

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
~~SOUTHERN~~ DIVISION



UNITED STATES OF AMERICA)
v.)
WILLIAM L. WEBSTER)

NO. 93-03243-01-~~S-4~~-9

SENTENCING MEMORANDUM

Now comes the United States of America, by and through its Attorneys, Marietta Parker, United States Attorney, David C. Jones, Assistant U.S. Attorney, Joseph F. Savage, Jr., Special Assistant U.S. Attorney, and submits this memorandum in support of its recommendation for a sentence of 18 months incarceration in the above captioned case.

Introduction

William L. Webster pled guilty to two felony counts relating to misuse of his public office. The plea was entered pursuant to a plea agreement providing Webster with certain benefits, including an agreement that the United States would request a sentence of 18 months, but no longer, and that Webster would not be prosecuted for crimes he committed other than those he pled guilty to. Subsequently, in his plea and presentence interviews Webster has admitted, then later not admitted certain facts, and has otherwise contested various other facts of conviction and relevant conduct. The issue of acceptance of responsibility, therefore, is being litigated. Regardless of the outcome of that particular factual dispute, this Court has the authority to impose the 18 month sentence recommended by the United States either as the top of the 12-18 month range or the bottom of the

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18-24 month range. The Court should do so for the reasons discussed below.

DISCUSSION

1. Goal of Sentencing

If the Court grants acceptance of responsibility, the sentence could be as low as 12 months. If not, the sentence must be 18 months, due to the plea agreement. As a practical matter the difference between a particular sentence between 12-18 months is sufficiently narrow that it is impossible to argue that any particular sentence is absolutely "right" or "wrong". Nonetheless, imposition of an 18 month sentence on Webster would serve important purposes,

From the prospective of the United States, the sentence sought in this case is not sought primarily for reasons that relate to this individual defendant. Many of the personal punishments - disgrace, humiliation, loss of employment and disbarment - have already been inflicted and will remain undisturbed regardless of the sentence. Likewise, the sentencing goal of specific deterrence is of little import here. William Webster will never again be Missouri's Attorney General. Webster will never again be in that position to abuse the public trust. Rehabilitation also is not the primary objective. It is unlikely that an 18 month sentence will rehabilitate the defendant. That process will occur, if at all, when Webster, perhaps with the help of his family, engages in an honest assessment of his own conduct. To date, the defendant's focus has been on avoiding guilt, minimizing responsibility and

generally running away from the consequences of his illegal behavior. Ultimately, if Webster is going to turn his life around and make some productive use of his considerable skill and intellect, he is going to have to do that by addressing his own character. The difference between 18 months or a slightly lower sentence is unlikely to make a difference in that search for personal candor. One fears, in light of his conduct to date, that no amount of incarceration or any other punishment will address the problem of rehabilitation.

The real impact of a sentence of incarceration in excess of 18 months is for general deterrence and the related goal of clearly defining the limits of acceptable behavior by public officials. The sentence would reaffirm the commitment of the community to having these minimum standards of conduct adhered to.

2. Seriousness of the Offense

By imposing the 18 month sentence this Court will be saying that this is more than a routine corruption case. It is such because of both the offender and the offense. The particular position Webster abused makes this case out of the ordinary. The position of Attorney General requires special integrity, it is a law enforcement position. The level of trust reposed in that office is unusual, the betrayal of that trust thus becomes that much more significant. The position is also a high level statewide office. He sought election from all, he failed in his commitment to all. The position is also of national importance

and brought national attention personally to Webster for his successes. Ultimately his conduct now brings national attention of a negative sort to Missouri as a whole.

The motive also makes this case more than routine. There is absolutely no excuse for Webster's behavior. It was not a crime of need, it was a crime of greed. It was not a crime bred from personal deprivation, it is a crime perpetrated from a position of privilege. It was not a crime by someone who is disadvantaged, it was a crime by someone who had it all.

