Dean Hicks:
We are going to have our program today, "Integrity and Transparency: Challenges for the Obama Administration." As we'll discover, with any administration, we have this intersection of the opportunities of governance, but also the temptations of power. This is something that is a perpetual challenge for every administration, for every individual going into public service, of how to do the public's work, how to use those reins of power, but in a way that is true to the capacity and to the integrity of institutions and true to the public's expectations that our government be responsive, transparent, effective. Oftentimes, these seem more like ideals, very difficult to attain. But as we'll see, if we lose sight of that compass, you're in shoal waters really, really quick. And it's so important just to keep those things in mind as we go forward.

We've got a wonderful panel this morning. The thought is that I'll just introduce the panelists, and as I go through their introductions, if they could come to the dais here, and we'll just launch into our program.

Our moderator this morning is going to be Justice Bobbe Bridge of the class of 1976. And as often, who better? A splendid background in every aspect of public life and public service here in Washington State. Best known, of course, for her service on the Washington State Supreme Court, but so much that went before that: the first woman at the Garvey Schubert firm, who was hired as an associate and then later moving on to partner from there.

She and her husband Jon have been absolute pillars in the civic life of this community, and most recently focused on projects for the welfare of children, having established the Bobbe and Jon Bridge Endowed Professorship at our law school in child advocacy, and a major program now to protect the welfare of children at risk.

Our second panelist is our own dean, Ron Hjorth, who's a graduate of the University of Nebraska, a Fulbright Fellow, and then a Root-Tilden Fellow while at the NYU Law School, practiced for a time with the Paul Weiss firm in New York.

We've just been graced to have him do his life's work here, in Seattle, and at the University of Washington. A distinguished member of our faculty, a great leader while our dean, and has
taught tax policy and many other subjects here, and has been the Garvey Schubert professor of law at the university, and is retiring as a full-time member of faculty at the end of this academic year but will be with us very, very much in so many ways.

Our next panelist is Egil "Bud" Krogh, of the class of ’68, a "Law Review" editor while he was at the law school, and after a time of law practice joined John Ehrlichman's staff as assistant to the council of the president.

While there - and this, of course, is well-known and a source of notoriety - was involved in the White House Plumbers project, which was trying to uncover the leak to "The New York Times" and "The Pentagon Papers" case. This resulted in a criminal indictment and disbarment. One of the things we're going to be exploring today is some good people, good men caught up in difficult circumstances.

Of course, Bud reinstated to law practice, and since that time has just really embraced the opportunities presented by that earlier experience to be a very effective advocate, a very effective declarer of the importance of ethics in service of government.

Most recently, he's been named as a fellow at the Center for the Study of the Presidency and Congress, as a senior fellow on leadership, ethics, and integrity; is teaching at the University of Washington's Evans School of Public Affairs; doing case studies on ethics and effective performance of government functions; and it's a wonderful thing. Bud's book was published in 2007, "Integrity: Good People, Bad Choices, and Life Lessons from the White House."

And so, very wonderful to have you here, Bud, and so much appreciate everything that you continue to do.

And our last panelist, John McKay, who attended the University of Washington as an undergraduate, received his bachelor's degree, Creighton Law School graduate, White House fellow, US attorney, has had a very distinguished career, and as a result of the circumstances surrounding the dismissal of US attorneys, has a particular perspective, a particular insight into the challenges of maintaining ethical standards and a firm view on the public interest in that particular context.

John is on the faculty at Seattle University and has been increasingly involved with activities at the University of Washington as well, and we're very, very grateful for that involvement.

So I'll turn over the panel, now, to Justice Bridge to go forward. Maybe one final word.

We're involved in this, of course, our faculty colleagues. Professor Paul Miller is a member of the transition staff of the Obama administration and has a very important responsibility of vetting attorneys coming into the administration. Our own Bob Anderson served as the co-chair of the transition team for the Department of Interior, very vitally involved in the preparation of Senator Salazar for stepping into his new role as Secretary of the Interior. So these are things that are very much close to our heart and very much a part of our project as a law school.
So, without more, Justice Bridge.

[applause]

**Justice Bobbe Bridge:**

Thanks, Dean. As all of us are painfully aware, the issues we're going to discuss this morning - integrity, ethics, the temptations of power - are not limited to the public sector, but it's our focus for this morning.

Our conversation will examine the role of the lawyer in government, how ethical dilemmas can affect one's priorities, one's loyalties, and even one's moral compass, and how those individuals in environments of high expectations and vast degrees of scrutiny can make decisions and policy with integrity and continue to provide the stewardship for the common goal that we all desire.

We confront the intersection of the rule of law and politics, the art of the possible. And my role here, it's designated as moderator, but I see it more as an interlocutor and traffic cop.

First, the interlocutor part. If our planning conference is any indication, we're going to have a very lively conversation. These panelists, as you can tell, are particularly situated to discuss these issues, both experientially instead of theoretically, but we have a bit of the theory going on, in some instances, with the passage of time.

I'm going to pose several questions to them throughout this, about 45 minutes that we have set up for this discussion, and basically get out of the way as I pose each of these questions. We're going to save some time at the end of the discussion, and that's where the traffic cop part comes in. We are going to try to get certain questions answered so that we can have, again, a robust discussion, not only between the panelists but also with the audience involved for about the last 10 minutes of our morning session.

A reminder to please turn off all electronic devices, cell phones, et cetera. And I realize I haven't turned mine off. So, if one goes off out there, it's mine.

OK. So, are we ready?

The first question. What are the ethical pressures put on lawyers in the political environment? Let's start with Professor Hjorth.

**Ron Hjorth:**

Is my thing on here so you can hear me speak?

**Justice Bridge:**

Yep. Can you guys..?

**Ron:**

OK. I would first like to define what I mean by ethical. Need to turn it up? I'm not quite sure how I do that, Mary, but I'll...
Justice Bridge:
He couldn't find the coffee, and he didn't know where the napkins were. We only have 45 minutes, people. [laughter]

Ron:
It's on.

Justice Bridge:
Why don't you move up closer to the front? [laughter]

Ron:
The first thing I would think to do is to differentiate... [loud feedback sound]

Ron:
Oh, my God. What happened?

Dean Hicks:
You're OK, Ron. He's changing over.

Ron:
Oh, OK. I would first differentiate what we might think of as an ethical problem and a political problem, in a sense, that we expect politicians - that is to say elected people, particularly. We don't necessarily admire it, but we expect that people will shift their views to get votes, if they can do that. And while we don't necessarily admire that, we expect it. I differentiate that from, truly, the ethical problems that confront lawyers in public service from what I might call the political dilemmas that they sometimes have. I read recently a book of poems by Calvin Trillin about politicians. He was speaking, in this case, about Senator McCain, and he said, "What torture could not do, ambition did."

So I would say that that is a case where here is a politician who changed some of his positions because we expect that. We don't necessarily applaud it when it happens, but we expect it. But I think that's quite a different thing from truly ethical lapses, or even legal lapses.

