

John Ashcroft at the trough

by the St. Louis Post-Dispatch

In an enterprise the size of the federal government, opportunities for patronage are vast. Patronage is as simple as finding a job for a friend and as complicated as steering contracts to campaign contributors.

Lately, some officials at the Justice Department have found a whole new way to reward their friends. And who do we find bellying up to the new patronage trough but John D. Ashcroft, former governor of Missouri, U.S. senator and U.S. attorney general.

Christopher J. Christie, U.S. Attorney for New Jersey and Ashcroft's one-time underling at the Justice Department, steered his old boss' consulting firm into a no-bid gig that will pay out \$27 million to \$52 million over just 18 months.

Ashcroft Group LLC will monitor a medical device company accused of making illegal kickbacks to doctors. Under the deal, Zimmer Holdings Inc., of Warsaw, Ind., won't be prosecuted criminally if it behaves itself for a year and a half. This is a very sweet deal. One member of Congress estimated it is worth \$895 an hour. The contract was awarded with no public notice, so competitors didn't know it was open. Zimmer Holdings was consulted on Ashcroft's appointment. That's akin to allowing a parolee to approve his parole officer.

Christie has awarded other such contracts lately, both to former colleagues in the Justice Department and a former Republican attorney general of New Jersey.

Such contracts are possible because of another disturbing trend in the Bush administration's Justice Department: Companies are being allowed to avoid criminal charges through out-of-court settlements that include monitoring. The New York Times, citing a study by two Texas lawyers, said there were five such agreements in 2003 and 35 in 2007. Would prosecutors let a bank robber walk if he agreed to wear an ankle bracelet for 18 months?

On Tuesday, congressional Democrats hauled Ashcroft, their old Republican nemesis, up to Capitol Hill for a public grilling. Ashcroft noted that the money for monitoring is coming from Zimmer, not the taxpayers. "This hearing is costing far more tax dollars than my monitoringship will cost," he said, noting that a team of 30 professionals will do the monitoring.

This editorial board has had many differences with Ashcroft since he entered public life more than 30 years ago. But as a public servant, he was always squeaky clean. Nor is there now any evidence of overt wrongdoing. But this deal reeks of cronyism.

Somehow we thought Ashcroft would avoid the temptation to monetize his public service. We thought the same thing about former Rep. Richard A. Gephardt, D-Mo., another Clean while in office. We were disappointed there, too; Gephardt now is shilling for the investment banking and energy industries and the government of Turkey.

Certainly former public officials are entitled to make a living. But the public is not well served when former government officials auction their contacts and influence to the highest bidder.

In the wake of the rancor over the Ashcroft contract, the Justice Department says it's changing the way it awards monitoring contracts. Now they'll be awarded by a committee of justice officials with approval of a deputy attorney general. That means the patronage will be dispensed higher up the political ladder. That's better, but still not good.

Such decisions should be removed entirely from politics. Since the agreements settle criminal allegations, the choice of monitors should be made by a committee of federal judges. The details should be made public and bids should be requested. Who knows: You might get it done for less than \$895 an hour.

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