Webster's crimes are also of a particularly serious nature for a democracy. Perhaps the single most important reason that the United States is one of the longest running, continuous modern democracies in the world is that the losers voluntarily vacate their offices after every election and the winners take over the positions of power without violence or bloodshed. That peaceful transition of power, an event that most of the world views as nothing short of miraculous, is completely dependent upon the understanding and acceptance of the winning and losing candidates that the process is fair and above board. If elections are not fair, if candidates cheat, a foundation for peaceful self-government is attacked.

Webster committed the crimes here getting campaign contributions illegally and stealing state resources for his campaign - precisely to get resources for his election effort that he was not entitled to. This is not someone who took papers clips home. Nor is this a case of incidental misuse of

equipment and resources. This is a perversion of the Attorney General's Office into Webster's personal election machine. He tried to abuse the Office to further his personal ambition. His opponents in the race for Governor did not have access to the resources and funds that his deliberate misuse of office provided him. Thus, Webster's conduct was aimed directly at the heart of the democratic system - the integrity of the electoral process.

The distinction between the Attorney General's Office, which is a public possession, and the defendant who was the temporary custodian of the power of that office, was lost to Webster. That distinction - between the office and its occupant -- is critical to maintaining honest government in a democratic system. A sentence of 18 months will reaffirm the importance of that distinction.

3. Deterrent Value

The preeminent purpose in imposing the 18 month sentence ought to be deterrence. The general deterrent goal of demonstrating that no one is above the law, and that there are actual and predictable consequences for violating the law is at stake here. Deterrence also is served when Webster is treated equitably, relative to other offenders.¹

¹ Some recent statistics discussed in the sentencing of Congressman Nicholas Mavroules for accepting gratuities provide some insight into the appropriate relative sentence here. The sentencing judge in the Mavroules case, Senior U.S. District Judge A. David Mazzone, who is also a member of the United States Sentencing Commission, commented that the average sentence for accepting gratuities and other illegal payments in the 346 cases sentenced between fiscal years 1990 to 1992 was 13 months incarceration, for those defendants who did not render

One significant factor for sentencing is the post investigation conduct of the defendant which should be deterred. Two aspects are important. First, Webster made a series of false public denials of his criminality in an effort to win election. Second, he made a number of false accusations about the nature of the investigation that bring disrepute to the system of justice.

Webster denied emphatically that he was the target of the investigation, when he had been explicitly told he was. Webster also denied all wrongdoing. Webster even went beyond denials and falsely hid behind the apparent authority of his office and claimed that he was assisting the federal investigators, when he was actually called to testify before the grand jury about his own misconduct. Thus, unlike the anticipated grousing of any criminal about to be indicted, Webster abused his position and the forum it provided him to make a series of false statements. In fact, the press releases continue unabated.

Prior to the admission of guilt, Webster also went on the attack, characterizing the investigation a "witch hunt" and otherwise disparaging the motives and integrity of the investigators. In light of his guilty plea, such attacks are exposed as baseless and only serve to breed disrespect for the judicial system. An 18 month sentence will signal that the costs

substantial assistance. These statistics are again consistent with the position of the United States that 18 months is appropriate for Webster precisely because his case is not "average" (i.e. a postal employee who takes a bribe). (Ultimately Congressman Mavroules received a sentence of 15 months for receiving free use of an automobile and reduced rental on a vacation house.)

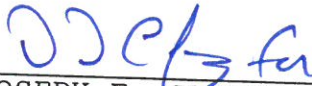
imposed on all by false attacks on the system of justice will not be tolerated.

SUMMARY

This court has an opportunity through its sentencing to fulfill a number of important policy objectives. Those objectives are best met with a sentence of 18 months. The United States respectfully requests the court to impose that sentence.

Respectfully submitted,

MARIETTA PARKER
UNITED STATES ATTORNEY

By: 

JOSEPH F. SAVAGE, JR.
Special Assistant U.S. Attorney

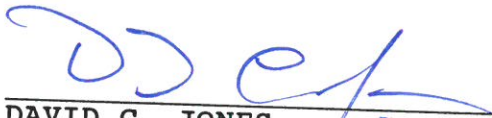
By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed this 27th day of August 1993, to:

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