



# National Security Law Report

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## IN MEMORIAM MORRIS I. LEIBMAN 1911-1992

*Morry Leibman was a friend to the Standing Committee and to each of its members. In many ways, he was our spiritual leader. To commemorate a great life and to honor a great man, we dedicate this issue to the memory of Morry Leibman.*

Morry Leibman died on Tuesday, April 21st, at Northwestern Memorial Hospital. He is survived by his wife, Mary; two sons, Bill and Steve Wolf; and his sister, Shirley Reizen.

Morry was a graduate of the University of Chicago ('31), and its law school ('33). He founded a law firm -- Leibman, Williams, Bennett, Baird & Minow -- which merged in 1972 with Sidley & Austin, creating one of the nation's largest law firms, where Morry was a senior partner and, more recently, of counsel. In recognition of his contributions to the legal profession, he received The Fellows of the American Bar Foundation Special Fifty-Year Award in 1988.

Morry was a recipient of the Presidential Medal of Freedom, the nation's highest civilian honor, in 1981. He had earned it. Morry had frequently been called upon to advise government officials on intelligence policy, public diplomacy and

other strategic issues. He had served on numerous federal advisory boards and commissions. He had helped to establish the United States Institute of Peace, and had served as a director since the time of its inception in 1986. Morry served as a Civilian Aide-at-Large to the Secretary of the Army from 1964 to 1979, and was appointed Civilian Aide Emeritus in 1984. He had also served at the Department of State's Representative to the United States Holocaust Memorial Council, as a member of President Johnson's Panel of Consultants on International Affairs and National

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## The "Godfather" of National Security Law

As I sat quietly in Chicago's magnificent Temple Shalom on April 23 joining over 1,000 of Morry Leibman's closest friends

and admirers and listening to an array of articulate eulogists, I asked myself, "What was it about this man that made him so special to so many people?"

I am a relatively young man of 48. But in my lifetime I have never encountered anyone quite like Morry Leibman. I have at least a dozen friends from the Washington, D.C. area who regarded Morry as one of their three or four best friends; and I suspect a comprehensive list of people in that category would number at least 100. Morry was by any standard an extraordinary human being.

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## Tribute

by Ambassador Richard Schifter

If Morry Leibman had taken time out in recent years to look back at his life's work, he would have been able to note with satisfaction that he had made a difference, a great difference, a difference for the good. In the decades which he devoted to activity in the public arena he did not seek personal recognition and acclaim. He tried to stay out of the limelight, concentrating on the substance of the tasks which he set himself.

In getting the work done, in setting specific goals, Morry had an uncanny ability to mobilize the efforts of friends and colleagues and to exercise influence, not for personal gain, but for the public good. He knew that lonely battles involve tilting with windmills. When Morry wanted to get something done, he knew how to organize his battalions.

Though I had heard of Morry Leibman earlier, my first opportunity to work with him arose in 1986, when both of us served on the Board of Directors of the United States Institute of Peace. USIP had come into existence a year earlier. Its President was Bob Turner, who had made it clear that he was in the job only to get the organization off the ground and was eager to return to teaching. It was up to the Board to find a President who was prepared to stay for some time.

The Board could easily have spent a great deal of time and energy, detracting from other duties, in an exhausting search for a President. But before we had embarked on such an effort, I was approached by Morry, who asked me what I thought of Ambassador Sam Lewis. I told him that I thought most highly of Ambassador Lewis. "What do you think of him for President of USIP?" was Morry's next question. I asked whether Sam was prepared to resign from the Foreign Service and would thus be available. Morry said that he thought he might be. I told him that I would be delighted to support Sam. Morry then said that he would talk to other colleagues as well. Before long, I did see Morry in earnest conversation with other members of the Board. It was clear that one by one we were being rounded up.

Morry accomplished his goal. Sam Lewis was elected President. We had, of course, gone through an appropriate interview process, but it cannot be denied that the result was preordained. What was striking about this unique selection pro-

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## "Godfather" of National Security Law

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Morry occasionally took on a self-depreciative tone, pretending that he was not as involved with the substance of a project as were some of his more "academic" friends — in reality Morry was a man of exceptional intellect with an insatiable curiosity and thirst for knowledge. He sought wisdom for its own sake, and his analytical skills were superb. A background as a student of philosophy at the University of Chicago, followed by three years at the famed Chicago Law School and more than 50 years of practice complemented his considerable intellectual talents. And yet, it was not Morry's great mind alone which so set him apart from others.

