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## REMARKS DELIVERED AT THE FORDHAM-STEIN AWARD CEREMONY

*William H. Webster\**

As you may know, Fordham has produced so many of our Special Agents that they are affectionately referred to in the Bureau as the Long Gray Line of Fordham. This Award will be as pleasing to them as it is to me.

This Award is something very special to me. Beyond its national reputation, beyond the list of extraordinarily able recipients who have preceded me—all of whom it has been my privilege to know—beyond the great honor of this moment is the implied recognition of what is for me an article of faith—that law enforcement is a critical part of, and not outside, the judicial process. We who are lawyers have a special obligation to concern ourselves about how crimes are detected and solved as much as how those cases are ultimately tried in the courts.

Last week, I had the great pleasure of visiting on three succeeding days with one of the most interesting figures of our time—Sir William Stephenson, the “Man Called Intrepid.” At 86 he is sharp, full of good humor and very much involved in today’s challenges. He told me that when anyone asks him what is the most important attribute of a good intelligence officer, his answer is always—integrity.

I recall some words he wrote some years ago:

“Among the increasingly intricate arsenals across the world, intelligence is an essential weapon, perhaps the most important. But it is, being secret, the most dangerous. Safeguards to prevent its abuse must be devised, revised, and rigidly applied. But, as in all enterprises, the character and wisdom of those to whom it is entrusted will be decisive. In the integrity of that guardianship lies the hope of free people to endure and prevail.”<sup>1</sup>

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\* Director, Federal Bureau of Investigation. A.B. 1947, Amherst College, J.D. 1971, Washington University. These remarks were delivered on October 28, 1982, upon presentation of the Fordham-Stein Award to Mr. Webster. The Fordham-Stein Award was established as a national prize to render public recognition to the positive contribution of the legal profession to American society. This prize honors individuals whose personal commitments and achievements bring credit to the profession, and thereby gratefully commends the vigilance and nobility of spirit of the bench and bar. Previous recipients include: 1976, Henry J. Friendly; 1977, Edward H. Levi; 1978, Warren E. Burger; 1979, Wade H. McCree, Jr.; 1980, Archibald Cox; 1981, Warren M. Christopher.

1. Stephenson, *Introduction to W. STEVENSON, A MAN CALLED INTREPID* at 16 (1976).

I think what he said applies equally to all who enforce the laws and shape the balance that we call ordered liberty.

This is a period of great stress for the criminal justice system. There are not enough law enforcement officers, not enough prosecutors, not enough judges and not enough prisons and probation officers to deal with those who refuse to play by our rules. We rarely deal with these problems systematically. Each effort to improve one component of the system is very apt to place the others in imbalance. It takes five years to construct a Federal penal institution, yet prisons tend to be the last components to be addressed, usually after some judge has ruled that an institution is unconstitutionally overcrowded and inhumane.

Our crime rate reached an all time high in 1980, an increase of 22% since 1977. During 1981, it leveled off and in the first six months of this year we experienced our first slight decrease since 1975.<sup>2</sup> This is small comfort when our bench mark is the highest crime rate in our history.

Despite an ever increasing level of professionalism, our numbers have sagged as inflation eroded our capacity to keep an adequate number of law enforcement officers on the roles. I believe the numbers of New York's finest have been cut about one-third over the last decade, and the FBI lost over 800 Agents since 1976.

Our reluctance to seek finality in the courts has opened up endless avenues of collateral attack which further compound an already congested and overtaxed machinery. Most recently, where undercover techniques have been employed by the Government, we have seen due process hearings, both before and after trial, added to the arsenal of defense procedures. One judge has predicted to me that these lengthy procedures will become routine whenever an undercover Agent is utilized in an investigation. Many of these hearings seem to be an effort to retry specific defenses already rejected by the jury. Indeed so much of our administrative effort is involved in anticipating and dealing with such collateral attacks that our documentation may soon rival the defensive medicine now practiced by physicians. Occasionally one is reminded of Judge Friendly's plaintive question some years ago: "Is innocence irrelevant?"<sup>3</sup>

Still, we are accountable, must be accountable, and must always be prepared to demonstrate that our investigations are conducted within the rule of law.

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2. FEDERAL BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, CRIME IN THE UNITED STATES 1981: ANNUAL REPORT 36 (1982).

3. Friendly, *Is Innocence Irrelevant? Collateral Attacks on Judgments*, 38 U. CHI. L. REV. 142 (1970).

Despite the many challenges, those of us involved in the pursuit of justice are finding these to be exciting times. Those of us in law enforcement are finding that we can serve effectively within the system by increasing the professionalism of our efforts to offset the constraints imposed by a society which demands to be let alone at the same time that it demands to be kept safe and free.

Modern law enforcement has become a world of computers, communications systems, advanced forensic technology, lasers, serology, accounting, electronic surveillance, SWAT Teams, and undercover work. It is still a world of ringing doorbells, taking information, talking to citizens. Our people continue to be our greatest assets. Of equal importance, we are attracting into this field enormously talented young men and women who see an opportunity to tax their talents to the fullest and enjoy the satisfaction of service to their communities and their country. Our lawyer Special Agents add greatly to the respect for law and individual liberty which is the central theme of the FBI from the first day of New Agents Class.

And what challenges! In the past four and one-half years I have seen our Agency called upon to deal with increasing efforts of hostile intelligence services to steal our precious technology, to evict Iranian and Libyan diplomatic establishments and provide crucial intelligence during those trying days; to investigate skyjackings, wrap up international terrorist groups operating in our country, resolve hostage situations, conduct civil rights investigations, investigate the shooting of a President, assist local law enforcement authorities in local tragedies of national importance—Atlanta, Buffalo, Fort Wayne—find the murderers of a Federal Judge, assist foreign countries such as Italy and El Salvador, provide disaster assistance in air crashes and in Jonestown, launch a major assault on organized crime to reach beyond the streets into the upper echelons of major criminal enterprises, and find ways to bring to account those public officials who betray their trust. A big order for 7,810 Agents.

We are on the cutting edge of many new techniques, some of which will be challenged and tested in the courts. Be assured that our sensitivity to Constitutional requirements is very high, and that the law's demands are carefully considered before we put these techniques into use.

We are now engaged in what may prove the greatest challenge to law enforcement, a major concerted effort to halt the heavy cost in crime and human lives generated by those who traffic in illegal drugs and narcotics. Once again our target is the criminal enterprise. This time the dollars involved are so great that we must confront arrogance and corrupting capacity unparalleled in our history.

I believe we have within the FBI and indeed the entire Federal Criminal Justice System the capacity and the integrity to meet this challenge, especially so if we can count on community support led by the members of the legal profession.

Daniel Webster said that justice is the great interest of man on earth. How fortunate are we who, by training and commitment, can serve the ends of justice through the law.<sup>4</sup>

So I accept this Award tonight, gratefully, and in the spirit of Learned Hand when he 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.”<sup>5</sup>

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4. D. Webster, *reprinted in* 2 LIFE AND LETTERS OF JOSEPH STORY 624 (W. Story ed. 1851).

5. Address by Judge Learned Hand, Yale Law School Graduation (June 17, 1931), *reprinted in* THE SPIRIT OF LIBERTY (I. Dilliard 3d ed. 1977).