Now I'd say, it seems to me that there are maybe, perhaps, two levels of this that happen. Persons in true positions of leadership, it seems to me that when they have fallen, it has largely, in my view, been because of hubris. They become isolated from the world. They get to the point, I think, where they almost think that they are above the law.

You see that, in very recent years, in personal lapses. I mean, on both sides. This is not a political issue. One asks, why did John Edwards get into so much trouble? Did he not realize what he was doing or what was going on? And one can say the same thing about a lot of senators, for example, who got into terrible trouble. The politician in Louisiana, who clearly got into very much trouble. It struck me that in that case, it's probably a case of hubris. They are so long in the public eye and they are so much applauded that they sometimes, perhaps, might think that they're above the law.
Now, I think that, to tell you the truth, it seems to me that that is a distinct problem for this president that we have coming in. The reason I think it's a problem for him is because he is so admired around the world. He may not be the most popular person - that may be Michelle - but he is probably the most popular man in the world.

I think it is very important for a person in that position to realize that he is not above the law, or she is not above the law. The normal rules of conduct that apply to everybody else apply to them as well. It doesn't justify it, but I can understand why that sometimes happens, and it seems to me that they must be protecting themselves against that.

But at a different level, I think now and then about people below that level - the working attorneys, let's say. Now, you may disagree with me on this, but I've thought about the case of John Yoo, who was an extremely brilliant, young scholar. He is now on the faculty at the University of California, I think. He wrote a memorandum attempting to justify what many of us would consider to be torture.

We ask ourselves, "Well, why did he do that?" He might have done that simply because he thought that's where the law required him to go. But I really don't think that's true. It may be where he thought the law permitted him to go. I don't want to sit back and judge people. I've never been on the firing lines that way. But it seems to me that, in that case, it is ambition.

Combined with ambition, also, is perhaps a special problem of youth, that older, established persons can tell the president or secretary, "Look, I've got plenty of other things to do with my life, and I'm not going to compromise myself because of you." That with younger people, where it's their whole future that depends upon how well they do, perhaps, in this particular job. At least, they may think that. And I may come back to a point that I don't want to embarrass [laughs] my former student...

**Justice Bridge:**
I'm going to him next.

**Ron:**
I will tell you something that he doesn't even remember anymore. We happen to have selective memories. He was one of the outstanding students. He graduated, I think, in 1968, Bud? Egil "Bud" Krogh: Yep.

**Ron:**
Upstanding in every way. I remember that he and his friend, Jack Merritt... If you want to talk about the two straight arrows in that class, it was Jack Merritt and Bud Krogh. Bud Krogh went with Roy Prosterman to Vietnam, first to work on land reform in Vietnam. He was committed to this whole idea. He came in to see me shortly before he went to Washington, and he said, "I have a chance to go and work in the White House. What do you think?"

Well, God, here am I. I don't know how old I was, but [laughs] I probably wasn't much older than Bud. I was very young. So he comes and asks me, "What do you think about my going to work in the White House?" Well, I had to say something because he asked me. So I said, "Well,
I'm told that you work long, long, long hours, and it can be very hard on your family life." And he says, "Oh, that's not a problem for me."

But what I didn't tell him was that you're going off... I think he had only been in practice for about five or six months...

**Bud:**
I'd say two.

**Ron:**
Two months. Two months in practice.

**Bud:**
Quick career.

**Ron:**
And he goes off to Washington. Everything there, I mean, what kind of independence did he have to go back to? As I compared him with the person who took him there, who could very well have said to the president, "Look, that's just not right, and I'm going back to Seattle and engaging my practice."

**Justice Bridge:**
OK. So, Bud, is the line of demarcation age? Is the line of demarcation electeds versus appointeds? What are the ethical pressures that are put on lawyers, regardless of where they are?

**Bud:**
Well, I think it's a combination of things, Justice Bridge. I think, in my case, age was a factor. I was 29 when I got that opportunity from John Ehrlichman, who came to my office at the Norton Building down here. I'd been in practice for two months. Actually, I'd been working with a firm for two years. He'd just been appointed counsel to the president after the election, in 1968, and he came to my office and sat across from me, put his feet up on my desk and said, "Do you like your job here?" I said, "Yes, sir, I do." And he said, "Would you consider changing your job here?" I said, "Yes, I'd consider changing my job." "Would you consider leaving Seattle to come to Washington, DC, to be staff assistant to the counsel to the president?" "Yes."

[laughter]

**Bud:**
There was no gap.

**Justice Bridge:**
See, there was no breath there.

**Bud:**
There was no breath. No breath. I thought that maybe something like that could happen, because he had been tour director of the campaign. So I arrived in the transition headquarters about three
days later. It was the quickest, I think, disconnection from a law practice that anybody had seen, just threw the files down the hall and saw whose desk they came to, they got that case. It was a matter of playing catch-up ball all the time, because I had no experience in big government. I'd been in the Navy for three and a half years, been on a ship in the western Pacific, been to law school. But the pressures began at once.

One of the things I felt there, as my job, is to really serve Richard Nixon. I think one of the things, as the loyalty was personal rather than to the presidency itself, when I got sworn in in the East Room of the White House, raised my right hand, and I swore to uphold the Constitution against all enemies, foreign and domestic, so help me God. But in my mind, as I worked for this man, the president, and that personal loyalty overrode, in many ways, the loyalty to the document that we all swear to when we go to work in public service.

You mentioned hubris. When I mentioned that to my son, he said, "Who is Hugh Bris?"

[laughter]

Bud:
I said, "Well, it's not a guy."

Justice Bridge:
It's a Jewish ceremony. We won't get into it. [laughter]

Bud:
But I said, "If you could draw somebody who thinks he has the answers, who is in a position of some responsibility, what would he look like?" He drew Hugh Bris. But I think that there was that element present in that White House staff: pressure, hubris, youth and inexperience, sometimes secrecy. The topic being transparency, I think Richard Nixon never saw a secret he didn't like. I mean, he liked the secret stuff, and he would surprise people with things.

You live in an atmosphere like that, over years, you almost become part of it. I think Dean Hjorth's correct. When you're young, and that's your first major job - I mean, I'd been in a law practice for two months before I went back there - you don't have much to fall back on. You don't have a life experience that you can turn to. In the particular problem, which I was involved in in 1971, with G. Gordon Liddy, E. Howard Hunt, and David Young. And personnel is not my strong suit, I've discovered, hiring...

[laughter]

We couldn't talk to anybody. We were sworn to secrecy. And so, if there was ever a unit designed to self-destruct, that was it.

So I think that in all the things that you've mentioned here, Justice Bridge, it's pressure for results, youth and inexperience. Telling truth to power requires a lot of moral courage, to be willing to go in and risk it and put it all on the line. When I've been teaching law school classes
or continuing legal education programs, I've spent a lot of time on how to do that, because it's a high-risk deal sometimes to do it.

