Sept. 21, 1993: Missouri Attorney General gets 2 years in prison

By Terry Ganey and Tim Poor Sep 21, 2018 0

William L. Webster talks with reporters May 4, 1993, at the U.S. Courthouse downtown, when the former state attorney general called on President Bill Clinton to put an end to a federal grand jury investigation of him. Webster spoke in three other cities that day. He would plead guilty of embezzlement and conspiracy a month later.
Post-Dispatch

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Editor's note: After an extraordinary 11-day sentencing hearing, a federal judge ordered Missouri's top law enforcement official to spent two years in prison for conspiracy and embezzling state resources. The judge said William Webster "ducked responsibility" for misappropriating state resources, then called a recess so Webster could decide whether to withdraw his guilty plea. He accepted the sentence. This was our courtroom coverage of Webster's plea.

A federal judge sentenced former Missouri Attorney General William L. Webster on Tuesday to two years in prison for conspiracy and embezzlement of state resources.

The sentence was the maximum allowed under federal guidelines, and prompted Webster to rethink his decision to plead guilty. But after a tense recess of more than an hour late Tuesday afternoon, Webster announced that he would accept the sentence. The extraordinary proceeding ended an unprecedented 11-day hearing in which U.S. District Judge D. Brook Bartlett found that Webster had not fully accepted responsibility for his crimes.

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Webster won partial vindication Tuesday morning, when Bartlett announced his conclusion that Webster hadn't known that one of his assistants was extorting campaign contributions for Webster from the state's Second Injury Fund. But Bartlett said Webster should have realized that the solicitation of contributions from lawyers with claims against the fund was a conflict of interest and stopped it.

And the judge said Webster had "ducked responsibility" for his misappropriation of state resources.

Webster, last year's unsuccessful Republican candidate for governor, left the federal courthouse by a back door and did not stop to answer questions as he drove away in a black minivan.

"I'm pleased about the Second Injury Fund," he told a reporter as he was leaving.

Bartlett stood outside the courthouse and said the hearing was designed to give everyone a chance to hear the evidence against the state's former top law enforcement officer. "I thought it was fair to do it this way," he said.

Under the judge's orders, Webster will begin serving his sentence Jan. 20.

Joseph F. Savage Jr., a special assistant U.S. attorney, said Bartlett's decision on Webster's sentence and the Second Injury Fund was not a "win-lose situation."

And David C. Jones, an assistant U.S. attorney, said it was not a "happy day" because Webster was going to prison. He said federal prosecutors were just doing their jobs by bringing their case against Webster.

"It's not a job everybody enjoyed doing," Jones said.

Webster made a 10-minute statement to the judge before he was sentenced.

"I deeply regret any embarrassment I've brought to anyone," he said.

He said he hoped that what happened to him would help politicians to more clearly "draw the line between official and political conduct."

He said the charges and investigation of him have taught him "a lesson in many ways . . . The past few months have forced me to re-evaluate my priorities."

His voice broke as he said he wanted to "try to serve as an example of what could happen to other people."

That was just what Bartlett said he wanted, too.

After criticizing prosecutors and some members of the media for publicity surrounding the case, Bartlett turned his attention to Webster, who was standing before him with his attorney, David B.B. Helfrey.

He began by praising Webster's performance as attorney general, but said his political ambition got in the way of his public service.

"I think you lost track of the fact that the people of the state of Missouri entrusted power to you as a state official. . . . not for your personal benefit, not for your political benefit," he said.

"You confused the personal with the public. You failed to keep foremost in your mind that you were a trustee."

Bartlett said he hoped a stiff prison term would deter other public officials from breaking the law like Webster did.

"I believe anybody who can read, who is not so demented that they can't see where their best interest lies . . . is going to hopefully think twice" before they try to use state employees for political purposes or hire incompetent people for political reasons.

The judge said he hoped public officials inclined to corruption would stop "because they remember what happened to Bill Webster."

Then Bartlett dropped the hammer:

"When you did what you did, you were the chief law-enforcement officer of the state of Missouri. . . . I cannot and will not go along with the government's recommendation of 18 months.

"What you did was serious, very serious," Bartlett added.

"You are hereby sentenced to custody of the Bureau of Prisons for 24 months."

Bartlett then told Webster that, as the judge had earlier agreed, he would allow Webster to withdraw his plea and stand trial if he wanted. The judge declared a recess to give him time to think about it.

Shortly before 6 p.m., after conferring with his wife, Susan Webster, and Helfrey, Webster returned to the courtroom and said he would accept the two-year term.

Webster, 40, pleaded guilty on June 2 to some of the government's allegations against him, while denying others. Jones and Savage, the assistant U.S. attorneys, agreed to recommend an 18-month prison term. Webster sought a reduction under federal sentencing guidelines because, he said, he had accepted responsibility by pleading guilty.

Jones and Savage countered that Webster had falsely denied being in on the Second Injury Fund conspiracy and that he had not fully admitted his theft of state resources.

Bartlett ordered a hearing on that issue, a hearing that began Aug. 31 and lasted for 11 days. Dozens of witnesses testified at the hearing and hundreds of exhibits were produced, most on the Second Injury Fund.

For 2 1/2 hours Tuesday morning, Bartlett presented his detailed findings to a crowded courtroom.

During the first two hours, the judge examined the government's evidence that Webster was part of a scheme to use the Second Injury Fund to extort campaign contributions and to favor lawyers who contributed. Bartlett decided that there was little credible evidence Webster was involved.

After a short break, the judge turned his attention to Webster's use of employees and equipment in the attorney general's office for his personal, political ends.

While Webster conceded that his employees had laid out and printed campaign material on state time using state equipment, the practice had been much more extensive than Webster admitted, Bartlett said.

During his plea of guilty, Webster displayed "hedging, qualification, avoidance of responsibility," the judge said.

He said that Webster's statements were "an effort to mislead about the frequency" of such work he had ordered to be done by one employee, Laurel Ellison.

Ellison testified that Webster had brought her the material and sat next to her while she did the political work. Bartlett found that Ellison had spent 20 percent of her time as a state employee working on Webster's campaign.

The judge said Webster's testimony that "he wished she had told him that what she was doing was wrong" was especially damning proof that he had not accepted responsibility for his actions.

The judge also found that Webster had falsely denied wrongdoing concerning his family's baby sitter, Norma Wissman, whom he hired to work in the attorney general's office when she lost her job as a waitress.

"Ms. Wissman's first allegiance was not to the state of Missouri but to the Webster family," Bartlett said, citing her testimony that she frequently left work at the attorney general's office to sit with the Websters' children.

"The defendant may not have known the details. . . . however he knew he created the situation where Ms. Wissman was not treated the same as other state employees."

Finally, Bartlett said Webster hadn't fully owned up to directing the erasure of political material from state computers when he left office in January. Webster said he did so to keep the information from his successor, Democrat Jay Nixon.

But Bartlett said another reason for the destruction of computer records "was to keep evidence out of his opponents' hands that he (Webster) was misusing state property."

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