

January 9, 2020

Jeffrey R. Ragsdale
Acting Director and General Counsel
Office of Professional Responsibility
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Suite 3266
Washington, DC 20530-0001

RE: Additional Documentation and Allegations Regarding Alleged Misconduct by U.S. Attorney for the Northern District of Alabama Jay E. Town

Dear Director Ragsdale:

Last month, we provided your office with alleged misconduct by and compromising photographs of U.S. Attorney Jay E. Town. We are now providing additional documentation and allegations against Mr. Town to supplement our initial complaint.

Alabama Power's Motive

We, the CDLU, have been curious why the FBI in Birmingham told us that “their hands were tied behind their backs” and officials at the U.S. Attorney’s Office for the Northern District of Alabama failed to investigate the alleged criminal acts by Alabama Power and the utility’s sister-wife Balch & Bingham.

With the compromising photographs of Mr. Town enjoying libations with Alabama Power CEO (and former Balch partner) Mark A Crosswhite allegedly during the height of a criminal case of bribery and corruption tied to Alabama Power and Balch is more than prosecutorial misconduct; the act shows how the system of justice in Alabama has been blatantly compromised.

In the summer of 2018, during the federal criminal trial of Balch & Bingham partner Joel I. Gilbert, evidence submitted before the jury showed that the emails with updates about the AstroTurf/bribery effort (through the money laundering entity Alliance for Jobs and the Economy) were sent exclusively to Alabama Power point persons.

Ex-Drummond Company executive David Roberson who was convicted during the trial was simply cc'd.

(Enclosed is one email example from the trial. Please note that one of the recipients of the attached email was Matt Bowden, the Senior Vice President and General Counsel for Alabama Power, who died in 2017 two weeks after the indictments against Gilbert and Roberson were handed down. Bowden was a former Balch & Bingham partner and an intimate friend of Alabama Power CEO Mark A. Crosswhite.)

We find it unfathomable, unbelievable that Mr. Town never called anyone from Alabama Power or parent company Southern Company to the witness stand.

We have heard allegations repeatedly that Alabama Power was calling the shots in the campaign against the EPA and that Town, who was sworn in just weeks before the indictments, unequivocally protected Alabama Power.

And why would Alabama Power be calling the shots in the North Birmingham Bribery Scandal?

Motive: Alabama Power was allegedly worried if they did not defeat the tiny environmental group GASP in North Birmingham, then their polluting Miller Steam Plant would be next. (See enclosed GASP document about Miller Steam Plant).

Balch & Bingham's Tour De Force

The Newsome Conspiracy Case not only involved the “staged arrest” of Balch’s competitor Burt Newsome by the cop-son of a now-retired Alabama Power executive.

We also uncovered alleged criminal obstruction of justice in the Newsome Conspiracy Case by Robert M. Ronnlund, an attorney representing one of the alleged co-conspirators.

No coincidence, Ronnlund’s wife, Millicent Ronnlund, was a partner at Balch & Bingham at the time the alleged obstruction occurred.

In a letter to AT&T dated January 16, 2016, Ronnlund wrote that “an objection has been filed regarding the deposition subpoena” and added, “absent a valid court order, please do not produce any documentation.”

Both were lies.

An “objection” was never filed and the threat to AT&T not to produce any documentation without a “valid court order” was 100 percent bull.

What documentation was Ronnlund attempting to impede? Phone records associated to another co-conspirator, John W. Bullock, who is not even Ronnlund’s client.

The letter to AT&T appears to be a deliberate and deceptive tactic to obstruct justice, to hide evidence, and to protect the alleged co-conspirators.

18 U.S.C. § 1503 defines “obstruction of justice” as an act that “corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice.”

In June of 2017, Newsome’s legal team obtained the phone records (and a copy of Ronnlund’s letter) linking all the co-conspirators to a single phone number (205) 410-1494 and filed a third amended complaint in his case.

Balch & Bingham's initial response in open court in July of 2017 was to foolishly attribute the phone number to a "telemarketer."

As we wrote on July 14, 2017, "For heaven's sake, some of these calls were for 18 or 19 minutes! Do we really think Balch's partner was purchasing a set of non-stick frying pans or a box of the fastest toilet bowl cleaner?"

Ridiculed and mocked, Balch and Ronnlund allegedly went into action.

- During the week of July 24, 2017, Verizon's records of the cell number were inaccessible allegedly due to a law enforcement block.
- Then Ronnlund filed a notice of a deposition with a Verizon corporate representative (occurring with no subpoena and in less than two business days) on Thursday afternoon, July 27, 2017.
- On Friday, July 28, 2017, Ronnlund filed a highly questionable, unsworn Calera (Alabama) Police Department affidavit with the alleged narrative that the (205) 410-1494 number was not a phone number but a "routing switch."
- According to Alacourt.com, no subpoena for the Verizon deposition was ever filed with the court.
- After the sealed deposition with Verizon took place on Monday July 31, 2017, Balch filed a motion to dismiss Newsome's amended complaint calling the cell phone number allegation a "falsity" and the judge, two days later, without a hearing, signed the order on August 2, 2017.

In less than a week, the key witness— (205) 410-1494— was assassinated, cremated, and buried.

We, the CDLU, have questioned the legitimacy of the deposition. Was it a real or staged event? Highly unusual, the deposition with Verizon did not take place at their large corporate campus.

Instead, this deposition *supposedly* took place at a Regus Center (a rent by the hour office space facility) in Bedminster, New Jersey less than 10 miles from Verizon's Corporate Headquarters located in Basking Ridge, New Jersey.

And what law firm represents Verizon regularly? McElroy, Deutsch, Mulvaney & Carpenter in Morristown, New Jersey, just one mile away from Verizon's Corporate Headquarters.

And who worked for McElroy, Deutsch, Mulvaney & Carpenter before his career as a prosecutor? Jay E. Town.

Town was nominated as U.S. Attorney in June of 2017 and was confirmed and sworn in that August.

Pulling in all their weight to crush Newsome, we suspect Balch (and/or their sister-wife Alabama Power) appears to have reached out to Town for his assistance that July, **a tour de force**.

As seen in the North Birmingham Bribery Scandal, Balch & Bingham was able to collect high-profile signatures on ghost-written letters; concoct and pass legislative resolutions; infiltrate and stymie opponents; and use a network of political allies to breach the public good.

The photographs we provided prove that Jay E. Town, wearing his U.S. Department of Justice pin, was enjoying refreshing drinks with Crosswhite and attorney P. Michael Cole.

In 2017, Mr. Cole not only was a registered lobbyist for Alabama Power, but also for Madison County, where Town had worked as a prosecutor before his confirmation.

In Closing

In our almost two decades of advocacy work, we have never, ever seen such an extreme miscarriage of justice as we have seen done against Burt Newsome, a father of four children, who allegedly was wrongly targeted, falsely arrested, and defamed by Balch & Bingham.

Jay E. Town should have let the FBI probe the trampling of the civil liberties and due process of an innocent man; instead Town appears to have looked the other way for the sake of his friends: the sister-wives of Alabama, Balch & Bingham and Alabama Power.

We appreciate your consideration. Our good wishes to you.

K.B. Forbes
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