You could have said, when I came to you, "Don't go," and that would have spared me a whole lot.

[laughter]

**Justice Bridge:**
So it is his fault. Watergate. See, this is the untold story. [laughter]

**Justice Bridge:**
One of you can go out immediately and start the book. OK. Telling truth to power. What a great segue. What are the ethical pressures?

**John McKay:**
I'm really struck by what Bud had to say. Thank you for inviting me from Brand X across the city, at Seattle University Law School. I'm amazed, really, listening to what Bud has to say, because I thought of a moment in hearings on the firing of United States attorneys before the House Judiciary Committee, in which a woman named Sara Taylor, who was the assistant to the president, working for a guy named Karl Rove, in responding to a question from a member of Congress, said, "Well, Congressman, when I swore an oath to support and defend the president of the United States."

And a member stopped her and said, "Ma'am, I'm sorry, but I don't think that oath you swore was to the president of the United States. I think it was to the Constitution."

There was a very awkward pause, and she said, "Well, that may be right." Well, of course it was right.

[laughter]

**Justice Bridge:**
May be right?

**John:**
She swore an oath to support and defend the Constitution of the United States. But in her mind, she had an oath of loyalty. I think, just having come from this last administration, the Bush administration... I tell people, by the way, my friend, Dean Hicks, that I got fired. It's OK. People say "dismissed," "asked to leave." I say, "No, no, I got fired. I got fired by President Bush. And it's OK."

**Justice Bridge:**
He has a T-shirt: "I got fired by President Bush." [laughter]
John:
I do have a T-shirt. There's no question in my mind that the same affliction was in the Bush administration, and no question in my mind that loyalty was more important than integrity. Further, and much more dangerously, even, than that was that they viewed lawyers and the rule of law as an obstacle to their national security needs. That may have been different than in the Nixon administration. I suspect not so much, but that that maybe was the defining difference.

I've thought long and hard and had an opportunity to consider and write a little bit about what happened in the Bush administration, and trying to think about what this would mean for future administrations. I just want to be a little bit provocative and tell you: there will be scandal in the Obama administration. It happens in every presidential administration. There will be people who make mistakes, and part of it is going to be how do those around them respond to the errors that occur.

I think the hardest thing and most difficult thing, Justice Bridge, to respond to your question about speaking truth to power, is that you feel very alone amongst those who've been hired, in part, because of their presumed loyalty.

There were a number of occasions... I was horrified to read one of the senior aides to John Ashcroft, who testified by deposition and so it came out later, when they said, "Well, why did you fire John McKay?" I think the committee reported that there were eight conflicting and different reasons given by people in the Justice Department for why they fired me. But one of the reasons given was that I made John Ashcroft uncomfortable. I had to think about that for a moment, and then I realized what it was.

There were a number of occasions - I could talk about it now, but I wouldn't have at the time - in which we were being briefed on the upcoming changes that became the USA PATRIOT Act, but there were amendments coming. I was in a room almost exactly like this, with only United States attorneys, no staff, and the attorney general of the United States. I was being briefed on this, and I was horrified at a few of the things that were being said. I was looking around, thinking, "Well, I'm just the US attorney from Seattle. Someone's going to say something about this."

This is what there was. It was silence. And I realized I had to get up. After a while, and I'm really not proud of this, because maybe now I'm starting to realize I played an important role there, but I was actually very disappointed, and kind of angry, that it fell to me, or I felt it fell to me, to stand up to say, "Wait a minute. This is unconstitutional." I used those words one time, and everyone's horrified, like, "What did you just throw into the room? It smells! It's bad! Why did you do that?"

[laughter]

So it's difficult, because you don't want to be, at that moment, the person who is not on the team, who isn't on board, who is seen as something. So, after that, people would sort of laugh. "Well, let's just wait. John McKay will say something."
I didn't really particularly relish that role at the time. It was difficult. I didn't quite realize then that that was part of the price of doing what you have to do, which is be willing to be laughed at or be willing to be seen as the person who spoiled the party or stopped the train or whatever was happening.

So, when I first read those words in that transcript, "I knew it!" They thought that I was the... But now, in the last year and a half, I thought, well, I think if there was nobody else who was going to stand up, I'm glad I stood up. But it was hard.

Justice Bridge:
So, what are the protections for this Faustian dilemma that you folks have talked about? You've indicated that there are some reasons: the loyalty, the rush, the age, the experience. Other than getting older and having more experience, what is it that can protect an individual? I mean, we don't want to stop lawyers from entering public service, and certainly being dedicated to the promotion of the public good. What are the governors, small G, on this kind of situation? I'll start with you this time, John.

John:
The first thing is yourself. There has to be a point of personal perspective where you stand away from all of the perks. To be in these positions - presidential appointee, confirmed by the Senate - in your own realm as US attorney, you're the boss, you're the chief law-enforcement official. You go to Washington, DC, everyone sort of bows before you, even in the Justice Department, where there's another 100 presidential appointees. So, you can't just believe your own press. I think you have to have some perspective and recognize that people are going to make mistakes, that you have to be on your guard, that you have to watch what's happening. You have to look for some help that you didn't think you were going to get.

Justice Bridge:
That's right. That's what I'm really trying to get at. What's in place to help you do this? You're kind of getting into more of what you should do. But what are the protections to help you move to the should, the right thing?

John:
Well, there's not much. I mean, when you think about it, it's like telling a lawyer, "How do you decide how to deal with ethical dilemmas you face every day?" And you say, "Well, read the rules of professional conduct." They tell you not to sleep with your clients or steal from the trust account, and then a whole bunch of lawyers do that anyway, but it's not the ethical bar. The ethical bar is much higher than that. You need to have people support you, and you look for people whose judgment that you trust. I think here's an element that people often ignore, and that is you look for people who have some courage. And that's the courage to give you the right advice. It's the courage to also stand up when something critical is happening, and be willing to do the right thing. So you have to try to judge persons who will support you.

In retrospect, on the low bar in the past Bush administration, I was surprised I didn't get fired sooner. And I'm surprised they didn't fire five to 10 more people who I think were willing to do that. But I don't think we had, in the Bush administration, any sort of common reference to doing
the right thing, other than from Jim Comey, who was the deputy attorney general. Not from Alberto Gonzales. Not from John Ashcroft. There was no reference to ethics and how that should guide your job.

My hope and prayer - and I think we're seeing some good signs in the Obama administration - is that this will be handled differently.

**Bud:**
I'm thinking, Justice Bridge, about the commissions that I received when I was on the White House staff. You know, those beautiful documents that are signed by the President and the Secretary of State and you put them on your wall - well, I must be important. I got four of them when I was there, and they all began with these words: "Reposing special trust in your integrity, prudence and ability, I do appoint you...," and then, whatever the position is. I never read those words. I wanted to see that they were signed by the right people because then you could put it on your wall. But, the point is, that it's reposing special trust in your integrity, and it's not the integrity of the president or the chief of staff or the chief counsel; it's yours.

