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VIA FACSIMILE & E-MAIL

Hon. Lanny Breuer
Assistant Attorney General
Criminal Division
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20535

Denis McInerney
Public Integrity Section
12th Floor
10th Street & Constitution Avenue, NW
Washington D.C. 20530

Dear Mr. Breuer and Mr. McInerney:

I am making this communication and statement of grave concern on behalf of the full Democratic Party Caucus of the Alabama State Senate and House of Representatives. They are copied on this letter and you should consider this a joint communication. The purpose of this letter is to inform you that Department of Justice (“DOJ”) officials with the Public Integrity Section and Assistant U.S. Attorneys in the Middle District of Alabama have publicly disclosed a criminal investigation regarding activities of the Alabama legislature under circumstances which indicate a violation of DOJ policy and an unwarranted intrusion into the legislative process of the State of Alabama in violation of the principles of federalism.

On Thursday, April 1st, FBI agents, Assistant United States Attorneys from the Middle District of Alabama and attorneys with the DOJ Public Integrity Section summoned Republican and Democratic legislative leaders to a meeting in the Office of the Director of the Alabama Department of Public Safety. In the meeting, DOJ officials disclosed an ongoing criminal investigation involving a constitutional amendment regarding “electronic bingo” just passed by the Alabama Senate and under consideration by the Alabama House of Representatives. Electronic bingo is currently the most controversial political issue in Alabama, with Governor Bob Riley and Republican

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legislators leading the opposition to current bingo operations and passage of the constitutional amendment that would allow electronic bingo under certain circumstances. The timing, means, and motivation of this disclosure are highly suspect.

This strategic disclosure of such a highly sensitive investigation, and the unprecedented summoning of legislators to essentially inform them that their votes are being scrutinized by federal officials, inevitably creates a chilling effect on the legislators' exercise of their unquestioned duty to vote on pending legislation. In fact, I am advised that when asked by legislative leaders on how they should proceed with legislation- given that the measure had just passed the State Senate and that the Speaker of the House of Representatives is now required to assign the bill to committees for action in the State House- the attorneys with the Public Integrity Section stated, and I paraphrase: "I don't think you would want the citizens of the State of Alabama to be voting on legislation brought about by a corrupted process." It is clear to us that the disclosure was designed to influence the action of the House of Representatives. Moreover, if the legislation is enacted by both bodies of the Alabama Legislature, the unseemly disclosure will also have an impact on the fate of the constitutional referendum itself as well as statewide elections to be later this year.

As Attorney General Robert Jackson so cogently pointed out exactly seventy years ago almost to the day: "There can be no doubt that to be closely identified with the intrigue ... and the machinery of a particular party or faction may present the prosecuting officer with embarrassing alignments and associations. ...With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man, and then searching the law books, or putting investigators to work, to pin some offense on him." How true these words must ring in the ears of the Alabama legislators who have now been "admonished" that their votes are being watched by the United States Department of Justice.

The proposed referendum passed the Alabama Senate on Tuesday, March 30th, by a vote of 21 to 13, and if passed by the House of Representatives would be placed on the ballot for a decision by the people in November. Less than 72 hours after passage in the Senate and before the bill could actually be introduced in the House, the Alabama legislative leadership was informed of the federal investigation. There does not appear to be any legitimate law enforcement function in making such a disclosure at this particular time, but instead such disclosure appears designed to intrude on the functions of the Alabama legislature and perhaps influence an upcoming election in violation of DOJ policy. Is it now the policy of the Department of Justice, in the context of a criminal investigation and prosecution, to breach the time honored principles of federalism as

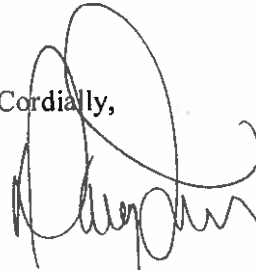
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between the federal executive branch and the deliberation of a state's legislative branch? We feel that this immediate crisis in Alabama warrants your utmost attention.

Please know that nothing in this letter should be construed or interpreted as an effort to thwart any ongoing investigation should there be a legitimate basis for proceeding. On the other hand, should you find that this investigation was instigated to affect the legislative process, pending legislation or elections, we urgently request that you either re-examine the Department's current policies and procedures or take appropriate disciplinary action with respect to those responsible.

Should you require additional information or if I can assist in any way, please do not hesitate to contact me.

Cordially,

A handwritten signature in black ink, appearing to read 'G. Douglas Jones', with a large, stylized initial 'G'.

G. Douglas Jones

GDJ/tmf

cc: Members of the Alabama Senate Democratic Caucus
Members of the Alabama House Democratic Caucus