Morry was a great peacemaker. The great esteem in which he was held by so many people at the highest levels of government, industry and the legal profession helped make him a man of immense moral and political authority. When his friends occasionally quarreled, and Morry urged them to set aside differences and make up, few could say no.

Indeed, Morry loved peace and devoted much of his time to its preservation. But he was wise enough to know that it often takes more than good will and a just heart to preserve peace in the real world. He was well-known as an advocate of a strong national defense, but his love for world peace was as great as that of any pacifist.

Morry was a man of uncommon professional achievement. In 1981, President Ronald Reagan

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## Tribute

by Richard E. Friedman and John M. Flanagin

Morry Leibman was a creator, a builder. A partial list of his creations is impressive indeed. He founded a law firm — Leibman, Williams, Bennett, Baird & Minow — that merged in 1972 with Sidley & Austin, which Morry guided as Senior Partner for two decades. He was also a founder of the Center for Strategic and International Studies in Washington, the National Strategy Forum in Chicago, and the National Strategy Information Center in New York. He helped create the United States Institute of Peace as well. One of his proudest accomplishments was helping to found the American Bar Association Standing Committee on Law and National Security. These institutions are built of people, and it is in this human element that Morry's gifts are reflected. He was a great developer of human talent.

Morry was proud to be a lawyer, and he trained younger members of his firm to think expansively about their role in society. He once said that lawyers "needed to be social scientists, legislators, historians, and philosophers ... if we can serve our clients on a superior level of general counselling, then recognition and respect for the law and the lawyers are certain."

His work with the Standing Committee illus-

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## In Memoriam

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Security. During the Johnson and Nixon administrations, he chaired the National Advisory Council on Economic Opportunity.

He was instrumental in founding and guiding a number of non-profit educational and research institutions in addition to the National Strategy Forum. He was a founder and trustee of the Center for Strategic and International Studies in Washington. He remained active in University of Chicago affairs throughout his career. He also served as a trustee of Loyola University of Chicago, which awarded him an honorary LL.D. in 1978.

For twelve years he chaired the Standing Committee, which studies and seeks to clarify the role of law in the world of national security. He also chaired its advisory committee, and more recently served as counselor to the Standing Committee.

## "Godfather" of National Security Law

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awarded him the Presidential Medal of Freedom. Five years later, the American Bar Foundation honored him with its 50-Year Award — selecting him as the nation's most outstanding lawyer in his 50th year of practice. He had honorary degrees, special awards from the CIA and other governmental agencies, and more plaques and certificates of appreciation than he had walls to display them. But these were mere symbols of his greatness. They don't tell us the whole story of why he was such an extraordinary individual.

I won't pretend to "explain" Morry Leibman in a writing of such short length. He was too complex a man of many diverse interests. But I would like to single out three of Morry's many rare talents that helped make him one of my few real heroes:

- Morry was a man of rare and courageous vision. He recognized dangers to our freedoms long before they became commonplace objects of alarm, and he had a rare sense of strategy which led him to organize able men and women to do battle against these new threats. He stood his ground even when "anti-communism" was unfashionable. He appreciated the importance of public education in a functional democracy, and he understood that the future belongs to the young. Time and again he would pull me aside and warn: "You know, Robert, you and I are not going to be here forever. We have to work harder to bring more young people into the struggle for world order and peace." Rarely would a month pass when he didn't send me at least one new resume of a bright young lawyer or law student he had identified for our group.
- Morry genuinely cared about people as individuals. In particular, he had a special ability to bring young people into a group and to make them feel important and a part of the team. I learned this first-hand, when I attended my first committee function while still a law student. Morry insisted that I sit by his side, and when the program was nearly over, he called upon me to make a few remarks. In the years which followed, I often smiled as I watched Morry work the

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## Ambassador Schifter

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cess was that the Board members did not resent that Morry had pre-empted the presidential search. None of us was bullied. His kindly approach, leaving the final judgment to each of us, but getting us to a positive result quickly rather than having us go through a laborious search effort was appreciated. We were delighted that he had taken the initiative, helping us find and install as president a person of outstanding ability. Sam Lewis's performance at the USIP and the quality of the work now done by the organization are thus another monument to Morry Leibman.

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same magic with other junior newcomers to our group.

