



December 4, 2019

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: Alleged Misconduct by U.S. Attorney for the Northern District of Alabama Jay E. Town

Dear Director Ragsdale:

Enclosed are compromising photographs of U.S. Attorney Jay E. Town that we received anonymously.

We are the Consejo de Latinos Unidos (CDLU), a public charity and not-for-profit advocacy group that has spurred three U.S. Congressional investigations and numerous state and local probes since 2001.

What do the photographs reveal?

Mr. Town is enjoying refreshing cocktails approximately 18 to 24 months ago with Mark A. Crosswhite, the Chairman and CEO of Alabama Power, at the Moon Shine rooftop lounge at the Elyton Hotel in downtown Birmingham, Alabama.

The act itself of drinking libations with a potential defendant is highly inappropriate and unethical, but there is more, much more.

The purpose of this letter is to highlight briefly some of the alleged misconduct. Attached to this letter are numerous documents providing detailed information for a more thorough review.

For over two years, we, the CDLU, have been asking the FBI in Birmingham and officials at the U.S. Attorney's Office for the Northern District of Alabama to investigate the alleged criminal misconduct by Alabama Power's sister-wife Balch & Bingham.

The incestuous relationship between the two-entities is notorious. Balch & Bingham is a law firm that was founded in 1922 by the brother of the then-President of Alabama Power. Mr. Crosswhite himself is a former Balch & Bingham partner, as are the current Senior Vice President and General Counsel, and Vice President for Governmental Affairs at Alabama Power.

Alabama Power and Balch & Bingham are synonyms, Siamese twins joined at the hip.

P.O. Box 381984 • Birmingham, AL • 35238-1984
Telephone: 205.516.1762 • Toll Free: 800.474.7576

www.cdlu.org

Alabama Power's Alleged Unscrupulous Police Officer

Late last year, we learned that Jeffrey Bowers, a Lieutenant with the Columbiana Police Department in Alabama and the son of a retired Alabama Power executive was involved in the alleged “staged arrest” of a competitor of Balch & Bingham, Burt Newsome, a sole-practitioner attorney who services and represents banks.

Clearly abuse under the color of law, we were flabbergasted to hear this past spring that FBI agents in Birmingham were not going to do anything because “their hands were tied behind their backs.”

Burt Newsome was unfairly targeted and wrongly arrested; and Newsome had his civil liberties trampled on in an alleged conspiracy spearheaded by a Balch & Bingham partner.

Even though we have provided binders filled with incriminating evidence, we believe Jay E. Town's relationship with Mark A. Crosswhite was more important than the pursuit of justice.

Alabama Power's Alleged Secret Deal in the North Birmingham Bribery Trial

At the time these photos were allegedly taken, Jay E. Town's office was prosecuting two Balch & Bingham partners for six criminal acts, including money laundering and bribery.

The indictments were handed down on September 28, 2017, just a month after Jay E. Town was sworn in.

We believe that Town and Crosswhite had an alleged secret deal that prevented federal prosecutors from calling anyone from Alabama Power in the North Birmingham Bribery Trial that happened in the summer of 2018.

Alabama Power donated \$30,000 to the corrupt AstroTurf entity Alliance for Jobs and the Economy (AJE) that laundered money to bought-and-paid for politician Oliver Robinson, now serving a four-year prison term.

Alabama Power was the only donor to AJE **not to testify** in the criminal trial that convicted Balch-made millionaire and equity partner Joel I. Gilbert and Drummond Company Executive David Roberson in July of 2018.

The Fall Guy and the Ending of Further Investigations

Drummond Company Executive David Roberson appears to truly have been a “Fall Guy” in the North Birmingham Bribery Scandal.

After the unanimous convictions, Jay E. Town appears to have unwisely shut down any further investigations or probes of Balch & Bingham, Alabama Power or their friends at Drummond Company.

According to a report this April in *The Washington Post*, “Balch & Bingham...has insisted that Gilbert, as a partner, acted alone and would not have raised any flags as he deposited \$360,000 into the Robinson foundation account because the money went out at a moderate pace over many months. Roberson later said that 21 Balch & Bingham attorneys ‘played at least some part’ in the anti-EPA campaign built on Robinson’s efforts.”

