

Silberman: A 'Tough

By Orr Kelly

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He is very bright, sometimes abrasive, a very tough cookie — and he has set about running the Justice Department like no one else ever has before.

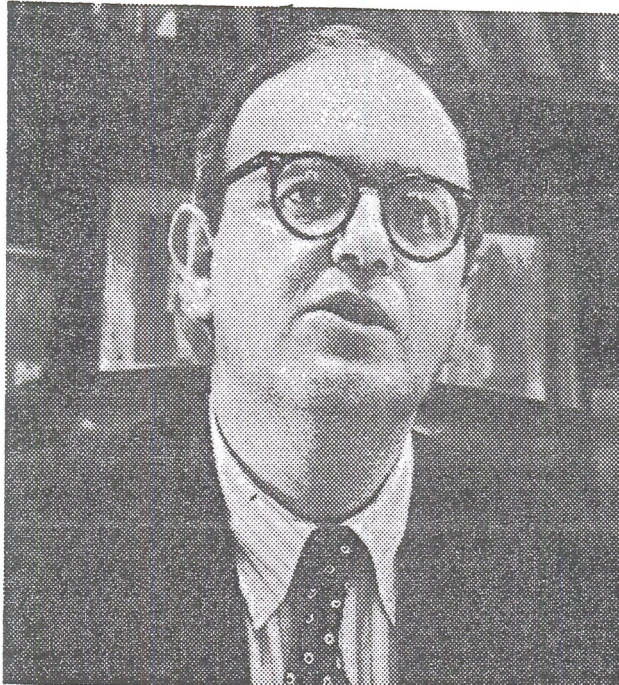
In the little more than three months since he became deputy attorney general, Laurence H. Silberman has emerged, in the eyes of those on the inside, but not necessarily to the public, as the man responsible for the day-to-day operations of the department.

"Clear it with Larry," they say. Or, "Run this by the fourth floor."

"Larry Silberman is running this department. He doesn't wait for problems — he goes looking for them," said one veteran department official.

There have been so many attorneys general and deputies in the last few years that they tend to blur in the memory. But lawyers who have been around the department for years say they don't ever recall an attorney general or a deputy who has taken quite such a firm hold as quickly as has Silberman.

WHILE SILBERMAN — who was undersecretary of Labor until his pro-forma resignation was accepted at the end of the first Nixon administration — was not the first choice of Atty. Gen. William B. Saxbe as his deputy, the two men apparently work smoothly together. Saxbe is, in effect, the chairman of the board while Silberman is chief executive officer.



—Star-News Photographer Pete Schmick

LAURENCE SILBERMAN

Silberman, whose round horn-rimmed glasses accentuate the roundnotes of his face, comments:

"I think perhaps a better analogy" is to think of the attorney general as a mayor and me as the city manager.

Silberman was strongly recommended to Saxbe by Richard G. Kleindienst, who was deputy attorney general in the early years of the Nixon administration before serving as attorney general. Silberman and Kleindienst got to know each other when they were both practicing labor law in the late 1960s.

"Larry Silberman is a very, very able, bright,

hard-working guy. He is a good lawyer — an advocate for his employer," Kleindienst said.

"It is to Saxbe's credit that he went out and found a lawyer-administrator," said one official. Unlike most lawyers, including Saxbe, the official said, "Silberman has the interest, talent and capacity for administration."

"THE ATTORNEY GENERAL'S role is to formulate and articulate broad policy for the department," Silberman said. "My role is to manage the day-to-day operations in such a fashion as to be consistent with his policy.

... My job is working on the nitty-gritty."

Silberman gets into the office about 8:30 a.m. and usually doesn't leave until 7:30 p.m. On Saturdays, he is in the office from about 10 a.m. to 4 p.m.

Saxbe says he's working harder than he ever has, but his days at the office are shorter. He gets in about 9 a.m. and is usually gone by 6 p.m. If things are slow and the weather is good, he sometimes gets out to Burning Tree for an afternoon round of golf.

