

## Executive Branch Profile

JOYCE E. KITCHENS

# "Managing Partner" of the "World's Largest Law Firm" Larry D. Thompson, Deputy Attorney General

WHEN THE GOING gets tough, get Larry Thompson. "If there's anyone I want in Washington at a time of crisis, it is Larry Thompson," declared criminal defense attorney Jerome J. (Jerry) Froelich Jr.

One of Thompson's former partners at Atlanta's King & Spalding, H. Lane Dennard Jr., echoed that sentiment: "When the chips are down, you want Larry Thompson on your side. Larry gave up a lot for what he is doing, but he is the kind of person we need in public service" — now more than ever.

In a brief statement at his April 5 confirmation hearing before the Senate Judiciary Committee, the deputy attorney general-designate — a longtime FBA member and an alumnus of the FBA's Government Relations Committee — outlined his goals for the Department of Justice. He testified that he planned to focus on the "traditional role of law enforcement," and pursue cases involving multinational drug traffickers and terrorists. No one could have imagined at the time how prophetic his words would be — even though

DOJ's ongoing investigation into the Sept. 11 attacks, unprecedented in its scope, is anything but "traditional." Larry Thompson is making history.

The President's Feb. 14 announcement of Thompson's nomination as deputy attorney general drew accolades from such disparate groups as the National Fraternal Order of Police and the National Association of Criminal Defense Lawyers. Though some cynics opined that the appointment was designed in

part to help blunt criticism that Attorney General Ashcroft was insensitive to race issues, there was no room to dispute that Thompson's credentials for the position were — in the words of the Senate Judiciary Committee's chair — "unsurpassed."

With his trademark understatement, Thompson describes his new post as "very interesting and challenging." Even in years past, the post of deputy attorney general has been considered one of the most critical, and demanding, in the executive branch. Essentially serving as managing partner of what is often called "the world's largest law firm," the deputy attorney general (known in DOJ parlance as DAG) serves as the department's second-in-command — the chief operating officer, with responsibility for the day-to-day operations of a sprawling bureaucracy of more than 125,000 employees and a budget of \$21 billion. *Every single component* of the department reports to the deputy attorney general, who has direct oversight of components with criminal jurisdiction — components such as the criminal division and the FBI, as well as the Drug Enforcement Administration, the Federal Bureau of Prisons, the U.S. Marshals Service, the Immigration and Naturalization Service, Interpol, and the Executive Office for U.S. Attorneys (including the offices of the 94 U.S. attorneys all across the country). Other components — generally those with civil responsibilities (such as the civil division, civil rights, antitrust, tax, and environment and natural resources) — report to the DAG through the associate attorney general.

Before the world changed on Sept. 11, Thompson's many responsibilities included meeting regularly with other deputies of other agencies on matters of national security and overseeing management review of all 94 offices of the U.S. attorneys, as well as developing the 2003 budget, performance measurements for the departments and their components, and conducting management reviews of the FBI. He is also charged with reporting to the attorney general on a portfolio of legal policy issues, including racial profiling in federal law enforcement and issues related to capital punishment.

Now Thompson also finds himself in the thick of the most massive law enforcement investigation ever mounted, with virtually all the key players — including the FBI, the criminal division of the Justice Department, and the U.S. attorneys' offices all across the country — reporting to him. And he is at the center of ongoing debates over whether (and, if so, how) to restructure the FBI. On the table are proposals for massive reorganization of the elite police force agency into a counterterrorism organization.

Like Attorney General Ashcroft (who served the "Show Me State" as attorney general, governor, and U.S. senator), the deputy attorney general is a native Missourian. Born in 1945, the son of a railroad laborer, Thompson attended segregated schools in Hannibal, Mark Twain's hometown on the banks of the mighty Mississippi. He noted in his confirmation testimony that, growing up, he "could not have imagined



40 years ago” that he would one day stand before the Senate as the President’s nominee for such a lofty post.

The deputy attorney general is a 1967 cum laude graduate of Culver–Stockton College in Canton, Miss., which was named last year as one of America’s best Christian colleges. He received his master’s degree from Michigan State University in 1969 and his law degree from the University of Michigan in 1974. He passed the Missouri bar that same year and launched his career in the Legal Department at Monsanto Corp., where he worked alongside future Supreme Court Justice Clarence Thomas. (Years later, Thompson would represent Thomas in his contentious 1991 Supreme Court confirmation hearings, helping Thomas defend himself against the sexual harassment allegations of law professor Anita Hill.)