What I teach, when I teach in law schools, is that you never can check your personal integrity at the door of any organization you join. That's what you've got when you go in. It's hard sometimes when you haven't really formed your own value system. Clearly... [interrupted]

**Justice Bridge:**
That's the age and experience thing.

**Bud:**
That's the age and experience problem. I will just tell you, in terms of talking about the Obama administration, I have been tremendously heartened by what I've just seen in the last month. I'm just going to take a little sample here: How many of you know the name Norm Eisen? Raise your hand if you know it. And professor Mahler, you can't raise your hand on this. Norm Eisen. Does anybody know that name?

Well, I'm going to tell you a little bit about him, because I'm going to contrast the Nixon and the Obama approach to ethics, conflicts of interest, and trying to do the right thing.

When I was joined up with the Nixon White House, I was the Ethics Officer and in a pod later on to go to prison handcuffed to a waist chain. But, I was the only one that did that work, and it sort of showed you the priority that was placed, by the president, on that kind of work.

Norm Eisen runs a staff of nine people on the White House staff. There was an article in the Washington Post, on March 13th that I commend to all of you. He is the special council for ethics in government reform. Integrity is the driving idea behind what I think that White House staff is trying to do. He is much busier than I ever was, because that wasn't even my full-time job when I got there.

So, you've seen this issue of integrity, transparency, good ethics, and, as John says, it's not just what's in five CFR. You can read that document, and it almost raises more questions than it gives
you answers sometimes. What they're trying to do is instill and embody, in that staff, this dedication to these higher ideals and ethics and the idea of integrity. The individuals that come in there need that kind of counseling and guidance, and I think it goes to the notion of mentors.

Richard Nixon was my mentor to the extent that I had one - John Ehrlichman, too - but I was observing how Nixon performed, what he did, what he expected me to do, and I sort of made myself in that image. After I left and went through all that, I joined the law firm of Culp, Dwyer, Guterson and Grader, and Bill Dwyer became my mentor.

Justice Bridge:
Boy!

Bud:
I was asked, "What's the difference between the two?" [laughter]

Bud:
I said, well, one is like being in the court of Henry the Eighth, and the other is like being a paralegal to Thomas Jefferson. It's just completely different, and I often have thought my life would have been different if I could have reversed the timing for those mentors. But, I think for young people, having a good mentor outside the government, but who might have had some experience that you can call and talk to and test things with - even give your hypotheticals to - is extremely important. It's your own set of values that will protect you in the first instance, but then having people who you trust and who can counsel you and care for you when you're in those jobs is extremely important too.

Justice Bridge:
Ron, I'm going to throw you a little curve ball, because I want you to answer this question about protections to the extent that you want to include anything that maybe John and Bud didn't talk about. You talked a little bit - and I think John, too - about the high expectations that are in this particular administration, the Obama administration. What's the role of high expectations and the pressures on maintaining your integrity and your ethical barometer, as it were? And then, where are the protections?

Ron:
When I first talked about the high expectations... Indeed, there are high expectations, there's no question about it, but there's also almost an adulation that we're seeing happening, and I'm not sure that that adulation is a good thing, because we all succumb to it. It's quite a different thing, I think, than faces people like John McKay. I don't suppose that he was suffering from a tremendous amount of adulation when he got up and spoke at that meeting with the other US attorneys and the attorney general.

Let me speak first to that part. I am absolutely amazed and disheartened that... How many US attorneys were at that meeting, John, when you felt that you were the only one that spoke?

John:
Probably 85.
Ron:
I mean, think of this. There are serious constitutional issues raised. There are 85 US attorneys. Now, these are high-ranking attorneys. This is not a case where we have young, inexperienced people who are worried about what's going to happen to their future. These are people who have been in this profession a long time, who have achieved a reputation, and yet we have, in a group of 85 US attorneys, only one willing to say: "Hey, there are some serious constitutional issues here." Now, that, to me, is one of the saddest things I think I've ever heard, John. I didn't know that. But there is a problem there, when you have people like that, who are so concerned about something that they're afraid to speak their mind, to speak truth to power.

Your next question was, what things are in place to encourage them? Well, I don't think there's much in place. I mean, I don't think there was... To these people, there was really nothing in place because we saw what happened. The few who did speak truth to power, well, got fired. Maybe they didn't all get fired, but I suspect most of them got fired. So, what correctives are there? I think there are not enough, and I don't know... [interrupted]

Justice Bridge:
So, do we really have a government of men, and not laws? And I accentuate "men." [laughter]

John:
Well, I think that's a personal foul.

Justice Bridge:
Because I don't know any ethical... Well, we won't go down that road, although I was tempted to.

John:
Go ahead. [laughter]

John:
We definitely have a society of laws, and it's a question of leadership and setting the tone on what that means. The leadership and the tone were not set in the Bush administration. It may be easy for a lot of people in this room to say that; it still is not easy for me to say that. I was part of that administration. I went in with high hopes about what needed to be accomplished. I went in with the images, as we all did, of people falling 100 stories and hitting the pavement in New York. The challenge that we had, in terms of security, was profound.

I left, came into an office and saw all the yellow tape around it because Tom Wales had been assassinated. So the challenges were real. These weren't made-up challenges. They were very real.

And how we responded to them was where, in my opinion, we fell down. It is as clear as the constitution says. I sat in a meeting in another room just like this. Alberto Gonzales came in and they closed the room - only the US Attorneys were in the room - and he walked back and forth and told us that we worked for the President of the United States. He worked for the President. You worked for the President.
I was so offended that I almost interrupted his speech. I wasn't going to stand up and shout, "Tyrant!" or anything like that, but the thought crossed my mind.

[laughter]

Justice Bridge:  
That would be in one of my law school classes.

John:  
But I was not alone there. And, Ron, I wasn't alone. I recall vividly looking around that room, horror on my face, because to have the attorney general say, "You work for the President, " in everyone's mind, we know what that means. The President has... Karl Rove works for the President. He's in the White House. There's a political aspect of being the President of the United States. We're federal prosecutors. We work for federal judges, we work for juries, and we work for the public. We work on evidence, not politics. So, when he said those words, I can tell you where I was sitting in the room. My jaw opened and I started to look around the room. And, thank God, I saw the same look being mirrored back in five to eight people in my look around the room. We were, eyes wide: Did he just say that?

I think a question that you might me would be, "Why didn't I do something about that then?" I've challenged myself. Should we US attorneys - because there a number of thoughtful, careful people who value and honor the Constitution of the United States in that room. I called several people after that meeting saying, "What are we going to do about this guy?"

I had gone in as a friend of Alberto Gonzales. I knew him when he was on the Supreme Court of Texas. I thought he would be an excellent attorney general, and I was completely wrong. But I knew he was wrong at the moment he gave that speech. There's no doubt. So I called several people, and they said. "You know, he flew in late. He was tired, he didn't mean what he said." So, in my mind, I thought, well, I'm just the US attorney in Seattle. I'll do the best job I can, put my head down, and do the work that I can.