Saxbe also has been spending much time on the road making speeches.

While Saxbe is out of town, Silberman is not only running the department but is in fact, acting attorney general — although the two men do keep in touch by phone.

At 38, Silberman has more than five years of government service behind him — a year as a National Labor Relations Board lawyer in the Johnson administration and four years as solicitor of the Labor Department and undersecretary of Labor under President Nixon. He is thus the only high-ranking official in the Justice Department with experience running a big Washington bureaucracy. But he came to the department as an outsider.

Since he was sworn in on March 13, Silberman has deluged at least some parts of the department with requests for information about the way they operate. He has dug into some issues that division heads would rather have left untouched.

THIS SEARCH for information is understandable in a man suddenly called upon

Cookie' Ramrods Justice

to run a department with more than 52,000 employees and a budget of nearly \$2 billion. But it has also caused Silberman to be looked on in some parts of the department as a meddler.

In contrast, William Ruckelshaus, who was deputy attorney general until his resignation Oct. 20, and who was also an activist in managing the department, had previously served as head of the department's civil division and, briefly, as acting head of the FBI. He had less need to educate himself about the way the department works, less inclination to do things that would make him appear to be meddling in the work of his subordinates.

But, even beyond this fairly superficial and temporary difference, Silberman at this point seems better equipped and more determined than any of his predecessors to manage a department that has largely been unmanaged — and to manage it himself.

Ruckelshaus and his boss, Atty. Gen. Elliot L. Richardson, also wanted to manage the department but they began their effort with an elaborate reorganization plan.

Within a month after Silberman's arrival on the scene, that scheme was dropped. Saxbe said he scrapped the plan at the suggestion of his associate attorney general, J. D. Sawyer, who went back to his

Ohio real estate firm. Now, all the lines of power coming to and from Saxbe run through Silberman.

Silberman's small office quickly began to show the strain — like a transformer called upon to carry too much voltage.

Silberman has a growing band of admirers at the Justice Department — among them Asst. Atty. Gen. Henry E. Petersen, head of the criminal division, who managed to restrain his enthusiasm when Silberman was named to the job.

"HE'S DOING a top-notch job. I like him," Petersen said. "He's very smart, very capable. I'm very pleased with him."

But others have found Silberman's manner abrasive—perhaps the result of trying to do too much too fast.

"He can be a yeller and a shouter," said one official. "He rants, shouts and dominates."

"That's true," said another. "But I think he expects people to pound on the table and shout right back. I don't think he understands that people think of him as deputy attorney general and it would never occur to them to shout back."

However another official who had a very deep policy difference with Silberman said there wasn't a trace of shouting or ranting in their meeting. Instead, he described their session together as a calm, serious discussion, verging on the philosophical.

Michael Spector, a White House fellow who is serving temporarily as Silberman's administrative assistant and who is an outspoken admirer, said he thought it would be more accurate to describe Silberman's manner as "intellectually combative" rather than "abrasive."

"He is like a good professor — he knows how to bring out the best in you," he said. "I've seen people leaving this office saying, 'I didn't expect to be grilled like that,' but he has the sense to know when to stop."

Silberman also has a quick, wry sense of humor that has jarred some of his subordinates until they have learned to know when he is kidding. He will, for example, overrule someone on a policy issue — and then sternly give the person a mock reprimand the next day for having made a bad decision.

WHILE THIS aspect of his sense of humor may be a problem for Silberman, Spector says he also uses his sense of humor deftly — somewhat in the way that Henry Kissinger uses humor — to keep tense negotiations moving toward a successful conclusion.

Silberman's office is,

essentially, a three-man operation with his two associate deputy attorneys general, 32-year-old Jonathan C. Rose and 29-year-old James A. Wilderotter, helping him to manage the department.

