

LEURA CANARY STRIKES AGAIN: ALABAMA BINGO ARRESTS

The DOJ has just announced significant arrests in the long simmering Alabama Bingo case. This is huge news that will shake Alabama politics to the bone like nothing has since the Governor Don Siegelman persecution. From the official DOJ Press Release:

Eleven individuals, including four current Alabama state legislators, three lobbyists, two business owners and one of their employees, and an employee of the Alabama legislature have been charged for their roles in a conspiracy to offer to and to bribe legislators for their votes and influence on proposed legislation, announced Assistant Attorney General Lanny A. Breuer of the Criminal Division and Assistant Director Kevin Perkins of the FBI's Criminal Investigative Division.

The defendants are charged in an indictment returned by a grand jury on Oct. 1, 2010, in Montgomery, Ala., which was unsealed today. Various defendants are charged with a variety of criminal offenses, including conspiracy, federal program bribery, extortion, money laundering, honest services mail and wire fraud, obstruction of justice and making a false statement. They will make initial appearances today in U.S. District Court for the Middle District of Alabama before U.S. Magistrate Judge Terry F. Moorer.

"Today, charges were unsealed against 11 legislators, businessmen, lobbyists and associates who, together, are alleged to have formed a corrupt network whose aim was to buy and sell votes in the Alabama

legislature in order to directly benefit the business interests of two defendants, Milton McGregor and Ronald Gilley," said Assistant Attorney General Lanny A. Breuer of the Criminal Division. "The people of Alabama, like all our citizens, deserve to have representatives who act in the public's interest, not for their own personal financial gain. Vote-buying, like the kind alleged in this indictment, corrodes the public's faith in our democratic institutions and cannot go unpunished."

So, this is pretty interesting timing for this big prosecutorial move, no? It sure is. From today's report from the excellent Roger Shuler at Legal Schnauzer, who practices in the area and has covered this case from the outset:

The U.S. Justice Department is spinning today's actions as a legitimate probe focused on corruption connected to gambling legislation. But our sources have been saying for weeks that it is designed to affect the November elections. Polls show Republican Robert Bentley already leading Democrat Ron Sparks in the race for governor, and the arrests could help the GOP take over one or both houses of the Alabama Legislature, a long-stated goal of outgoing governor Bob Riley.

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Means and Ross are Democrats, Pruett is a Republican, and Smith is an Independent. That appears to be a relatively bipartisan target list. But there is little doubt that Canary and her prosecutors went after Democrats and others who oppose Gov. Riley and his efforts to shut down gaming in Alabama.

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So far, there is no word of an indictment on Sparks. But what does all of this say about the Obama administration? It already had a dreadful record on justice issues. And yet it backs a process where neither Gov. Riley nor any of his conservative backers who opposed gambling were apparently even investigated. We've seen no sign of a probe into the \$13 million in Mississippi gaming money that reportedly was spent to help get Riley elected in 2002. Canary seems to have focused only on pro-gambling individuals, who tend to be Democrats or Riley critics.

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What is this "investigation" all about? It looks like a thinly veiled effort to pay back Riley's Mississippi gaming supporters—who reportedly laundered money through Jack Abramoff, Michael Scanlon, and Ralph Reed—by shutting down competition in Alabama.

Yes, *very interesting* timing indeed. It was not enough that DOJ, Canary and Morris used the specter of investigation to influence an earlier legislative vote on the bingo issue (see [here](#) and [here](#)), there is now every appearance they are materially affecting a general election in Alabama. More importantly, the move flies in the face of the DOJ Public Integrity Section (PIN) rule against announcing major prosecutions just before elections if it can be avoided. Yet, by every appearance, that is exactly what was intentionally done here. Why? What were the exigent circumstances? The rumors of this action have been around for months; the DOJ could not have done it earlier or waited?

This prosecution is also very interesting because, you see, the Middle District of Alabama is where the right wing Karl Rove ally Leura Canary holds forth as the United States

Attorney. Another spot the Obama White House has just not seen fit (here may be why, and if so it is deplorable) to even find a nominee for, in spite of the hell she caused for Don Siegelman with ethically questionable tactics.

What is really fascinating is that the DOJ press release does not even mention Leura Canary. Not even once in passing; yet this is most assuredly her doing in conjunction with Governor Bob Riley. Here is a report from Legal Schnauzer this April on Canary's involvement:

According to press reports, representatives from the Office of the U.S. Attorney for the Middle District of Alabama played a key role in Thursday's meeting. Bush appointee Leura Canary, who oversaw the prosecution of former Democratic governor and Bob Riley opponent Don Siegelman, remains in the charge of that office. Alabama's two Republican U.S. Senators, Richard Shelby and Jeff Sessions, have scuttled various Obama nominees for the position, and the White House, so far, has chosen not to fight for the two candidates (Michel Nicrosi and Joseph Van Heest) favored by Democrats.

