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REMARKS OF WILLIAM J. CASEY  
DIRECTOR OF CENTRAL INTELLIGENCE  
AT THE  
EIGHTY-NINTH COMMENCEMENT EXERCISES  
OF  
NEW YORK LAW SCHOOL  
AVERY FISHER HALL, NEW YORK, NEW YORK  
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Thank you, Dr. Thornton, for your most gracious introduction. You mentioned Nathan Hale. It is true that there is a statue of Nathan Hale at the CIA Building in Langley but I am thinking of having that replaced by a statue of Hercules Mulligan. After all, Nathan Hale got caught trying to get into British occupied New York. That's not the example we wish to emulate. In contrast, Hercules Mulligan operated throughout the Revolutionary War as a tailor in New York City measuring British officers for uniforms. The bits of information he gleaned from them were sent on horseback out to Setauket, Long Island, carried across Long Island Sound by row boat, again carried by a rider on horseback across Westchester County, then across the Hudson, and then down to Washington's headquarters in Morristown, New Jersey. Hercules Mulligan functioned throughout the war, was never caught, never broke his cover, and rests today, still well covered, in the churchyard of Trinity Church facing Wall Street.

You have kindly asked me to address a few words to you to mark an occasion both you and I will have cause to recall with pride -- receiving a law degree from one of this city's finest and most venerable law schools.

It is an honor to speak at this law school which has been launching so many fine lawyers in our profession for almost a century. I welcome you to our profession. Today is an occasion of joy. With the training and disciplines brought to you by a distinguished faculty, your visits

to the busy courts nearby and your own study, you are rich in the opportunities and challenges generated in our complex and dynamic country both here and around the world. The great prize for your journey to the Bar is a license to contribute and participate actively in virtually every aspect of a free society, a society in which the greatest success and satisfaction comes from devising innovative and effective ways to serve others.

You may be curious to know what a lawyer is doing as Director of Central Intelligence.

To start with, the law, very properly, plays a significant role in defining, authorizing and restricting the activities of the CIA. I see many other affinities between the professions of law and intelligence-gathering, at least as they are practiced in the United States.

Both confront the paradox of being at the same time seekers of truth and partisans in a cause. Both are trained in an adversarial mode of thinking and rewarded for aggressiveness; yet both must fight by the rules, respecting the rights of individual citizens and upholding the law and the Constitution. Even while using an adversary's own tactics to defeat him, neither may ever lose sight of what distinguishes the lawful from the lawless. Both are also engaged in a fiercely competitive business with high risk stakes, where important issues of public concern often hinge on the outcome.

Lawyers and intelligence officers both spend much of their time in the process of discovery. In both professions, the elusive truth emerges only by an arduous accumulation of facts, and by weighing and shifting contradictory and incomplete evidence. In intelligence as in law, distortions of the truth caused by preconceptions, unexamined assumptions and plain wishful thinking can be fatal to success. In both fields of endeavor, realism joined with skepticism is the beginning of wisdom. I am interested in enticing more lawyers as intelligence officers because they have in common the need to convert analysis into a practical judgment on how best to provide now for uncertainties and possible developments which only the future will precisely disclose.

Both professions have been criticized at times for serving the immediate exigencies of the client at some cost to the higher values they are charged with defending. Yet in the end, despite human errors of judgment and an occasional lapse displayed by lawyers as well as intelligence officials, society has come to recognize (perhaps reluctantly) that both are indispensable to safeguard the integrity and independence of our national institutions. As law is essential to democratic society, intelligence is essential to national security.

Recognition of the need for intelligence concerning the intentions of our adversaries is as old as the nation itself. During the War of Independence General Washington observed:

The necessity of procuring good intelligence is apparent and need not be further urged -- all that remains for me

to add is, that you keep the whole matter as secret as possible. For upon secrecy, success depends in most enterprises of the kind, and for want of it, they are generally defeated, however well planned and promising a favorable issue.

