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FRANK PALLONE, JR.  
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**Congress of the United States**  
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United States Attorney's Office – District of New Jersey  
United States Attorney Christopher J. Christie  
970 Broad Street, 7<sup>th</sup> Floor  
Newark, NJ 07102

November 21, 2007

Dear United States Attorney Christie:

I am troubled by recent news reports detailing the significant fees that may potentially be paid to Ashcroft Group Consulting Services as a result of the deferred prosecution agreement entered into by your office with Zimmer Holdings. Equally troubling to me is the increased use of deferred prosecution agreements generally and the lack of any apparent safeguards to protect against their abuse, particularly with regard to the way federal monitors are chosen.

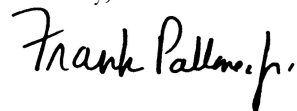
While I commend the efforts of you and your office to investigate and prosecute public corruption in New Jersey, I am less enamored of the practice of using the threat of criminal prosecution as leverage to effectively allow corporations and other organizations to be managed by the Office of the United States Attorney or their designee. Where criminal activity has been uncovered, either by a public official or a corporation, it would seem that the appropriate response of your office would be to prosecute that actor and not simply allow them to continue to operate under your guidance and supervision.

In addition, the seemingly unfettered discretion that your office enjoys to frame the agreement and its terms, including choosing a firm or individual to monitor the agreement, invites the very sort of favoritism, political interference, and back room dealing that your office has been so successful in combating throughout New Jersey. Given the significant potential for this discretion to be abused it would seem prudent to vest this authority with a disinterested third party, such as a judge or other group of individuals, to remove even the appearance of impropriety that is so easily created when such a large amount of money is being directed to a former employer or colleague.

I welcome the opportunity to speak with you about this further and explore potential remedies to this situation. If necessary, I am willing to draft legislation to provide a more transparent and appropriate process for the use of deferred prosecution agreements and, in particular, the ways with which federal monitors are chosen.

Thank you for your attention to this matter. I look forward to speaking with you soon.

Sincerely,



FRANK PALLONE, JR.  
Member of Congress