Canary's lingering presence in office almost certainly is driving the bingo investigation. Angela Tobon, an FBI special agent in Mobile, Alabama, told The Birmingham News that the Public Integrity Section (PIN) of the Justice Department is leading the inquiry. Tobon refused to elaborate when contacted by a reporter from the Montgomery Advertiser.

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Does that mean Leura Canary was able to take advantage of a leaderless organization, contacting "loyal Bushies" still embedded in the Justice Department to help get PIN involved in a bogus Alabama operation?

It sure looks that way.

Why would the Obama/Holder DOJ be masking the central involvement of right wing Rove ally Leura Canary?

But wait, it gets even better! Who else is working this case that is the pet wet dream of right wing Alabama Governor Bob Riley, attached to the hip of Alabama gaming bigwigs that do NOT want the bingo competition? Why none other than Brenda Morris the disgraced former DOJ "Public Integrity" official who's butt was on the chopping block for all of the egregious prosecutorial misconduct in the Ted Stevens case that led to dismissal of the charges and a criminal investigation to be opened by the court. Here is what I wrote last April about Morris' involvement:

Morris has promptly inserted herself into another high charged political mess, and done so with questionable ethics and curious basis for involvement. From Joe Palazzolo at Main Justice:

Brenda Morris, a veteran trial lawyer in the Criminal Division's Public Integrity Section, was among a group of federal law enforcement officials who met with Alabama legislators on April 1 to inform them of the probe, which is related to a proposed amendment to the state constitution that would legalize electronic bingo.

The investigation has inflamed tensions between state Democrats and Republican-appointed U.S. Attorney Leura Canary, who prosecuted former Gov. Don Siegelman (D) and whose husband has close ties to Republican Gov. Bob Riley, who strongly

opposes the amendment. Canary's office and the Public Integrity Section are jointly investigating bingo proponents' quest for votes in support of the amendment, which the Senate passed on March 30.

The state House of Representatives has yet to vote. Alabama Democrats sent a letter to the Lanny Breuer, the head of the Justice Department's Criminal Division, charging that the "unprecedented" disclosure of the investigation was meant to have a "chilling effect" on state legislators who otherwise might have voted for the amendment.

Here, from the [Alabama Press Register](#), are a few quotes from local Alabama legal experts familiar with the facts and history:

Doug Jones, a former U.S. attorney now in private practice in Birmingham, called the private meeting a "virtually unprecedented" break from standard FBI procedures.

"I can't think of a legitimate law enforcement purpose to do something like this," said Jones, who represents members of the Alabama Democratic Caucus.

"I have never, in all my years of practicing law, heard of an event like what happened (on Thursday)" said Mobile County District Attorney John Tyson Jr. "It was stunning to me."

Former U.S. Attorney William Kimbrough of Mobile said he'd seen nothing like it in a legal career that spans nearly five decades.

So what in the world was Brenda Morris doing smack dab in the middle of such a contentious political mess and how could the Obama/Holder DOJ think it appropriate? The answer is hard to fathom. Morris was supposed to have been tasked to the Atlanta US Attorney's office as a litigation attorney while she is being investigated by the court for criminal contempt from her last case. You really have to wonder who is running the asylum at DOJ Main to think that there could ever be positive optics from Morris being involved in anything politically contentious.

The bottom line is, the DOJ and Leura Canary have hatched open an ugly can of worms, at the most prejudicial moment possible, with far ranging effects on local politics. Just what should be avoided at all cost. And they have done so in a flammable tinderbox situation and location through as tainted and ethically questionable prosecutors as can be imagined under the circumstances. One would have hoped that this type of prejudicial timing of prosecutions ended with the Bush/Cheney Administration; clearly it did not.

UPDATE: The DOJ has now made the statement that Leura Canary and the rest of her office, save for two individuals, are recused from the bingo case:

Breuer said Assistant U.S. Attorneys Louis V. Franklin and Steve P. Feaga from the Middle District of Alabama are assisting in the prosecution. But the Assistant Attorney General said the U.S. Attorney's office is otherwise recused

from the case. He declined to comment on the reason for the recusal.

Of course, Leura Canary saying she has recused herself in favor of Louis Franklin has a proven history of questionable veracity. Not to mention, of course, Canary's involvement in the critical workup including the first wrongful impingement on the Alabama legislative function described above.