

Lawyer for the FBI

Alumna Advises Agency on 9/11, Terrorism, Criminal Law



ANDREW CUTRARI/PHOTOS



Elaine N. Lammert, JD '85, serves the FBI as both a lawyer and an agent, involved in investigating or providing legal advice on criminal cases ranging from organized crime to terrorism. She is now a deputy general counsel in Washington, D.C.

LAW ALUMNA ELAINE N. LAMMERT is the rare FBI agent who is also an attorney. Most of her time with the bureau has been spent as a staff lawyer engaged with a broad swath of criminal law, including investigations of the 9/11 attacks and the major terrorism cases that came afterwards.

Now a senior FBI lawyer with a sensitive security clearance, Lammert serves as a deputy general counsel in charge of providing legal advice about investigative matters. On top of that responsibility, as chief-of-staff, she administers the Office of the General Counsel, which is located in the J. Edgar Hoover Building on Pennsylvania Avenue.

The dual roles, she says, bring together “the two things that I love—being an agent and being an attorney.” Fewer than 13 percent of the FBI’s 13,000 agents can do both.

As a field agent in Vermont and New Jersey, Lammert conducted criminal investigations before being recruited into legal counsel positions first in Newark, New Jersey, and then Washington, D.C. “I hadn’t thought of working in headquarters; I liked working in the field,” she explains. “But the prospect intrigued me.”

IN THE BEGINNING, Lammert saw the FBI as a means to reach another career goal. But the agency quickly presented an absorbing career of its own.

“I went to law school because I wanted to be a prosecutor, especially in the federal system,” she recalls. The FBI and “another intelligence agency” approached her in law school because of her extensive language skills—fluency in Italian and French, competency in Spanish and Mandarin Chinese. She chose the FBI.

“I thought it would lend itself to a background conducive to being a federal prosecutor,” she explains. “I obviously liked it enough to stay.”

First stop: the Marine base in Quantico, Virginia, undergoing four months of training at the FBI Academy there in 1986. The multifaceted instruction covered interrogation techniques, “defensive tactics” and physical fitness, and firearms. For Lammert, the physical training was the toughest. “That was a little daunting. I was in no way an athlete in college or law school,” she recalls.

Lammert was assigned to a five-agent bureau in Burlington, Vermont, a satellite of the field office in Albany, New York. “We were right near the border with Canada. That created quite a bit of work for us,” she recalls. Her first investigations involved fugitives, organized crime, and foreign counterintelligence—the last a classified subject she cannot discuss.

After two years in Vermont, Lammert was transferred to the Newark field office and assigned to the Joint Terrorism Task Force for most of New Jersey. Established in 1985, the task force was one of the first such combinations of federal, state, and local investigators.

Because of her fluency in Italian, she was moved a few months later to Newark’s drug squad to work on what the bureau calls “Italian organized crime” cases. One involving undercover work and overseas travel led to arrests and asset forfeitures on charges of distributing illegal drugs.

In 1991, five years into her FBI career, the law beckoned. Asked to serve as the legal counsel to the special-agent-in-charge in Newark, Lammert accepted because, she jokes, “You can’t get the lawyer out of someone.”

That position led to the fulfillment of her ambition—by then abandoned for the love of the FBI—to be a federal prosecutor. With the agreement of the FBI and Department of Justice, and the sponsorship of the U.S. attorney in Newark, she served as a special assistant U.S. attorney from 1994 to 1997, offering advice about handling fugitives and legal requests for FBI information.

After being encouraged to apply for an opening in the FBI’s Office of the General Counsel, Lammert arrived in Washington in 1997. She was made chief of the Investigative Law Unit, providing counsel about criminal, domestic-terrorism, and weapons-of-mass-destruction cases to make sure investigators complied with applicable laws and regulations. She was in that role when New York and Washington, D.C. were attacked on September 11, 2001.

“**I SPENT A TREMENDOUS** number of waking hours in our command office after that happened,” Lammert recalls. Her involvement included providing support and facilitating coordination among many of the FBI’s 56 field offices on different legal issues.

Two years later, Lammert was tapped to take charge of a Counterterrorism Law Unit, which the general counsel’s office expanded after 9/11 to provide counsel on international terrorism investigations. Some became well-known cases. Lammert declines to name any, but says it is safe to assume she worked on the major ones during her two years in that position. The investigation of U.S. citizen José Padilla, for instance, occurred during that period.

In 2005, Lammert was promoted to her current positions. At the Investigative Law Branch, she handles issues related to investigations, science and technology, and asset forfeiture law. She meets with her internal clients, including occasionally briefing FBI Director Robert S. Mueller.

Other work takes her into the public. In 2006, she assured a House subcommittee that the FBI had not systematically used cell phone information from private data miners who obtained it illegally. A year later, she accompanied another FBI official to a hearing on the agency’s use of confidential informants.

As chief-of-staff, Lammert has broad administrative responsibilities. “It’s like running any law firm,” she says. Except it is a firm whose clients and lawyers have a public mission, which is what to her makes working for the FBI special.

“I firmly believe in what we do,” Lammert says. “We accomplish things that help our nation.” ■■■