I think a fair question for all of the people in that room is, why didn't you do something? Because I think together we might have been able to do something. I think that's a criticism of me. I probably should have done more.

Justice Bridge:  
Bud, Archibald Cox....

Bud:  
Archibald Cox. Too bad he didn't stay, but he was eventually fired by Judge Bork. After Dell Ruckelshaus, Nelly Richardson refused to fire him in a Saturday night massacre which led...

Justice Bridge:  
That's a potential consequence of what John had challenged himself to have done.
Bud:
You can get fired. I just wanted to tell one quick story about groupthink and the pressure on you. Just picture this meeting: the President, the Attorney General, J. Edgar Hoover, John Ehrlichman, and me. Question: When did they make it a federal crime to kill policemen in the line of duty? A federal crime. It has always been a state and local crime before. The President comes in and says, "I have this great idea to make it a federal crime to kill a policeman in the line of duty. What do you think, John?" He turns to the Attorney General. "Mr. President, brilliant idea. We ought to do that." He turns to J. Edgar Hoover. "What do you think, Edgar?" "Oh, I agree with John. We ought to do it." He turns to John Ehrlichman. "I agree with Edgar and the Attorney General." He turns to me. I've done the research, and I've realized that ninety percent of these crimes are solved by local law enforcement within 30 days. It would be an inroad into a whole doctrine of federalism. It's a bad idea. The locals don't want the feds in there. I know all this. He says, "Bud, what do you think?" "Yup, yes sir, I think we ought to do it."

Now, I'm in that environment, saying something that is directly contrary to what I know ought to be done. I walked out of that meeting and said, "What did I do?" It took me two weeks to go around in behind and reverse that. But often you get in those environments, where the pressure to say what you think they want you to say, to say what you think they want to hear, is overwhelming. That's just a piece of it, sometimes, when you actually get in those meetings.

Justice Bridge:
One alternative is to go behind afterwards, rather than stand up and say...

Bud:
Yes. I wasn't willing to risk it in that environment.

Ron:
Most of us, I think, in our own lives have encountered moments like that, where it's easier to take an unprincipled stand or to stay silent. But I was thinking, what could have been in place to enable this young person, who probably knew more and had thought more about this issue than anybody else in that room? There was really nothing in place to protect him, as far as I could tell. Absolutely nothing. And I do not know whether anything could be put in place. Maybe a tone is set, and that's all we could think of. Clearly, there was a tone set there by the President, at least as I hear the story. He had this idea, "Well, I think this is a great idea. What do you think, Edgar?" and so forth. So, a tone gets set by very high leaders. Maybe, in thinking about whom we shall entrust with highest offices, I think we do think about that a whole lot when we make our decisions on voting.

But I don't really know that we have anything in the federal government that will protect people, for example, like John McCain, who did at one time in one meeting speak up. But he paid for it later. Another time he did not speak up; he just kept quiet and looked at his fellow men.

You look at Bud's circumstance. What was there to protect this bright and really truly extraordinarily capable young lawyer? What was there to protect him if he said, "Look, I don't agree with any of you." He had absolutely no protection, and he was a political appointee. There was no protection there. There wasn't anything there, and I don't know how it will be possible in
this circumstance. You can't legislate morality or ethics, I guess. But it does seem to me that there is nothing.

I am not aware of any protections, like, for example, an ombudsman. You might have a federal ombudsman, who would stand up and protect people who stand up for principle. The problem, of course, with it very often is, people who stand up for principle get judged. It's very seldom that people will damn them for their standing up for principle. They'll look up for other reasons to damn them, and that's another problem that you face.

I'm pretty pessimistic about what protections there are in place at any level. This is why I was thinking that for people who have their own lives to live, who can go back to a good law practice or a good professional career that they left to go the government, that's their protection. I think that ought to be enough. I'm especially hard on those people.

I'm especially hard on John Mitchell. Here was a person who had been a leading attorney in a big New York law firm. He had everything to go back to. He could have said no at any time. We would have expected that of people at that level. But I'm worried more about the people who say, "We want young lawyers. We want young lawyers to go into government service. We want them to do that," and yet they don't really have any protections. They can't go back to a partnership, necessarily, in a good law firm. So I'm pessimistic about that.

Justice Bridge:
John, you wanted to jump in here?

John:
I'm not so sure this is a problem of the young. I think it's a problem of power and enormous access to power. I spent almost an hour with Dick Cheney in 1989, when I was interviewing with him to be his White House Fellow. I went away incredibly impressed with Dick Cheney in 1989. I then was in a meeting with Dick Cheney when he was Vice President of the United States and I thought, "This is not the same person." I knew Alberto Gonzales when he was on the Supreme Court of Texas: humble, smart, nice. He was our contact for legal aid for poor in Texas, completely committed to the idea. A few years later, as White House counsel, I met a cold, calculating, extremely ideological individual. I think power changed him.

If you put David Addington in the mix with Dick Cheney and others, I think it has more to do with power. I think the flip side of that is that it's not just in the White House. I think everybody in this room has been in circumstances, in law firms and other places, where the one person raises that annoying question: "Why don't we have diversity?" And when you leave the room, many of the people in the room are saying, "My God, she's is a troublemaker - or he's a troublemaker." The troublemaker monitor goes on that person.

I've seen this. You could plug in important issues - diversity and other issues - whether it's an ethical issue in a publicly-held company or business, there's the person who raises the annoying question. I think it's a leadership challenge, not just at the top but throughout, to step back for a moment and say, "Wait a minute, maybe this person is on to something." That as a leader is hard to do, but you must do it. You must say, I will create an environment where Bud Crowe could
say, even to the President of the United States, "Let's just stop for a moment and consider a couple of facts."

But that environment was not created, at least in that room by President Nixon. And I can tell you that that environment was not created among either of the Attorneys General that I served under. I don't think from what I've read that it was at all said out of the White House. That was something that ultimately lies with President Bush and with the leaders that he brought in. They did not encourage or value that. Instead, they valued loyalty, and they paid the price in terms of both policy and, certainly, the integrity of individuals who I think will never recover.

I mean, Alberto Gonzales can not get a job. A number of others in the administration are leaving. We may still see criminal indictments coming down. I think you will see at least one criminal indictment come out of the firing of United States attorneys.

Justice Bridge:
Well, you're leading us once again into the... We want to explore, briefly, before we open this up to the floor. How do you lead ethically? We've heard that it's, in part, a tone. But we've also heard that there's a balancing here on the incredible pressures, the pressures of power. If you can look at it on the flip side a little bit, or maybe a more benign side, the pressure of trying to produce, of trying to do good things, of trying to bring about change. Which also gets us, when you talk about those kinds of pressures, and how you lead ethically in that environment having the power to do some of this - particularly, with the Obama administration - lots and lots of expectation, lots and lots of pressures to make change.

