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Indictments in superfund bribery case no win for Alabama citizens

By Josh Moon

Alabama Political Reporter

If you believed the bribery scandal that emerged from a scheme to undermine the cleanup of an EPA superfund site in North Birmingham would turn into a massive scandal that brought down the state's biggest political operatives and deal a blow to political corruption in Alabama, well, you probably haven't lived here long enough to know better.

Because it's not.

The new U.S. Attorney for the Northern District of Alabama, Jay Town, made that clear at a press conference on Thursday in Birmingham.

This massive scandal involving one of the country's largest coal companies, one of the largest and most influential law firms in Alabama and elected officials was carried out by ... just four guys.

And only those four.

Joel Gilbert and Steven G. McKinney from Balch and Bingham, David Roberson from Drummond Coal and former state Rep. Oliver Robinson.

Nobody else!

Are you sure there wasn't someone else, the media gathered in Birmingham repeatedly asked Town.

Not that we're aware of, came the reply over and over.

Which, of course, seems farfetched. Like, plot of *The Fast and the Furious*-level unbelievable.

Let me explain why.

So, this superfund, as Town pointed out Thursday, came about when testing in northern Birmingham areas found high levels of chemicals associated with coal processing. The EPA designates an area of pollution, determines the responsible party(ies), starts cleanup and then begins working on forcing those responsible to pay for it.

Drummond, and its ABC Coke plant, was on the hook for millions almost immediately. And had the EPA continued to expand its testing area, which it was planning to do, the company would've been on the hook for even more.

So, Drummond and its attorneys from Balch set about doing everything possible to stop this superfund, entering a "consulting" contract with Robinson. In exchange for \$360,000 over two years, Robinson used his public office and connections around Birmingham and the state to attempt to squash the EPA's planned expansion.

Balch kept this contract with Robinson a secret – such a secret in fact that the Balch accounting office would remove any mention of Robinson's foundation when noting payments.

And that's Part One of why there's no way anyone should believe that only two Balch attorneys were involved.

You're telling me that \$360,000 went out of that place over two years to an unnamed entity and NO ONE else knew?

Stop it.

Also, that \$360,000 didn't materialize out of thin air. It came from somewhere, and it sure didn't come from Balch attorneys' pockets.

So, this one Drummond executive, Roberson, can send out \$360,000 extra – on top of the astronomical attorneys' fees already being paid out – and no one stops by the office to make sure ol' Roberson doesn't have a coke habit?

Again, stop it.

Big companies don't get to be big companies without at least semi-competent accounting and money management.

But there's also a Part Two to why you shouldn't believe this fairytale.

We KNOW other public officials were involved in this. We know Luther Strange was up to his eyeballs in it.

Strange mysteriously inserted himself and his office into this mess, writing two letters to the EPA and assuring the agency that the state of Alabama would not be cooperating. The head of Alabama's Department of Environmental Management said flatly when asked that it never asked Strange to get involved, and ADEM was undeniably tasked by Gov. Robert Bentley to handle this issue.

So why did Strange get involved?

As always, the answer seems to be money.

Within days of each letter landing in the EPA's mailbox, \$25,000 in donations from Drummond found its way into Strange's campaign accounts.

It stinks. And we all know it stinks.

And that's why what happened on Thursday is no win for good people over corruption. While four guys could be going to jail, a large company will benefit by the millions for its crooked acts and a lawfirm will have raked in thousands for helping facilitate this scheme, all while poor people and children suffer on toxic ground.

That's not a win. It's just more of what we've come to expect around here.

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