King & Spalding first got a good look at the future deputy attorney general when the firm was retained to represent Monsanto in a case. The firm knew a good thing when it saw it and “poached” Thompson for private practice. He moved to Atlanta and joined the firm in 1977, working in its litigation and antitrust departments. Judge Clarence Cooper of the U.S. District Court for the Northern District of Georgia recalled the time he was approached by Dr. Calvert Smith, president of Morris Brown College in Atlanta. The college was experiencing financial difficulties and was embroiled in a number of lawsuits, both as plaintiff and defendant. Dr. Smith asked Judge Cooper to refer him to a “talented, aggressive attorney” and Judge Cooper recommended Thompson. Dr. Smith later told Judge Cooper that hiring Thompson was the best move he ever made as college president. Many of the lawsuits “disappeared,” and the remainder were won or settled. “Larry Thompson and King & Spalding answered the call, and did a superb job,” Judge Cooper remembered.

In 1982, President Reagan named Thompson as U.S. attorney for the Northern District of Georgia. In that capacity, Thompson directed the Southeastern Organized Crime Drug Enforcement Task Force and served on the attorney general’s Economic Crime Council. And his tenure helped usher the U.S. attorney’s office into a new era of professionalism.

“He was a great U.S. attorney. One of his strongest talents is his ability to get people to talk and work with each other. Under his leadership, we had one of the most cohesive drug enforcement task forces,” said Joe D. Whitley, former U. S. attorney for the Middle and Northern Districts, now a partner at Alston & Bird. “One of the greatest gifts Larry left for the people who came after him as U.S. attorney ... was the assistant U.S. attorneys he hired. He has an eye for talent, ability, and people who can get the job done.”

Amy Levin Weil, one of the assistant U.S. attorneys whom Thompson hired, enthuses, “He was a great boss — very supportive of the assistants and their work. He had good people sense, and was a really good leader. He was interested in working on cases himself and staying in touch with cases.” Indeed, Thompson occasionally tried cases himself, just to show he could get “down in the trenches.”

And Thompson’s work ethic has long been the stuff of legends. Colleagues from the U.S. attorney’s office say that he closed the office every night. “He’s a tireless worker. He is

willing to put in time and effort, and, as a result, those working with him willingly do the same,” praised Joe Whitley.

As U.S. attorney, Thompson worked hard to maintain good relationships not only with agency clients but also with opposing defense counsel. Jerry Froelich remembered defending a drug case in Rome, Ga., with two or three African-American jurors on the panel. “Larry came in on the third day of the case, and sat at the prosecution table. I filed a motion to dismiss for the prosecution’s effort to influence the jury. Some prosecutors take that kind of thing personally, but Larry took it in good humor, and we became friends.” He



Portrait by Lu Steed

added, “When he was U.S. attorney, we didn’t always agree, but he always listened.”

Thompson returned to King & Spalding at the end of his term, in 1986, and resumed his practice, focusing primarily on white-collar criminal defense and corporate investigations. Asked to recount some of the highlights of that work, he demurs. “The cases I’m most proud of, I can’t discuss.” But when pressed, he notes that, in at least three cases, he has been able to convince the government that investigation was not warranted, and that continued investigation would cause irreparable harm. In one case, he persuaded the government to withdraw a grand jury subpoena.

Hon. Norman S. Fletcher, chief justice of the Supreme Court of Georgia, recounted Thompson’s defense of a friend of his. “It is a pleasure to ... see how [Thompson] works. He always plays by the rules. He is so professional in the way he handles things. He stands by his clients, believes in them, and will always go the extra mile.” The chief justice added, “Anything you would write praising Larry Thompson, you can attribute to me.”

After chairing Georgia Lawyers for George Bush (the father of the current President), Thompson declined the elder President Bush’s invitation to serve as assistant secretary of the treasury, citing family and financial concerns. But, eventually, he once again found the lure of public service too



great. In 1995, he accepted an appointment as independent counsel to oversee the investigation of the Reagan administration's Department of Housing and Urban Development, a position that he held through 1999 while serving as a King & Spalding partner. Former Interior Secretary James Watt had been indicted on 25 counts of perjury and lying to Congress about his role as a HUD consultant in the 1980s. While the legal case was weak, there was great public pressure to nail Watt. But Thompson stood firm on principle, and negotiated Watt's plea to one misdemeanor count of attempting to mislead a grand jury, for which Watt was sentenced to five years' probation — an outcome widely hailed as "Solomonesque" by prosecutors and defense counsel alike.

In April 2000, Thompson was selected to chair the Judicial Review Commission on Foreign Asset Control, a five-member bipartisan panel established by Congress to conduct a comprehensive review of judicial, regulatory, and administrative authorities for the imposition of economic sanctions under the Foreign Narcotics Kingpin Designation Act and the



Past FBA President Bob McNew (l) with Larry Thompson, Brenda Thompson, and Past FBA President Dan McDonald.