Both Rose and Wilderotter have had several years

of government experience — Rose at the White House and Wilderotter as executive assistant to the secretary of Housing and Urban Development. Both are described as being — like Silberman — very bright and very capable.

"But both Rose and Wilderotter need some sandpapering," said one official. "They take their cue from their boss. They're part of his abrasive image."

Silberman's first major goal is to improve the department's management structure.

"It was striking to me that the department did not have a management structure like other departments," he said. "We will have to build from the ground up."

But he said he hopes to do so in a way that preserves much of the traditional independence of the assistant attorneys general and the heads of such bureaus as the FBI and the Drug Enforcement Administration.

"This department can only work well with reliance on the assistants and heads of bureaus," Silberman said. "It is not our intention to so operate as to encroach on their creativity or independence."

SILBERMAN DOES, however, hope to set up a new agency that will help Saxbe and him to analyze and set policy for the department on issues that run across the borders among the various divisions and bureaus.

He also wants to set up a new management system that will guide officials in the department in deciding what issues have to be brought to Saxbe or Silberman for decision and those which do not.

He has begun the effort by holding meetings with department heads each afternoon so that every two

weeks each head of a bureau or division gets an hour or an hour and half of Silberman's time.

Silberman makes a sharp distinction between his political-economic philosophy — which he describes as moderate conservative — and his legal philosophy. He describes himself as a "Frankfurterite"—following the view of Felix Frankfurter, the late Supreme Court justice, that it is the job of the courts to interpret as carefully as it can the intention of laws passed by Congress, — rather than to impose its own views through court decisions.

Similarly, Silberman said, he thinks it is his job in the executive branch to carry out the letter and the spirit of the laws passed by

Congress even if he disagrees with them.

The other day, for example, he changed a department position on whether the government can permit a contractor the benefit of an invention made under government contract. Even though some department officials argued that the government should not permit such as practice, he ruled that, as the laws now read, it could.

In the longer range, Silberman says he would like to see some policy changes that go beyond the kind of fire fighting he has been doing since he was sworn in.

"But I am unwilling to discuss my long-range policy views until they have become at least a small part of the attorney general's views," he said.

IN A WAY, that statement is a summary of the relationship between Silberman and Saxbe. It is obviously very difficult for Silberman, a bright, impatient man, to be No. 2 so he works hard at being a good No. 2. Spector, Silberman's assistant, said the two men are on a first-name basis, spend hours together each day and seem to have a genuine friendship for each other.

In the days when Saxbe met weekly with a small group of reporters, Silberman sat off to the side and it was obvious, from watching his face, that some of the things he heard Saxbe saying distressed him very much. But he never broke in to offer his own opinion unless Saxbe asked him to.

He did, however, get caught in a case of what-the-attorney-general-really-meant earlier this month in a Senate Appropriations Committee hearing. Saxbe had explained the department's position on an issue and Silberman, apparently concerned that Sen. John O. Pastore, D-R.I., had misunderstood, offered a further explanation.

"I think Bill can speak for himself," Pastore replied, cutting Silberman short.

Despite Saxbe's experience as a senator, Silberman personally handled many of the high-level contacts with the Hill — at least partially because his job keeps him intimately

familiar with the issues involved. It was Silberman, for example, who called John Doar, counsel to the House impeachment panel, last week to "express his concern," as the Justice Department put it, about leaks of information from FBI files in the committee's possession.

Despite his long-range hopes for the department and the appearance he gives of a man who has driven himself to the higher reaches of the federal bureaucracy by dedication and careful planning, Silberman insists that he deliberately does not make long-range personal plans. Although he has been in Washington since 1967 and chose to remain here when he left the government early last year, he still considers himself a Hawaiian, where he practiced law before coming here, and, like a Hawaiian, is content to be surprised by where the current carries him.

"I don't plan ahead. I deliberately do not," Silberman said. "One of the great luxuries is not knowing what you will be doing five years from now."

For a high ranking official at the Justice Department, that is one of the built-in, guaranteed fringe benefits.