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*File
Justice*

SMITH'S SLOW START AT JUSTICE

On paper, Attorney General William French Smith had everything going for him when he was named by President Reagan to head the Justice Dept. A longtime Reagan friend and legal adviser, Smith is a senior member of the kitchen cabinet and has earned a reputation as a savvy California attorney. But four months into the new Administration, Smith's tenure at Justice is increasingly being judged a disappointment amid growing signs that the White House, rather than the low-keyed Smith, is calling the policy shots on sensitive legal issues.

Because of his close ties to Reagan, Smith was expected to make the Justice Dept. a powerhouse in the Administration's drive to curb government excesses and promote free markets. Instead, Smith has exhibited a detached disinterest in either reaching for the levers of political power or in articulating policy on issues such as crime, civil rights, and antitrust.

"Smith was supposed to be a driving force, but he has become a major disappointment," says a senior Administration official. "He has no known view on any issue, and while that quality served him well as a corporate lawyer, it has made him a somnambulist here." His unusually harsh assessment of Smith's performance spells trouble for Justice. When a department gets a reputation as one that is slipping, it is more easily ignored on controversial issues and is subject to increased pressure from other Cabinet departments with their own agendas.

While Smith has been preoccupied with filling key Justice policy posts—the Administration has yet to name its own Solicitor General, Assistant Attorney General for the Civil Rights Div., or Assistant Attorney General for the Civil Div.—Smith's deputy, Edward C. Schmults, has increasingly assumed responsibility for day-to-day operations. "To the extent that the department is being run at all, Schmults is running it," says one White House aide.

In the meantime, the White House is played an expanding role in forging policy. President Reagan's decision to pardon two former officials of the Federal Bureau of Investigation for Nixon-era crimes bypassed the Justice Dept.

A week before Justice was due to outline options for a new U. S. immigration policy, low-level White House aides leaked their own plan for a Mexican "guest worker" program.

The White House has also taken the lead in initiating a wide-ranging review of civil rights policy. Responsibility for overseeing the review and for drafting options on possible amendments to the Voting Rights Act is being handled by Michael Uhlmann, a lawyer on the staff of White House domestic adviser Martin C. Anderson.

Even in areas where Justice has been assertive, Smith has been steamrolled by White House politicians. A Justice Dept. argument that the Administration should oppose congressional calls for "legislative vetoes" of regulatory agency actions was watered down by Administration aides to permit such restrictions for independent regulatory agencies, a move designed to appease GOP conservatives on Capitol Hill.

Similarly, Justice ran into a buzz saw after officials proposed an innovative plan May 4 to desegregate St. Louis schools. The plan, which banned forced busing but proposed that the state subsidize college tuition for students who agreed to be voluntarily bused to schools where they were in the racial minority, outraged both state GOP officials and White House aides sensitive to Reagan's antibusing campaign rhetoric. After angry calls from Missouri's Republican governor, Kit Bond, White House Counselor Edwin Meese directed Justice to reconsider the plan. "As a result of this screw-up," says one White House pol, "we are setting up a preclearance procedure to ensure that we don't get surprised again."

Smith, for his part, recognizes that he has a serious image problem and is taking some steps to shake off his torpor. He is increasing his public appearances and plans a mid-May address to the prestigious American Law Institute in Philadelphia and a speaking tour of California. At the same time, Smith will try hard to get back in charge of issues such as civil rights and immigration. But in Washington, where perception quickly becomes reality, Smith will have a difficult time overcoming his slow start and becoming a star in the Reagan Cabinet.

Capital wrapup

PEOPLE: John Robin West, a former Defense Dept. aide and Wall Street investment counselor, is expected to be named Assistant Secretary of Interior for policy, budget, and administration.

... Guy W. Fiske, a General Dynamics Corp. vice-president, is the leading candidate for Under Secretary of Energy. ... Edward F. Greene, director of the Securities & Exchange Commission's Corporation Finance Div., and Ralph C. Ferrara, sec general counsel, are top contenders for a one-year term on the commission that will be created by the June 5 departure of Commissioner Stephen J. Friedman. ... Elvira J. Orly, an attorney formerly on the staff of Senator S. I. Hayakawa (R-Calif.), is under consideration for a seat on the Commodity Futures Trading Commission.

DEFENSE: A House Appropriations subcommittee on military construction is expected to drop prior objections and approve a long-delayed request for \$300 million to begin construction of rapid deployment force staging facilities at Ras Banas, in Egypt. Last year, the panel balked at the request, which includes funds for a staging base, airfield, and refurbished port, because of Egyptian President Anwar El Sadat's refusal to sign a formal agreement giving the U. S. access to Ras Banas. But with Sadat standing firm and the Senate moving ahead on the request, Pentagon officials now believe the House panel will relent.

TRANSIT: Despite opposition from groups representing the handicapped, the Transportation Dept. will seek to amend transit legislation to give cities a "local option" on assuring the handicapped access to transit systems. Under the proposal, cities could avoid purchases of expensive new transit equipment designed to accommodate handicapped riders and could avoid retrofitting existing subway systems if alternate access plans are developed.