

Ashcroft Names Key Aides To Senior Posts at Justice; Incremental Changes Expected Under New Attorney General

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Body

John D. **Ashcroft's Justice** Department began taking shape yesterday, as the **new attorney general named** trusted **aides** to **senior** staff jobs and conferred with Bush administration officials over the probable appointments of Larry D. Thompson as deputy **attorney general** and Theodore Olson as solicitor **general**.

Justice Department officials outlined an initial **Ashcroft** agenda that will focus on tougher enforcement of existing laws governing the sale of handguns; a **new**, lifetime ban on the ownership of guns for juveniles who use firearms while committing a crime; and following through on a Bush campaign pledge to break the troubled Immigration and Naturalization Service into two parts. One of the **new** agencies would focus on the enforcement of immigration laws, while the other would emphasize the more rapid processing of applications for citizenship.

But **Ashcroft** himself said little publicly a day after he won confirmation by a 58 to 42 Senate vote in one of the most bitter battles over a Cabinet nominee in recent times. **Ashcroft** toured the **Justice** Department's headquarters and shook hands with scores of **new** employees. He also took a drug test that is required of **new** employees.

Ashcroft "will outline his vision for the **Justice** Department early next week," said Mindy Tucker, the **new Justice** Department spokeswoman, who previously served as a Bush campaign spokeswoman in Austin.

Thompson, a partner in the Atlanta law firm of King & Spalding and a former U.S. **attorney**, is a conservative, African American lawyer whose appointment to the high-profile No. 2 slot could help soften the criticism of **Ashcroft** that emerged during the confirmation hearings over his stands on desegregation and affirmative action, Bush administration officials said.

Thompson, a native of Missouri -- where **Ashcroft** was elected to high public office five times -- served as an adviser to Supreme Court **Justice** Clarence Thomas when Thomas underwent the same kind of bruising Senate confirmation process that **Ashcroft** endured.

Olson, who as solicitor **general** would argue cases for the federal government before the Supreme Court, twice represented Bush before the **justices** during the **post**-election battle over the Florida vote. A leading figure in conservative legal circles, he has argued 15 cases before the high court.

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In the coming weeks, **Ashcroft** will face important decisions on critical issues inherited from his predecessor, Janet Reno, including whether to continue pursuing a multibillion-dollar lawsuit against tobacco companies. As a senator, he was critical of that effort.

Antitrust matters on the agenda include how to proceed with the Microsoft case, which is on appeal. **Ashcroft** will also struggle to hold down the **Justice** Department's \$ 23 billion budget. He is slated to receive his first budget briefing on Monday.

Despite **Ashcroft**'s record as a fierce opponent of abortion and **new** laws restricting gun sales, observers from both ends of the political spectrum say they anticipate that **Ashcroft** will make **incremental**, rather than radical, **changes** in the **Justice** Department's approach to major policy issues. **Ashcroft** emphasized during his confirmation hearings that, as **attorney general**, he would enforce existing laws rather than seek the enactment of legislation overturning laws with which he disagrees.

"There will be a conservative touchstone, but the methodology will be incrementalism," said Clint Bolick of the Institute for **Justice**, a conservative think tank that has provided recommendations to the **Ashcroft** transition team. "When there is an opportunity, I **expect Ashcroft** will seize it, but I don't think he'll go looking for a fight."

Ashcroft is likely to oversee the first federal executions since 1963, including that of Oklahoma City bomber Timothy J. McVeigh. **Ashcroft** promised the Senate that he would complete a study begun **under** Reno into alleged racial and geographic disparities in the prosecution of federal death penalty cases.

During his confirmation hearings, **Ashcroft** said the **Justice** Department would take the lead in making sure that people are not targeted by police because of their race, an issue that he held hearings on as a senator. **Justice** Department officials are monitoring a consent decree to curtail racial profiling by officers in **New** Jersey.

Sens. Patrick J. Leahy (D-Vt.) and Edward M. Kennedy (D-Mass.), who led the Senate opposition to **Ashcroft**, have vowed to give close scrutiny to all nominees for important **Justice posts** -- including the top position in the civil rights division, a job that entails the prosecution of race discrimination cases and the enforcement of voting rights laws.

One candidate **under** consideration is Peter N. Kirsanow, a top Cleveland labor lawyer and **key** player in the Center for **New** Black Leadership, a conservative think tank. But one **attorney** close to the Bush transition said: "That is going to be one tough, tough job to fill. It's so controversial. They are going to tread very carefully."

Ashcroft sent out an e-mail to 102,000 of the far-flung department's 130,000 employees yesterday. Just days after he faced claims from opponents that minorities would not trust him as **attorney general**, **Ashcroft** declared his "unwavering" commitment to defending the rights of all Americans.

"On our shoulders rests the responsibility of upholding the American **justice** tradition that strives to bring protection to the weak, freedom to the restrained, liberty to the oppressed and security to all," he wrote.

Observers said **Ashcroft** will find it challenging to rapidly **change** the direction of the department because to its complexity and size. It encompasses a number of institutions, such as the rapidly growing Bureau of Prisons, the Drug Enforcement Administration and the FBI.

"It's a big and lumbering agency, and **changing** its course directionally, if that's what's desired, is a very tough task," said Charles J. Cooper, a **Justice** Department official **under** President Ronald Reagan who is now in private practice. "I think the most urgent challenge is just restoring a sense of trust and respect for main **Justice** within the components, especially the FBI. There's been very nearly open warfare there for years now."

Not everyone agrees that **change** will come slowly. Thomas L. Jipping, vice president for legal policy at the Free Congress Foundation, said **Ashcroft**'s lengthy political career shows a man unafraid to forge ahead on controversial issues.

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"There's going to be a change or a shift in policy in most areas," Jipping said. "If the left thinks that they will somehow drive the Justice Department, like John Ashcroft is a puppy they've whacked with a paper, they're fooling themselves. John Ashcroft will be the same attorney general he would be if he had been unanimously confirmed."

Bolick said one test of Ashcroft will come with the proposed congressional redistricting, which the Justice Department must approve in all or part of 16 states -- mostly in the South and Southwest -- under the Voting Rights Act.

The Supreme Court in recent years has generally frowned on making race central to the drawing of election district boundaries, but the Clinton Justice Department won lower court approval for creating some majority black districts in the South and persuaded the Supreme Court to uphold a majority Hispanic district in Chicago.

Ashcroft has given few hints to what his approach on such issues would be, although he has been critical of affirmative action and other race-based programs. Ashcroft came under heavy attack in the Senate Judiciary Committee for vetoing bills as Missouri's governor that were aimed at increasing voter rolls in St. Louis, which has a large African American population.

As he began to assemble his leadership team yesterday, Ashcroft appointed David Ayres, who served as his chief of staff in the Senate, to the same post at Justice. He named David Israelite, who worked at the Republican National Committee, as deputy chief of staff.

Ashcroft also spoke with FBI Director Louis J. Freeh and former deputy attorney general Eric H. Holder Jr.

Earlier in the day, Ashcroft eschewed the elevators and walked the steps and hallways of the six-story Justice Department building for hours, shaking hands with employees. Many said it was evident from the time Ashcroft began touring the building at 9:00 a.m. until he settled into his fifth floor office a few hours later that he can be personable and approachable.

"He played it real smart," a Justice Department official said. "The whole 'getting out and meeting the troops thing' was a brilliant idea. That type of stuff in a big organization like this is well received."

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