

# Lawyer asks AG for documents related to Luther Strange, 35th Avenue Superfund site

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10/17/2017



**By Brandon Moseley**

Alabama Political Reporter

Attorney David A Ludder, who is representing the environmentalist group GASP, is asking Attorney General Steve Marshall (R) to hand over documents that then AG Luther Strange (R) may have written or received concerning the controversial 35<sup>th</sup> Avenue Superfund site in North Birmingham.

As Attorney General, Luther Strange actively opposed a proposed expansion and prioritization of the 35<sup>th</sup> Avenue site, by the Environmental Protection Agency.

Ludder wrote: "Pursuant to Ala. Code § 36-12-40 and on behalf of GASP – a nonprofit organization dedicated to the reduction of air pollution through education and advocacy – I request permission to inspect the following records: All electronic mail records, letters, or other records of communications between Luther Strange or any employee or agent of the Office of the Attorney General, and any employee or agent of Balch & Bingham LLP concerning EPA, Drummond Company, Inc., ABC Coke, or the '35th Avenue site' in Birmingham dated, created or received after April 1, 2014. All electronic mail records, letters, or other records of communications between Luther Strange or any employee or agent of the Office of the Attorney General and any employee or agent of Drummond Company, Inc. concerning EPA, Drummond Company, Inc., ABC Coke, or the '35th Avenue site' in Birmingham dated, created or received after April 1, 2014. All electronic mail records, letters, or other records of communications between Luther Strange or any employee or agent of the Office of the Attorney General and any employee or agent of ABC Coke concerning EPA, Drummond Company, Inc., ABC Coke, or the '35th Avenue site' in Birmingham dated, created or received after April 1, 2014. All electronic mail records, letters, or other records of communications between Luther Strange or any employee or agent of the Office of the Attorney General and any employee or agent of Drummond Company, Inc. concerning contributions to any political campaign of Luther Strange dated, created or received after April 1, 2014."

The U.S. Attorney's office claims that State Representative Oliver Robinson, D-Birmingham, received up to \$360,000 from the powerful law firm, Balch & Bingham, on behalf of their client, Drummond Company, which owns ABC Coke. If the state of Alabama had agreed to the controversial EPA proposal, ABC Coke – a subsidiary of Drummond – would have been one of the five companies billed perhaps tens of millions of dollars to pay for the cleanup. Rep. Robinson allegedly was paid through a charity he ran to fight the EPA proposal to expand the cleanup

to include Inglenook and Tarrant. Robinson pleaded guilty to bribery, corruption, tax evasion and fraud in September.

On September 26, U.S. Attorney for the Northern District of Alabama, Jay E. Town, announced that a federal grand jury has indicted Joel Iverson Gilbert and Steven George McKinney, both partners in the Birmingham law firm, Balch & Bingham L.L.C., and David Lynn Roberson, vice president of government and regulatory affairs for Drummond Company on charges of conspiracy, bribery, wire fraud and money laundering.

The indictment charges that the three paid Robinson to take official action favorable to their interests in connection with preventing the expansion and prioritization of an Environmental Protection Agency Superfund site in North Birmingham.

As attorney general, Luther Strange strongly opposed expanding the site and sent two letters to the EPA demanding that the federal agency not expand and prioritize cleanup at the site.

U.S. Attorney Jay E. Town, however, dismissed suggestions of a much wider conspiracy. He said that, "Those contacts at Drummond and Balch were in my opinion duped by the conspirators." The conspirators, "Did not share all of the details with the principals at Balch and at Drummond."

"You don't get to buy politicians," Town said.

Strange left his position as AG when then Gov. Robert Bentley (R) appointed him to the U.S. Senate. Judge Roy Moore defeated Strange in the special Republican primary runoff.