What are the ethical dilemmas? But more importantly, how are they going to lead ethically?

John:
Well, you guys are looking my way. [laughter]

Let me raise an issue that I think is a serious one facing the Obama administration. I think they have their eye on the issues. As I said, I think the ethical bar was set enormously low by the prior administration. So, if they were to use "doing better than the Bush administration," I don't think that's a good measure of success.

Justice Bridge:
Not high enough? Is that what you're trying to say?

John:
I think they know that. Being in a room of mostly lawyers, I have to say I think that the chief failure was to view the rule of law as an obstacle and an enemy. I think much followed from that. The personal tone of loyalty is what led, in my view, to the ethical lapses in pursuit of that goal.

But my concern is this, and it started coming up in our conversation: Who do we turn to? Who will police? Who will write the rules?
I think one of the greatest challenges of ethical leadership is how to meet the challenges we face that require change and require courage, and will require us to do things differently than we're doing them now. If we're not careful, what we're going to get are a series of rules that will make any person who attempts to lead, and to bring change, subject to ethical attack.

Therefore, it will be much easier, in an ethically dominated administration, to do nothing. To do nothing. To sit in your office and get the paper from this box over to that box, but to make sure that no one makes a mistake.

I'd suggest that our challenge is both national security, economic immigration... By the way, what have we heard on immigration coming from the administration? Not much. Very sad, in my view.

We've got lots of challenges out there. I think that the kind of leadership that will cause you to work across our polarized political environment, and to bring the kind of change that's necessary to keep us safe while protecting what we believe in, which is our civil liberties and our civil rights, will require people who can do that.

If we have nothing but a list of don'ts, then I think we're in for a very, very difficult time.

**Bud:**
I think some examples... Just this last week, the Justice Department was in court today, I think, to move for dismissal of the charges against Senator Stevens. I think it was a recognition that our prosecutorial misconduct, not turning over information from an interview that would have been critical to the defense, was one of the stories. That is adhering to the rule of law. This is what we're here to do. When you have a case like that come out within 90 days of his taking office...

**Justice Bridge:**
Yes, we're not done with the first 100.

**Bud:**
Yes, we're not done with the first 100. I think that's very important in setting the tone for the top because, obviously, that was an attorney general decision based upon, I'm sure, discussion with the president and the people on the White House counsel. I would think that that had all been at least thought through somewhat, but then the attorney general makes the call. He's in court doing it. I think that's very encouraging that they are doing something like that. I don't think it's politically driven, much.

I think that that's a very important kind of statement that is made right at the beginning. What we can expect from thereon, I think, is going to be much more adherence to the rule of law.

I remember calling Bill Renquist one time, when I needed a legal opinion, on whether we could impound the Highway Trust Funds. Here's the way I posed the question.
"Bill, the president wants to impound the Highway Trust Funds. It's got a bad effect on inflation. Could you prepare a memorandum supporting the president's decision? Can you get it over here tomorrow?"

Renquist had a way to draft memoranda overnight, and the next day it came. Well, the way I posed the question was not really consistent with what the rule of law would require. I just needed this legal document to support it.

The right question was, "Bill, would you prepare a memorandum that gives me your best judgment on whether or not the president has the authority to impound the Highway Trust Funds?"

Justice Bridge:
That's not normally the way clients ask questions either, is it folks? Again, it's not just the public sector.

Bud:
But I'm looking for the Office of Legal Counsel to render an opinion that becomes the law to the executive branch, once the assistant attorney general signed it. You see, the way I set up the question is very important.

John:
No one will admit it, but that's exactly why John Yoo and Judge Jay Bybee wrote those memos that authorized torture by the United States of America. Someone told them that they needed to write a memo that would give CIA agents, defense department investigators, and even federal agents a "Get out of Jail Free" card, if someone later decided that waterboarding was torture, which every one of them knew was torture. He wrote that memo. Look, anybody who's read that would say that was a torturous, if you will, use of the law to get a result. Someone told him to get that result.

Justice Bridge:
So the tone is... if I can summarize what you're saying, the tone is not just about behaving ethically, and we want to behave ethically. But the tone is also that loyalty does not mean that you cannot challenge. As a matter of fact, loyalty to the cause, to your president, may mean challenge, so that that president is behaving ethically as well and is true to the Constitution.

Ron:
Something John said earlier in a way troubles me. I don't have an answer to it. It was a superb point, but I don't have an answer. That is, when there are high expectations for people, or if somebody wants to change the direction of the way that things are going, that person needs to be assertive, needs to do as much as she or he possibly can. And yet, one answer is not to do anything to keep out of trouble, right? So, if you're ambitious and aggressive, and you want to get something accomplished, how do you do it in an ethical way? You're telling me, John, that one easy response is not to do anything, right?
John: Yes, that's the easiest in most cases.

Ron: But if you wanted to do something... I think I can see this too, in some ways, in the sense of the early days of the Bush administration, that they saw this huge War on Terror as a big problem that they had to confront, and they did. They wanted to move forward and get some things done. But I'm really troubled because it's a superb question, John. It needs to be faced. That is, is it possible to move an agenda forward aggressively and do it in an ethical way without compromising standards, and so forth and so on? I think that it is, in fact.

I do think that it's not that people don't know what's right and what's wrong. I think people do know that, pretty much. It's that other things get in the way and become more important.

It's so easy for me, when an ethical question comes up at the law school with my students. It's very easy for me to talk about ethics and what lawyers ought to do. I don't face the temptations that lawyers face. I don't have to worry about losing clients. I don't have to worry about any of that stuff.

I don't have to worry about whether I'm going to have a productive practice or not. So, it's very easy for me to sit and pontificate about how lawyers ought to behave. I really don't have any business doing that, it seems to me sometimes. But I nonetheless do it, because I think I need to.

I'm kind of in the same circumstance with public leaders. They have an ambitious agenda that they want to get through. Sometimes, a lot of these things seem like, perhaps, they're just standing in the way, useless kind of things.

That is a dilemma, I think, that John points out. I hadn't really focused on it so much, until he just pointed it out. I don't have an answer to it.

Justice Bridge: Last comments before we open it up and have the audience join our conversation?

John: That's much more important than anything I have to say, except that I feel like I've painted a very negative picture and they deserve it. So, I'm not going to back off of that. [laughter]

But people should know that there are a number of heroes who did stand up and who paid for it with their jobs and possibly their careers. If you want a hero, look up the case of Jim Comey, who was a deputy attorney general of the United States.

Read the book, "The Terror Presidency," by Jack Goldsmith, who they brought in because they thought he would write conservative opinions. He took a look at the Yoo memo and said, "This is wrong." They quickly got him out of his job.
When Jim Comey refused to reauthorize this - he's the guy who went to the hospital to stop Gonzales from trying to overrule him. He was the acting attorney general. Bob Mueller went rushing over. I mean, this is the stuff of movies. They're racing to the hospital to beat the chief of staff and the counsel to the president from trying to subvert the rule of law. It's exactly what occurred there.