During the first 165 years of our nation's history, however, we were able to exist behind the security of wide oceans and friendly borders and the need for intelligence was episodic. The world changed drastically for America in general, and for the fledgling intelligence community in particular, on December 7, 1941 and, for better or worse, it will never again be the same. The United States no longer enjoys the splendid isolation that its oceans and borders once provided and it must now exist in a world in which the minimum period of warning in the event of nuclear attack is counted in less than 20 minutes.

As a result, we have today a national intelligence community made up of more scholars in the social and physical sciences than any campus can boast. It uses photography, electronics, acoustics and other technological marvels to gather facts from the four corners of the globe and informs the public, as we saw in the SALT debate, of the precise capabilities of weapons on the other side of the globe which the Soviets keep most secret.

George Washington, wherever he is, and people in other countries must find it puzzling that our Government permits any person, including an officer of an antagonistic intelligence service, to apply for

documents from our intelligence records and demand lengthy legal justification if they are denied.

A law that is grounded in the presumption that all Government records should be accessible to the public, unless the Government can justify in detail a compelling national security rationale for withholding them, unwarrantedly disrupts the effective operation of an intelligence agency.

Thus for reasons of security as well as efficiency, there is a strong current of opinion in this Administration -- and I believe in the Congress and the public -- in favor of some modification of the Freedom of Information Act and other questionable burdens imposed on intelligence and other Government activities. I wish to emphasize that this does not represent a retreat from our Government's historic and cherished commitment to protecting essential liberties. But we should bear in mind, as Justice Goldberg once said, that "while the Constitution protects against invasions of individual rights, it is not a suicide pact."

Today, we live in an extraordinarily challenging world. Protected though we may be by military might and economic strength, we are vulnerable without an effective intelligence service. We need it to help us judge the capabilities and intentions and monitor the activities of those with interests adverse to ours, to evaluate changing economic and political trends worldwide, and to anticipate danger before it threatens.

Your generation is the first in this century to grow entirely to maturity in a world where the United States is being actively pressed to defend its role as the foremost economic and industrial power in the world. We now face competition from others in the free world, but we are still very much a great nation and power. Any country that can successfully engineer a feat like the flawless launch and recovery of the Columbia space shuttle has adequate resources and resolve to retain its position as leader of the free world. We all can take great pride in that magnificent achievement.

We nevertheless must recognize that we are now challenged as never before by military and commercial competitors of unprecedented strength. We can not rest on past achievements. We have permitted our own resources, both material and spiritual, to be drawn down. In the private sector, we have allowed an alarming decline in productivity and hence in our ability to compete in world markets. In the governmental sector, we have continually exhausted our reserves and then borrowed to cover the shortfall, compounding the inflationary pressure on interest rates and sapping public confidence in the Government's ability to control expenditures.

These trends must not be allowed to continue. We must trim the fat and revitalize our institutions.

Critical to this are the human resources in which this nation has always been so rich, young people with good minds and good educations, with energy and enthusiasm and the confidence to tackle the difficulties

ahead of us. Those fortunate enough to be trained in the law have a special opportunity to give themselves to public service because there are so many ways they can contribute. The substantial number of attorneys serving in key positions in government is ample evidence of the many possibilities it offers to bright young lawyers.

You will not get rich working for the Government. There you will quickly enjoy a degree of responsibility and freedom which young attorneys rarely find in the private sector. But, also in private practice you can find the deep personal satisfaction of being able to work directly and specifically for the public good. The client's interests may always be framed broadly to include that objective, for in the last analysis the client is the public.

This is nowhere clearer than in the field of national security law. Here one is always aware that losing a lawsuit could entail the surrender of national secrets, or that giving ill-considered advice could result in grave personal consequences for others laboring in the national interest. So it is privilege to work for such a client, to whose welfare so many are deeply and personally committed. So I hope to welcome some of you to public service -- and I'd like to urge you to always remember that it is one of the glories of America that public service can be rendered in the private sector as well as in the public sector.

Thank you.