International Emergency Economic Powers Act. In a report last December, the commission urged Congress to set up a judicial review mechanism for companies that are assessed penalties under the laws. The American Civil Liberties Union lauded the recommendation.

Thompson's many other achievements, honors, and awards include his membership on the Eleventh Circuit's Committee on Lawyers' Qualifications and Conduct, his election as a Fellow of the American Board of Criminal Lawyers, and his receipt of the "Outstanding Litigator Award" presented by the FBA's Federal Litigation Section and the "A.T. Walden Award for Outstanding Lawyer" presented by the Gate City Bar Association. Thompson has been an adjunct professor of law at both Mercer University and the University of Georgia School of Law and has been a popular lecturer on topics such as litigation techniques and ethics. He also participated in Leadership Atlanta and served as chair of the board of the Atlanta Chapter of the National Urban League, where he oversaw financial issues, solidified relationships with the United Way, and helped it to carry out its mission.

Longtime friend, civil litigator H. Wayne Phears, says of Thompson: "What I like about him ... is that his feet are firmly planted on the ground. Larry and his wife, Brenda, are the two most interesting people you can hope to have dinner with." Brenda Taggart Thompson, who earned her Ph.D. in clinical psychology from St. Louis University, serves as psychologist for the Atlanta City School System. "Larry has always put his family first. He and his wife have raised two remarkable young men," noted Joe Whitley. Larry Thompson Jr. graduated from Rice University with a degree in chemical engineering, playing first-string varsity football. Now a first-year law student at New York University, he has already passed the patent bar examination. The couple's younger son, Gary, studied economics at Kalamazoo (Michigan) College and is now working for AmeriChoice, an HMO in New York City.

Before he was asked to assume his current position as deputy attorney general, Thompson planned to transition into retirement in order to have more time to serve his community. He has a home on the beach at St. Simons Island, Ga., where he was hoping to spend more time. But, with the love and support of his family, Thompson made the decision to answer the call and return to public service.

"His taking this appointment was an act of patriotism," explained Robert L. (Bob) Steed, a partner at King & Spalding. "He was trying to gear down his law practice with the goal of teaching, and was taking a three-month sabbatical. He was planning to take the firm's retirement. He had to make many sacrifices to take this position in terms of economic losses and future plans."

"The country is very fortunate to have a man of his quality, character and background as the number two man in the Justice Department," affirmed criminal defense attorney Bobby Lee Cook. Judge Julie E. Carnes of the U.S. District Court for the Northern District of Georgia concurs, "He has the soundest judgment of any person I've ever met. He deals well with people across the ideological spectrum, and is always found on the moral high ground." Judge Carnes calls Thompson "the ultimate public servant."

Thompson himself is much more self-deprecating, and more than a little philosophical. He says his long-term goal is simply "to develop professionally in ways that are meaningful ... to be comfortable with what the dash in [his] life will mean and say — the dash being the time between birth and death."

When President Bush announced Thompson's nomination, Attorney General Ashcroft praised his deputy for his "keen intellect, sound judgment and strong character," noting that Thompson's "vast legal experience makes him uniquely qualified to help lead the department's law enforcement efforts in the 21st century." Atlanta attorney Edgar H. Sims Jr., the former chair of Georgia's Democratic Party and now the managing partner of Long Aldridge & Norman's Washington, D.C., office has observed that Thompson comes from a firm with a rich history of service at the Department of Justice. Thompson joined King & Spalding in 1977, the same year that King & Spalding partner Griffin Bell became President Jimmy Carter's attorney general. Bell returned to King & Spalding in 1980, after Carter's re-election defeat, and Thompson worked with him in the firm's special matters/

government investigations practice, which Bell had founded. Sims mused, "Looking back on the [Justice] Department, the attorney general who sort of stands out as very revered is Griffin Bell. If Larry brings that sort of touch to his efforts at the department, I think he will leave a great legacy."

Many speculate that Thompson's legacy will not be confined to the office of deputy attorney general and that he may have the opportunity to follow in his former partner Griffin Bell's footsteps, serving as the first African-American attorney general in U.S. history.

For the moment, though, the deputy attorney general's thoughts no doubt are occupied with more immediate concerns. Bob Steed puts it best: In the aftermath of Sept. 11, "his job must be like drinking water from a fire hose." Thompson's secretary, Becky Swanbeck, says it is much worse than that.

Now that the going has gotten very, very tough, we're lucky to have Larry Thompson. TFL

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*Joyce E. Kitchens is a sole practitioner specializing in employment discrimination. She and her husband Jerry Barnes live in Hiawasse, Ga., and spend their leisure time exploring the north Georgia mountains. She is the national vice president of the FBA.*