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Solicitor General Robert Heron Bork in his office

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Government's Advocate

Robert Heron Bork

By LESLEY OELSNER

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WASHINGTON, Oct. 5 — The Solicitor General is the Government's top courtroom advocate, the man who goes in somber dress to the United States Supreme Court to argue the Government's biggest cases. Robert Heron Bork was sworn in as Solicitor General last June, but today, in his first major public act, he found himself sitting in his Washington office—and sending a 23-page brief to a Federal district court in Baltimore.

Man
in the
News

Mr. Bork was President Nixon's personal choice for the job, a highly respected law professor at Yale, a man whose legal thinking matched the President's in nearly every controversial area but antitrust. If anybody had thought about it at the time of his appointment, they would have assumed that Mr. Bork's thinking matched the Vice President's as well.

But today, Mr. Bork found himself in direct conflict with the Vice President. Mr. Agnew asked that the grand jury proceedings against him be halted on the ground that the Vice President was immune to such proceedings, and Mr. Bork asked the court to deny this request.

If Mr. Bork spent much time today wondering about the oddity of it all, he did not say; instead, he said, he was "sitting in my office, writing another brief in the case." In that brief, which is due in court on Monday, he will argue that a second motion of the Vice President's should be denied—Mr. Agnew's request for a halt to the proceedings on the grounds that "leaks" to the press were injuring his case.

On Wednesday he will finally get to try the Solicitor General's most traditional task, arguing a Government case, a case called U.S. v. Richardson. Then he will oppose a taxpayer's effort to force a public accounting of the Central Intelligence Agency's receipts and expenditures.

In the months to come, he will argue perhaps 10 other cases: those deemed especially crucial by one or another branch of the Government.

If the Solicitor General's appearance in a district court criminal proceeding was unusual, as he himself readily admitted, it was not, of course, out of line or improper. For in addition to his job as chief trial lawyer for the Government—as well as the lawyer who must approve all Government appeals in court cases, the Solicitor General is also the third-ranking man in the Justice Department.

It's a "pretty autonomous office," in Mr. Bork's words, but in important policy matters, the Solicitor General confers with the Attorney General. The Agnew case is unusual and important by any standards, and as Prof. Alexander Bickel of the Yale Law School described it today, it "obviously should be argued by a senior officer."

Superficially, at least, Mr. Bork does not seem much like the typical member of the Nixon Administration; he has a beard, he likes to read P. G. Woodhouse and Evelyn Waugh; he plays tennis, he skis. He also likes to term himself a "classical liberal."

The Solicitor General was born in Pittsburgh on March 1, 1927; he went to the Hotchkiss School in Lakeville, Conn., and, after service in the Marines, graduated from the University of Chicago in 1948. He attended the University of Chicago Law School, receiving his degree in 1953.

He is married to the former Claire Davidson and lives with her, a son and a daughter in McLean, Va., with a second son off at college.

He is witty—to the point of "dangerousness," according to Mr. Bickel, who once taught a seminar with him. After Mr. Bickel had finished a particularly long explanation to the class, he recounted, Mr. Bork looked up and said:

"Mr. Bickel's judicial philosophy is a combination of Edmund Burke and 'Fiddler on the Roof.'"