Jim Comey, the following Monday, in briefing the president, was pulled aside by the President of the United States, who got in his face and said, "I'm the chief law enforcement officer." Jim Comey said, "Mr. President, it's my decision, not yours." Now imagine that.

**Justice Bridge:**
He said that to "The Decider?"

**John:**
He said that to the President of the United States. When the president was stunned to hear it, he said, "Mr. President, did you know that Bob Mueller is downstairs with his letter of resignation? That I am prepared to resign? The attorney general will resign? The chief counsel at NSA, and the chief counsel of the CIA are all prepared to resign today, sir?" He didn't know it. Can you imagine, had the president not had that conversation? And the president, to his credit, stepped back and said, "No, I didn't know that." And when he went, they backed off, the NSA...

Then Jim Comey, of course, was fired. Nobody ever says that, but he was fired the moment Alberto Gonzales was sent in to the Justice Department.

So there are, and Jim's not the only one - there are a number of people who did stand up, who did say the right thing. Many got fired. I think if you look for examples of courage, they're out there.

**Woman 1:**
Thank you. I think we're seeing - you hold it then, in the right place - we're seeing a widespread failure of ethics all over our country, not just in White Houses. In the past, religious institutions mostly took care of teaching people ethics. That doesn't seem to apply to very many people anymore. So how should people be taught ethics? We do not necessarily intrinsically know what is right and what is wrong, unless we are taught and given a frame of reference. People's ethical views on what's right and what's wrong vary. So, should it be taught in law schools, business schools, earlier?

**Justice Bridge:**
I have a particular person to whom you're directing that question?

**Woman 1:**
All of them.

**Justice Bridge:**
Well, do it quickly, fellows, or that's going to be the only question.
Bud:
I think all of the above. Business schools, law schools, schools of public affairs, high schools. I tried to teach some classes in high school, and also student bodies in high school. I try to find examples that are directly related to their experience that they can identify with. I went over to Bellevue High School to teach the seniors and the juniors. I think there are about 200 kids there. That morning, there was a story in the Seattle Times about, I think, it was the girl's basketball team that had lost the state championship because their coach had recruited outside the school district.

You all remember that story? I think they lost two state championships. That was just on the way over. I was listening to it, and I said, "OK, now that relates directly to an unethical decision by a coach in the competitive world that they were in. They've got to win at all costs."

I was comparing it to the Nixon drive to win at all costs, and how Watergate came. So, I started this story about Watergate and I said, "By the way, you read the story this morning."

Now Bellevue High School is a powerhouse, too, in its sports. They know this issue. All of a sudden, you can almost tell by the way they sit forward. It's, "Oh, wow. This really affects me. Ethics really is important. This affects my life."

I think it's finding the way to teach it at all levels. I think it starts in grade school, all the way up to law school. Law school, I don't want to say it's too late, but you would expect that they would have had a lot of this training beforehand.

I think that they do a much better job today in teaching professional responsibility and ethics in law school than when I was there. I'm not casting aspersions here, Ron, but I mean professional responsibility in 1968 was if you come to the class, I won't grade you. Just come. Just show up, because it's on the test.

Ron:
That's true.

Bud:
It's like, this is your third quarter, your third year, and this is not important. It is important, and I think the way it's taught today, with case studies and the rest, demonstrates its importance. My answer is, it's at all levels where I think that education has to occur.

Justice Bridge:
Anybody want to add anything quickly?

John:
It's perfect.

Justice Bridge:
OK, let's see. Gail?
Gail:
Would there have ever been a moment, if you had not been fired...

Justice Bridge:
This is to John?

Gail:
If they had not fired you, would there ever have been a moment where it would have been appropriate for you to quit and leave no one in that room?

John:
Yes, I mean the question is, "Would there have been a moment in which I would have resigned?" That's a great question, Gail, and I have thought about that. The moment really never arrived for me, where I was asked to do something... Well, that's not true. I was asked to do one thing that I concluded was illegal. I wanted to mention this. Ron was talking about the groupthink experience and how difficult that can be, and Bud mentioned it as well. We were all told to go out, at one point, and contact our senators and congressmen about an aspect of the PATRIOT Act.

I heard this and I was on a conference call, and I thought, "You know, there's something about that, that just isn't right." I hung up the phone, and I looked at a little bit of research on my own. I didn't ask anyone else to. There was a statute in the criminal code, that prohibits lobbying by a government official in my position. I was being told to contact my congressman or senator.

So, I called my good friend, Carol Lamb, in San Diego, who I consider to be the smartest US attorney of our lot. She was fired the same day I was. I said, "Carol, am I crazy? I'm reading this statute. It's just illegal."

She said, "No, you're not crazy. You're right."

So I complained through channels, and I later found that John Ashcroft, when they said, "You know, Attorney General Ashcroft, there's some US attorneys who say this is illegal."

They were actually saying that. The guy who finally said, "What, are you people crazy? It says, we can't do it."

They said, "We'll give you a legal opinion that says it's legal."

[laughter]

A guy by the name of Pat Fitzgerald said, "That's what we indict people for, " after this thing got elevated a little bit. But I was told that when it came to Ashcroft, they said, "Well, some US attorneys are objecting."

He said, "Well, where and who?"
They said, "In the west."

Ashcroft said, "It's McKay, isn't it?"

[laughter]

But it was clearly illegal, and a number, as I understand, had gone off to do it. It was just flat out illegal.

So, I think had, for example, I gotten a phone call and was told to manipulate the 2004 governor's election, which there was expectation that if you were a team player, that you should be doing something in election politics.

Honestly, I got an award for being courageous from the bar association. Thank you. I don't deserve it because every single person in this room - I'm looking out on friends and colleagues - you would have made the same decision I did.

There was no evidence to go to the grand jury on voter fraud in the 2004 governor's election. It was a close election. There was no evidence. Had anyone even implied, at a level of the deputy attorney general or above, that I should do something differently, I know I would have resigned.

But I will tell you, that moment did not come, and I was never asked to do anything. I think they simply decided there were a group of US attorneys who they couldn't rely on when the chips were down. I was in that group, and I was fired.

**Justice Bridge:**
Judge Jones, you've got the mic.

**Judge Jones:**
John, you mentioned the book, and I'll throw another one in. It's Jane Mayer's "The Dark Side." They talk about the conduct specifically of a number of people of the administration, specifically the template of the activity of Addington and you, that gives the appearance that it's transcended the boundaries of ethics and started to approach criminal conduct. At what point in time do we draw the line in the sand and say, "We should start enforcing ethics violations when they're that egregious, and they should be prosecuted as criminal violators?"

