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April 1, 2010

*VIA U.S. MAIL and VIA FACSIMILE: 202-514-9508*

Mary Patrice Brown, Acting Counsel  
Office of Professional Responsibility  
950 Pennsylvania Avenue, N.W., Suite 3266  
Washington, D.C. 20530

**Re: Formal Complaint/Investigation of Passage of Alabama Senate Bill 380**

Dear Mrs. Brown:

Please consider this letter a written complaint regarding Leura G. Canary, the U.S. Attorney for the Middle District of Alabama; Federal Bureau of Investigation ("FBI") Special Agent D. Keith Baker, and FBI Special Agent John H. McEachern, III regarding their current investigation of the passage of Alabama Senate Bill 380 ("SB 380").

As you may be aware, the issue of electronic bingo has been a highly contentious political issue in the state of Alabama for more than a year. Over the course of several decades, Alabama voters have approved constitutional amendments allowing charitable bingo in certain counties. However, Republican Alabama Governor Bob Riley believes that electronic bingo devices do not constitute "bingo" and, therefore, are illegal. He has made eradicating electronic bingo (in non-Native American facilities) a priority, and frankly the sole substantive focus, of his administration. In December 2008, Governor Riley established a task force to investigate gambling operations throughout the state of Alabama and eliminate illegal activity, including what the Governor views as illegal slot machines disguised as electronic bingo. This task force (composed of agents and investigators from the Alabama Department of Public Safety and the Alabama Alcoholic Beverage Control Board, and the heads of those agencies) has since been instrumental in the seizure of electronic bingo devices. Meanwhile, the Alabama Legislature has been considering enacting revenue-raising legislation that would tax electronic bingo. The Governor has publicly denounced such legislation. Despite the Governor's vehement opposition, on the evening of March 30, 2010, the Alabama Senate passed a measure, SB 380, which would specifically legalize and tax electronic bingo in the state. It is anticipated that this measure will be taken up by the Alabama House of Representatives within the coming days.

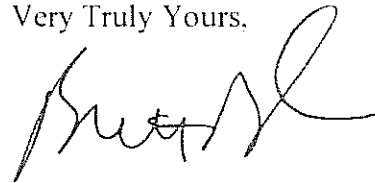
My client, Mr. Jarrod Massey ("Massey"), is a political consultant in Montgomery, Alabama. Early in the morning of March 31, 2010, just hours after the State Senate passed SB 380, Sergeant Joe Herman, an Investigative Operations Supervisor for the Alabama Bureau of

Investigation *and a member of the Governor's Task Force on Illegal Gambling*, FBI Special Agent D. Keith Baker, and FBI Special Agent John H. McEachern, III appeared at Massey's home. Sergeant Herman and Agents Baker and McEachern informed Massey that they were investigating allegations of bribery in connection with the passage of SB 380 and advised him that he had only until the end of the day in which to "cooperate" with their investigation to "save [your] butt." Massey denied any wrongdoing but agreed to speak with them with counsel present. The Agents told Massey that the lawyer he chose would have an impact on whether he would be allowed to "cooperate." Agents further made veiled, coercive threats in referencing Massey's young wife and two (2) children. Massey promptly contacted an attorney, but was advised by the Agents that they would not work with this attorney, or either of two other attorneys subsequently selected by Massey, because of apparent conflicts. Neither the Agents nor the Assistant U.S. Attorney, Lewis Franklin, identified the nature of these conflicts. The undersigned contacted both the Agents and the Assistant U.S. Attorney around 3pm on this same day and offered to meet. I was told that the "window of opportunity" for my client to cooperate was closed and that there was nothing further to discuss. When Massey did not "cooperate" before the deadline, Sergeant Herman and the FBI agents approached Massey's assistant, Jennifer Pouncy, and then questioned her in the Montgomery, Alabama, FBI office. Among other things, they specifically asked her about Massey's projected "vote count" in the Alabama House of Representatives.

The timing of this investigation, along with the presence of a member of the Governor's Task Force, strongly suggests that this investigation is intended to influence the Alabama Legislature in its consideration of electronic bingo legislation. By participating in this investigation, the FBI also appears to be, wittingly or not, attempting to influence the Legislature's vote on a highly political issue. Upon information and belief, Sgt. Herman has already reported the results of the investigation to Governor Reilly to defeat the pending legislation in the State House of Representation

We strongly agree that, if there is any evidence of wrongdoing in regards to SB 380, then it must be investigated. However, the investigation should not be performed under the direction of the current U.S. Attorney, with her close political ties to Governor Reilly, but rather by Main Justice in order to remove any hint of obvious political influence. Therefore, we ask that the investigation immediately be taken out of the hands of the FBI and the U.S. Attorney for the Middle District of Alabama, and that responsibility for the investigation be assumed by Main Justice.

Very Truly Yours,



**BRETT M. BLOOMSTON**

cc: U.S. Attorney General, Eric Holder  
Lanny Brewer, Assistant Attorney General (Criminal Division)