



August 9, 2017

The Honorable Jeff Sessions
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue
Washington, DC 20005

Dear Attorney General Sessions:

The Project On Government Oversight (POGO) urges you to recuse yourself from any and all involvement in the ongoing investigation, including any prosecutions or plea negotiations, related to a public corruption case led by the Office of the U.S. Attorney for the Northern District of Alabama. A POGO report provides further details.¹

Just as you recused yourself from any matter involving the 2016 presidential election, we believe such a recusal is necessary and appropriate under the circumstances in this case.²

The Justice Department announced on June 22, 2017, charges of conspiracy, bribery, and fraud against an Alabama lawmaker for “accepting bribes from a Birmingham lawyer” at the law firm of Balch & Bingham, and from “an Alabama coal company executive” at Drummond Company. The lawyer and executive are under investigation relating to an alleged scheme to block the expansion of an Environmental Protection Agency Superfund site in Birmingham.³ The lawmaker has admitted to taking the bribes and pledged to cooperate with law enforcement.

Balch & Bingham and Drummond—respectively, your second and third largest sources of campaign funding during your Senate career—created political action committees that have contributed a combined total of approximately of \$300,000 to your Senate campaigns since the 1990s.⁴

As you know, several Balch attorneys have staffed your Senate office through the years.⁵ Currently, a high-profile deputy of yours—Jeffrey H. Wood, the Acting Assistant Attorney General of the Environment and Natural Resources Division—was a Balch partner up until he joined the Justice

¹ Adam Zagorin and Nick Schwellenbach, “Recusal Time, Again: Bribery Scandal Highlights Conflicts of Interest for AG Sessions and Links to Sen. Strange,” Project On Government Oversight, July 31, 2017. <http://www.pogo.org/our-work/articles/2017/jeff-sessions-recusal-time-again.html>

² Department of Justice, “Attorney General Sessions Statement on Recusal,” March 2, 2017. <https://www.justice.gov/opa/pr/attorney-general-sessions-statement-recusal> (Downloaded August 2, 2017)

³ Department of Justice, “U.S. Attorney Charges Former Alabama Legislator in Bribery Conspiracy,” June 22, 2017. <https://www.justice.gov/usao-ndal/pr/us-attorney-charges-former-alabama-legislator-bribery-conspiracy> (Downloaded August 2, 2017)

⁴ POGO review of Federal Election Commission data compiled by the Center for Responsive Politics.

⁵ Victoria Bassetti and Daniel Van Schooten, *At Least One-Third of Attorney General Nominee’s Top Donors Have Matters Involving the Department of Justice*, Project On Government Oversight, January 9, 2017. <http://www.pogo.org/our-work/reports/2017/at-least-one-third-of-attorney-general-nominees-top-donors-have-matters-involving-doj.html>

Department the day President Trump was inaugurated.⁶ Mr. Wood has properly recused himself from any matter involving Balch and has specifically listed the Superfund site in Birmingham in his recusal list.⁷

A Balch newsletter from December 2015 reports that its lobbyists met with you to discuss an emissions issue linked to the Birmingham Superfund site.⁸

Justice Department regulations state:

“...no employee shall participate in a criminal investigation or prosecution if he has a personal or political relationship with... [a]ny person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or ...has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.”⁹

Given your deep professional and political links to major players involved in what your Department has described as a “bribery conspiracy,” it is imperative that you recuse yourself from the Northern District’s case. Any involvement you have with the case could taint the investigation and cast a shadow on its outcome.

Sincerely,



Danielle Brian
Executive Director

CC:

Senator Charles Grassley, Chairman, Senate Judiciary Committee
Senator Dianne Feinstein, Ranking Member, Senate Judiciary Committee
Representative Bob Goodlatte, Chairman, House Judiciary Committee
Representative John Conyers, Ranking Member, House Judiciary Committee
Rod Rosenstein, Deputy Attorney General, Department of Justice
Scott Schools, Associate Deputy Attorney General, Department of Justice
Cynthia Shaw, Director, Departmental Ethics Office, Department of Justice
Robin Ashton, Counsel, Office of Professional Responsibility, Department of Justice

⁶ Testimony of Jeffrey H. Wood, Acting Assistant Attorney General, Department of Justice, before the House Judiciary Committee Subcommittee on Regulatory Reform, Commercial and Antitrust Law, June 8, 2017.

<https://www.justice.gov/opa/speech/acting-assistant-attorney-general-jeffrey-h-wood-environment-natural-resources-division>; U.S. Senate, “Q4 2016 Lobbying Report for Balch & Bingham, LLP.”

<https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=9D1C3AAC-3F6B-4784-A68F-99C1D990D7C5&filingTypeID=80> (All downloaded August 2, 2017)

⁷ Memorandum from Karen M. Wardzinski, Chief, Law and Policy Section & Designated Agency Ethics Official, to OAG, Section Chiefs, Deputy Section Chiefs, and Assistant Section Chiefs, regarding the recusal list for Jeffrey Wood, February 27, 2017. https://www.eenews.net/assets/2017/04/25/document_gw_06.pdf (Downloaded August 2, 2017)

⁸ Balch & Bingham, LLP, “Environmental Update: Alabama Environmental Management Commission Meeting of December 18, 2015.” <http://www.balch.com/-/media/files/insights/publications/environmental-update/files/december-2015/fileattachment/env-update-december-2015.pdf> (Downloaded August 2, 2017)

⁹ 28 CFR 45.2, “Disqualification arising from personal or political relationship.”