT OUR SOCIETY DEMANDS OF US IN TERMS OF MAINTAINING THE BALANCE BETWEEN PRESERVING INDIVIDUAL LIBERTIES AND KEEPING OUR SOCIETY SAFE AND FREE.

11

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Dr. Evans, distinguished members of Congress who were so helpful to me in the years I was here, all my friends and colleagues, both from St. Louis and here in Washington:

You know, it's an ominous thing to see one's name under the heading "Wanted by the FBI." It's even more awesome to think of yourself as "Hung by the FBI". Better that it is behind me now as I talk to you.

Ed and Bill and Louie, you have been overly generous in your remarks about me, and I hasten to say that it's not at all hard to do a job in an organization where leadership and ability and willingness are so everywhere present. All I had to do is understand a good idea when I heard one and give a little encouragement to see that it would be carried out.

A portrait may be, in a sense, a record of a point in time -- a time frame. And these really were momentous, exciting years. We were able to

tackle some of the great problems of our country in the midst of troublesome events, such as the shooting of a President. But equally important, I think, we were able to focus our efforts -- focus them on organized crime, on white-collar crime and corruption, on foreign counterintelligence, on drugs and terrorism -- real problems in law enforcement. Twenty-one thousand women and men of the FBI made a difference in America, just as they did in earlier years. And I know they will do so again with today's leadership.

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But that legislation will not mean relaxed vigilance on our part. We will continue to weed out those proposals that run excessive risk of injuring innocent parties.

Once in place, we monitor undercover operations closely to ensure compliance with legal requirements and guidelines promulgated by the Attorney General. For example, the ABSCAM case was reviewed on a daily basis by Federal prosecutors in New York and in Washington by Justice Department attorneys who made recommendations on numerous investigative steps. Prosecutors personally monitored, on closed-circuit television, many of the transactions as they took place. One purpose for this on-line monitoring was to guard against conduct amounting to entrapment. The attorneys could pick up a telephone and call into the meeting room. The undercover Agent would answer as if he was receiving a business call and obtain instructions necessary to ensure that we were following all legal requirements. The procedures worked well, as we were successful in every appeal taken in the ABSCAM cases.

We cannot anticipate and avoid every conceivable problem in a scenario in which only some of the players have the script, but we make every effort to do so and to build upon our past experience. That is the purpose of the Review Committee: to build institutional awareness.