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Ashcroft aide threatens to take Fifth

By: [John Bresnahan](#)
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David Ayres, the top aide to former Attorney General John Ashcroft, is threatening to take the Fifth to avoid testifying in a case against a GOP lobbyist caught up in the Jack Abramoff scandal, according to lawyers for the lobbyist.

Ayres served as Ashcroft's chief of staff at the Justice Department and is currently the CEO of the Ashcroft Group, Ashcroft's consulting firm. The company has earned millions of dollars in fees from DOJ thanks to a controversial contract awarded to the former attorney general to oversee a legal settlement with an Indiana medical devices company.

According to court documents filed by attorneys for Kevin Ring, a former Abramoff lobbyist, Ayres helped free up \$16 million in DOJ grants that Abramoff sought for one of his oldest and most lucrative lobbying clients, the Mississippi Choctaw tribe.

Abramoff was paid millions by the tribe, owners of a hugely successful casino. In return, he sought help from numerous lawmakers in winning federal funds for them.

In 2002, DOJ officials were balking at the Choctaws' request for \$16 million in grant money to build a jail. Ayres, at the request of Ring and other lobbyists working for the now imprisoned

Abramoff, approved the grant over internal DOJ objections, according to Ring's defense team.

According to documents filed by Ring's attorneys in preparation for Ring's upcoming trial, Ayres and his wife were then given free tickets to a sporting event and "a set of tickets to a later event."

As a senior DOJ official, it would have been improper for Ayres to accept those tickets under gift rules covering executive branch staff. In 2008, another Justice Department official, Robert Coughlin, pleaded guilty to accepting more than \$4,000 of meals and sports tickets from Ring and other Abramoff lobbyists.

Ring's lawyers want to subpoena Ayres and his wife, Laura, to discuss the incident, but the Ayreses are invoking their Fifth Amendment right not to offer criminally incriminating information against themselves, Ring's attorneys say in court filings.

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"Counsel for Mr. Ayres and counsel for Ms. Ayres have indicated that each would invoke their Fifth Amendment privilege if subpoenaed," said Ring's attorneys in a motion filed on Tuesday.

Ayres did not respond to an e-mail seeking comment.

Ring's lawyers argue that the Ayreses are unlikely to face criminal charges at this point - the alleged incident falls outside the five-year statute of limitations - and thus should be required to testify in Ring's defense.

Ring's lawyers stated it "does not appear that the government would be able to prosecute either Mr. Ayres or Ms. Ayres in connection with events at issue in this case. Neither Mr. Ayres nor Mrs. Ayres is alleged by the government to be an 'unindicted co-conspirator.' Moreover, the acts in question largely occurred in 2002 and the last event of relevance to either testimony occurred in or around February 2003."

Ring, former chief of staff to ex-Rep. John Doolittle (R-Calif.) was indicted on a host of corruption charges in September 2008, including bribery, fraud and tampering with witnesses against him.

Ring, who worked for "Team Abramoff" at the firm Greenberg Traurig, has strongly denied the government's allegations, and he refused on several occasions to cut plea deals with prosecutors. Ring's trial is set to begin in December.

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