- Morry was a patriot. He loved America, and he spent much of his life in the service of his country. He had a contagious optimism about the United States, and an ability to volunteer others to join in her service that made him a legend.

Morris I. Leibman lived a full and vigorous life spanning more than four score years. He achieved success after success in his life, and he lived to see many of his dreams to fruition — including the collapse of the Leninist empire, a threat he had struggled against for much of his life. He died in the company of a loving wife and family. We shall all miss him greatly. But we will continue to benefit from his great efforts even in his absence; because he has left behind a range of institutions and organizations — including our committee — which will carry on the struggle for peace, freedom and justice that Morry understood so well.

His warm smile, the twinkle in his eye, and his encouraging telephone calls have come to an end. But the many causes Morry set into motion or pushed further down the track with his charm and wisdom will go forward. Morry would have liked that, but he would not have been surprised. After all, he planned it that way.

May he rest in peace, with the respect of a grateful nation.

## Richard E. Friedman and John M. Flanagin

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trates his broad view of the American lawyer's role. Thirty-two years ago, when the committee was first being formed, the triadic relationship between the rule of law, human rights and democracy was not well understood. Daniel Bell had proclaimed *The End of Ideology* in a best-selling book. The wounds of the McCarthy era were still fresh, and some opinion leaders were hesitant to speak out against totalitarianism. "Pragmatism" was the order of the day, and foreign policy was divorced from domestic political culture. Morry and his colleagues persisted, however, and the political discourse eventually returned to first principles. Morry believed that the United States could pursue an activist foreign policy consistent with the values of a liberal democracy.

Morry knew, from first-hand experience, that our democracy is not well-equipped to formulate and execute long-range strategy. Morry had made a careful study of imperial grand strategies up to, and including, that of the Soviet Union. He believed that a true democracy cannot pursue empire, and so a new corpus of strategic thinking was needed. He called it "national strategy." He believed that consensus was possible on most strategic questions, if political leaders made the effort to educate the public about the choices. He also believed that the risk of war could be reduced if our adversaries had a clear understanding of America's strategic priorities. He helped push through legislation mandating an annual report from the White House on the national security strategy of the United States and, just for good measure, involved himself in the timing and drafting of each report.

It has been said that a democratic leader should be an idealist without illusions. Morry loved his country enough to acknowledge its failures. He was an early and energetic supporter of the civil rights movement who stayed involved. This election year, as in years past, he was backing a number of "bridge-builders," politicians (of either party) who would resist the trend toward social fragmentation and intolerance. Morry was uncomfortable being described as a patriot. He disdained "those who wrap themselves in a flag to further a limited cause or the interest of a single group—it gives patriotism a bad name." Of course

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## An 80th Birthday Salute

By John Norton Moore

William Manchester chose the title *The Last Lion* for his multi-volume biography of Winston Spencer Churchill. Manchester was wrong. There have been other lions since, who like Churchill have sought to alert the democracies to totalitarian threat and who have fought with learning, courage and conviction for democracy and human freedom.

One of those lions is Morris I. Leibman.

A statesman is not judged solely on the length of his resume or even on the number of extraordinary institutions which he has launched. Rather, he is judged most importantly by the strength of his fight for human freedom and dignity. It has been my pleasure to work closely with Morry in two extraordinary institutions, the ABA Committee on National Security Law, and the United States Institute of Peace. In those institutions Morry Leibman has indeed been a lion for democracy, freedom and genuine — not illusory — peace.

It is no coincidence that Morry's heroes have been Woodrow Wilson, Franklin Roosevelt and Winston Churchill. For, like all three of those statesmen, it has been his genius to sound a clarion call against the totalitarian threat to the democracies and to serve as a catalyst to mobilize people, resources and institutions into an effective network for human rights and against aggressive threat. No one I know in our generation has more effectively brought together those allies in the United States, including much of the talent in this room, who have shared a common appreciation of the greatness of their democratic heritage and of the seriousness of the totalitarian challenge to that heritage. That in my judgment is perhaps the greatest of many contributions of Morry Leibman.

Themes with which he has led in this endeavor include:

- a clear call for a long-term strategic plan;
- an understanding that the battle against totalitarianism is as much political as military, and that the political front is essential in the struggle for human freedom;
- a clear understanding of the need to integrate law and lawyers into the national security and foreign policy processes; and
- an ability to make any organization with which he is affiliated work together more effectively in its interpersonal relations.