**John:**
I think that that is a great question. I think the answer is, when they do something illegal, they need to be prosecuted. So, someone has to be in a position to honestly investigate that conduct. I think we have a great system of inspectors general, who ought to take those jobs seriously and pursue them. The problem in the Bush administration is that inspectors general take their potential criminal violations to the Justice Department. In this case, it was the Justice Department that was, by the time Alberto Gonzalez got in, as infected as it possibly could be, at the highest possible levels.
There's a great chart that came out, by the way, and it's really pertinent to our conversation. In the Clinton administration, there were about six persons, maybe five, in the Justice Department who were allowed to have contact with the White House, on any issue. Five. And that was more than in the prior administration, in the Bush administration, which had about three. In the George Bush administration, there were over 100, something like 172 officials who were authorized to have contact with the White House, including its political office.

Some real problems there. I think that it's not surprising, then, that you would have ethical violations, and maybe even criminal violations.

I think it's interesting, and I'd have to leave it up to others to say why it may not be in the interests of the Obama administration to pursue criminal conduct. Maybe the world's going to answer the question. If you saw, in Spain, the criminal investigative judge is now eying all of those same people: John Yoo, Attorney General Gonzalez, and George W. Bush.

**Ron:**

It seems to me a special problem for lawyers is this. John cited a case where US attorneys were asked to consult their congresspeople. And it was flat wrong. It was a flat violation. There wasn't any question about it. It was just plain illegal. But very often, questions don't go to lawyers like that. It isn't a question of it being flatly, plain illegal, but it's a question of the desire of your boss influencing the outcome of your opinion in your brief.

I'm thinking, for example, of John Yoo. Now, I think that comes pretty close to being flat, outright illegal. But nonetheless, here is a very, very bright person who found enough in his training to write an opinion that justified conduct that I think most of us would find to be abhorrent. But it wasn't so flat, plain illegal that it disbarred him. And I think that very often will happen. Another case, and we'll get an opinion that justifies it, right? We'll get a legal opinion that justifies it.

So, some lawyer is asked to prepare a legal opinion that will justify highly dubious conduct. If it was a flat, totally indefensible thing, then I think it would be less likely that they would do it. But when it's a vaguer question, as I guess what constitutes torture is a vaguer question. So that seems to me to be a really significant problem, and it's an ethical problem.

The difficulty with ethics, in my view, is that a lot of us have views that we consider to be highly charged ethically that other people disagree with. If you think to yourself stem-cell research. For some people, that is a very, very highly charged issue. For other people, they come out on the other side. So, that's one of the problems with ethics, that people don't always agree on what the ethical course of conduct is.

But it seems to me that there is somewhere between a place where there's a lot of honest disagreement about what's ethical and where there's far less disagreement about what's ethical. Very few people in this country would find torture to be ethical, under any circumstance. But still, lawyers are asked to do this.
And then, they're asked to do this in private practice as well. You prepare tax opinions, in my area, where you take the most optimistic view of what could conceivable happen, because that's what your client wants. Well, that's a dilemma that lawyers face. They're always dealing, very often, with something that's not totally certain, and in coming to their conclusions, they're very often asked to shade their opinions. So I think that's a problem that lawyers in private practice face, and in government.

**Justice Bridge:**
The next panel will be about lawyers in finance and tax law.

**Ron:**
[laughs]

**Justice Bridge:**
OK, I've got time for one more question. Deb. Oh, Lonnie. Never mind. Sorry. Sorry. Deb, you can come up after...

**Lonnie:**
Just a follow-up on, I think, what was just touched upon, and I'll start with Mr. Krogh. It seems to me, even though you mentioned that President Obama has set a good ethical tone, it's very troubling to me that he has apparently made a decision that he will not pursue investigations of anything the prior administration did, in order to be able to accomplish his legislative goals. I was wondering how you feel about that, given you were, in a lot of ways, sort of the victim of such investigations. I certainly came of age during the Watergate hearings, and I feel that, as bad as Watergate was, the saving grace was that we did look back and thoroughly investigate and perhaps learn some lessons. I'm just wondering what price we might pay for that decision.

**Bud:**
I think that's a good question. I made a statement right after I was sentenced to prison to Judge Gerhardt Gisele. I said, "I think, from these indictments, our prosecutions, indictments, convictions, sentences, sentences to be served," because there were a lot of them that were in the queue, and I was sort of the first one going through, "I think we're going to have a clearer understanding of what is acceptable and unacceptable in our country today." But you almost had to have the profile of going through the criminal justice system to be able to see it. Now, you can do it through investigative committees in the Senate, the House, the rest, but it doesn't have the same clarity and, I think, immediacy, as actually going through the criminal justice system. In my own case, I felt that I needed to plead guilty, make it clear I didn't want a pardon. There was a sentence to be served, a prison sentence. Go through that. Go through a six-year process here in Washington State, in the reinstatement process, disbarment reinstatement.

Then it became clear: here's what you can do, and here's what you can't do. And if you decide not to do any of that prosecution, about what's happened in the past, I think we lose the ability to be clear about what's acceptable. I'm not saying that out of vengeance, or we've got to go back and nail people. I think the pardon of Richard Nixon deprived us of being able to see more clearly what he had actually done.
Now, I think there are reasons for the pardon that maybe transcended his specific guilt, in terms of Ford being able to function. And I think that may be one of the logic behind not going through these prosecutions today, because it would be a show that would detract from his desire to be able to move forward and to develop some kind of bipartisanship as he's going forward. I think it's a political calculus that is at work there. But I think we lose something when we make a decision that way.

Justice Bridge:
Anybody, last words on that? All right. My boss says we've come to the end. We're going to invite Dean Hicks up here to make concluding remarks. I want to thank my panel. You guys were great, as per my thoughts initially. It was wonderful. And thank you all for participating as well. I think we identified challenges. Thanks.[applause]

Dean Hicks:
Justice Bridge and panelists, this was really, really splendid. Thanks for not only the time, but for the energy and intensity that you brought to this, I mean, really engaging this at a very high level and putting a lot before us. Again, thanks to all of you for coming out. We're going to try to maintain this high standard as we go forward, of having these presentations to the community of our alumni and all who are interested. These are really splendid moments. We really think that this is part of our main job, as the state's law school, as a public law school, to be presenting these very consequential conversations. And thanks to you all for participating in them.

If I can just say a word of thank you to our staff, especially Hannah Hewson, Beth Sanders, and all of Dean Cox's staff, in putting this together. This has been really, really wonderful.

So, for those of you seeking mentors, choose good mentors. And for those of you who are mentors, be good mentors. One of the things that was so important that came out of this was that sense of the immediate context of the moment. Being a junior attorney in a room of seniors, if you go down - so, if you speak up and you lose your job - it probably won't be a moment of singular heroism; you'll just disappear and pop up some place else.

So, it's one of the things that just intensifies the challenges. You may not have that heroic moment, where you get to go down in flames gloriously. It might happen very, very quietly, and you may never even be able to talk about that moment of heroism. So, these are moments of just extreme vulnerability. Choose good mentors. Be good mentors.