And now according to a recent court document:

As part of its public relations campaign to defeat the EPA in North Birmingham and at the request of Joel Gilbert of Balch & Bingham, David Roberson, on behalf of Drummond Company, wrote a \$5,000.00 check to be used to purchase 100 fifty dollar gift cards to Burlington Coat Factory to be used to purchase winter coats for kids in North Birmingham.

Unbeknownst to...Roberson as Joel Gilbert concealed this information from the Plaintiff, Balch and Oliver Robinson had agreed for Oliver to keep \$2,500.00 out of the \$5,000.00. Plaintiff did not learn of this hidden fact until his criminal trial in July of 2018. [The] \$2,500.00 payment to Oliver Robinson [was used] as damaging evidence against Roberson in his criminal trial to help...obtain a conviction against him.

But worse than that are the revelations tied to Balch & Bingham’s paid consultants Trey Glenn and Scott Phillips currently facing a criminal ethics trial in Jefferson County, Alabama.

From the pleading:

Balch & Bingham...contracted with Trey Glenn ... to lobby the Alabama Department of Environmental Management (or “ADEM”) to oppose the EPA in listing the North Birmingham site on the National Priorities List. The Balch invoices to Drummond seeking reimbursement for the payments to Trey Glenn and Scott Phillips were paid by Drummond General Counsel Blake Andrews and approved by Drummond CEO Mike Tracy.

Balch and Drummond Company concealed from Roberson that Drummond was paying Phillips (who was on the AEMC), pursuant to a contract with Balch, to lobby the entity in which the AEMC supervises (ADEM)...Glenn’s and Phillips’ invoices were being paid by Balch and reimbursed by Blake Andrews and Mike Tracy.

Why has Jay E. Town refused to interview the other 20 or so Balch attorneys involved in the North Birmingham Bribery Scandal?

Why has Town not investigated or charged Blake Andrews, Mike Tracy, Trey Glenn or Scott Phillips with alleged criminal conduct including possible money laundering and bribery?

We strongly believe the negligence and intentional refusal to pursue justice is all tied to Town’s unethical relationship with Mark A. Crosswhite.

The Alleged Pay-to-Play Senator

During his nomination period, Jay A. Town was closely associated with U.S. Senator Luther Strange. Strange was Balch & Bingham and Alabama Power's closest political ally and appointed to the U.S. Senate by Governor Robert Bentley in January of 2017.

Strange appears to have a real criminal problem of his own, a pay-to-play scheme which Town would never touch.

Allegedly provoked by Balch & Bingham, Strange involved himself in the North Birmingham EPA matter even though Strange had no authority to do so. At the time, the Governor had delegated the Alabama Department of Environmental Management to handle all issues related to the North Birmingham EPA matter.

On October 13, 2014, convicted felon and Balch-made millionaire Joel I. Gilbert sent Luther Strange, then the Alabama Attorney General, a draft letter about the North Birmingham EPA matter.

Four days later, on October 17, 2014, Strange accepted a \$25,000 contribution from Drummond Company.

Six days later after the money was deposited, Strange signed the ghost-written letter and dispatched it on his official letterhead to the EPA on October 23, 2014.

In Closing

We are asking for your office to probe Jay E. Town's alleged misconduct. When Gilbert and Roberson were convicted and later sentenced to federal prison, Town hypocritically stated, "It is my hope that these convictions and sentences will dissuade those who seek to gain unlawful advantages in the political process for their personal gain...and at the expense of too many."

Obviously at the Moon Shine lounge, Town appears to have been accepting "unlawful advantages in the political process" for the personal gain of Alabama Power, Balch & Bingham, and their operatives.

Burt Newsome deserves justice. The residents of North Birmingham deserve justice. David Roberson deserves fairness. Town's alleged misconduct has been at the expense of too many.

We appreciate your consideration. Our good wishes to you.



K.B. Forbes
Chief Executive Officer
kb@cdu.org