Edmund Burke wrote in 1795: "The only thing necessary for the triumph of evil — is for good men to do nothing."

As history's most recent tyrant, Saddam Hussein, has discovered to his surprise, good men do fight back and will prevail. Morry has been, and continues to be, a great democratic lion in that fight.

Morry — we salute you and your contributions on your 80th birthday.

*(Delivered by John Norton Moore on February 1, 1991 at the Washington, D.C. Grand Hyatt Hotel.)*

## Richard E. Friedman and John M. Flanagin

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Morry was the most genuine kind of patriot, and he was a deserving recipient of the nation's highest civilian honor, the Presidential Medal of Freedom.

Morry had a rare talent for friendship that enabled him to hold an immense network together, mostly by telephone line. One never knew when Morry might call to share an anecdote, to inquire about the family, or to share a great truth. All those who knew him will miss those visits — he was a great listener. Fortunately for us, he also managed to teach us what he could while we were together.

### Standing Committee on Law and National Security

*Chairman:* Robert F. Turner. *Members:* David R. Brink, Kathleen A. Buck, Mary Doyle, Michael S. Greco, Lucinda A. Low, Richard Schifter, John H. Shenefield, John M. Shepherd, Delbert L. Spurlock, Jr., Diane P. Wood

*Advisory Committee Chairman:* Richard E. Friedman

# *The National Security Agenda . . . .*

## **Russian Foreign Intelligence Agency**

Deputy director *Lieutenant General Vyacheslav Trubnikov* announced a one-third cut-back of its agents at home and abroad. Once a global network, the FIA is said to be withdrawing entirely from certain unspecified areas. Still of central importance in its tasking is the United States, according to DCI *Gates*, where it is focusing on economic issues, including industrial espionage.

## **JFK Resolution**

DCI testified before Senate Governmental Affairs Committee on May 12 and House Governmental Operations Committee on May 15 on proposed resolution mandating release of JFK assassination documents. Intelligence Community does not object to release of documents, but Justice Department has objected to the legislation itself, protesting that certain core presidential powers would be infringed.

## **MIA-POW**

Thousands of live-sighting reports suggesting U.S. soldiers remained alive in Southeast Asia after the end of the Vietnam War will be declassified and made public next year.

## **Personnel**

*William H. Webster*, formerly Director of the FBI and of Central Intelligence, was appointed Special Adviser to the Los Angeles Police Commission. Webster will head the investigation into the Los Angeles Police Department's handling of the riots in that city.

*Anne Armstrong*, formerly of the President's Foreign Intelligence Advisory Board (PFIAB), tapped to replace *William Schneider, Jr.* as chairperson of the General Advisory Committee on arms control (GAC). Possible new appointments to GAC include, among others, former Carter Defense Secretary *Harold Brown* and former Carter White House Counsel *Lloyd Cutler*.

*David S. Addington* is awaiting confirmation as General Counsel at the Department of Defense. Addington is currently Special Assistant to the Secretary and Deputy Secretary of Defense.

## **Intelligence Oversight**

*Senator Frank Murkowski* (R-Alaska), currently vice-chair of SSCI, is leaving the committee under the term limit rules. Look for either *Arlen Specter* (R-Pennsylvania) or *John Warner* (R-Virginia) to assume the vice chairmanship. Front runner to replace *David Boren* as Chair is *Dennis DeConcini* (D-Arizona).

## **Oversight Law in Britain**

Legislation in Britain to make intelligence more accountable announced in a Commons statement on May 6 by *Prime Minister John Major*. The new law will officially recognize the MI6 and will set up a watchdog agency over the service's activities. Major, in his Commons speech, for the first time acknowledged that *Sir Colin McColl* is the chief ("C") of SIS.

## **Covert Action Questioned**

The Twentieth Century Fund task force, headed by Harvard professor *Richard E. Neustadt* and including such notables as Carter deputy national security advisor *David Aaron*, Carter White House counsel *Lloyd M. Cutler*, and Carter DCI *Stansfield Turner*, recently concluded after a year-long study that covert action "inherently conflicts with democratic aspirations," but that it can be justified when used sparingly to counter threats that cannot be met by overt means alone. Recommendations: oversight and adherence to legal principles, but continued use of covert action to fight proliferation, terrorism and narcotics.