

Records show Sessions, Strange put donors' interest first

Updated Mar 11; Posted Mar 11



Oliver Robinson fought the EPA because he got paid, but Jeff Sessions and Luther Strange gave their help for free -- unless you count the campaign donations. (*file*)

By [Kyle Whitmire](#)

kwhitmire@al.com

When state Rep. Oliver Robinson used the mantle of his office to fight an environmental cleanup effort in north Birmingham, he did so because he was paid.

He spoke out in public meetings. He copied and pasted letters written for him by alleged co-conspirators onto his official letterhead. He encouraged people who lived in those polluted neighborhoods to not get their soil tested for toxic substances.

Again, he did all this because he was getting paid. He said so in his plea deal with federal prosecutors.

But when those same folks -- the ones accused of paying Robinson -- needed help from then-Sen. Jeff Sessions and then-Alabama Attorney General Luther Strange, they got their help for free.

At least if you don't count the campaign donations.

Sessions fought EPA cleanup

Not long after Sessions became United States Attorney General, he recused himself from the the Justice Department's investigation of Russian meddling in the 2016 election. In an interview with Tucker Carlson, he defended his decision this way:

"Recusal is not an admission of any wrongdoing," Sessions said. "It's simply ... whether or not you can be perceived as fairly deciding a case or evaluating a case."

Most impartial spectators, if not the president, agreed Sessions' decision to step away from that investigation was a sound one.

But if Sessions had good reason, even if for appearances only, to recuse himself from the Russia investigation, he has a long list of reason to step away from the Robinson case, and yet he hasn't, even when pressed on it by one of his former colleagues, Sen. Patrick Leahy.

First, his Senate office has been a recruiting ground for the law firm at the center of the Robinson corruption scandal, Balch & Bingham, and Balch partners have represented Sessions personally, including in his confirmation hearings last year.

Second, the firm was Sessions' second largest campaign contributor.

Third, Drummond Co. -- whose vice president, David Roberson, is now under indictment for bribing Robinson -- was Sessions' third largest campaign contributor.

But this week, an investigation by the Project on Government Oversight and Mother Jones revealed just how deeply involved Sessions and his Senate office were in fighting the EPA's cleanup efforts in north Birmingham.

According to records obtained by POGO, Sessions and his staff coordinated with other lawmakers and put intense pressure on the EPA in 2016 to prevent the site from being added to the National Priorities List.

That NPL designation could have left polluters in north Birmingham, including Drummond Co., on the hook for cleanup costs.

Full circle

Preventing the NPL designation is why, according to federal prosecutors, Roberson and two lawyers from Balch & Bingham, Joel Gilbert and Steve McKinney, conspired to bribe Robinson to fight the EPA.

Sessions' efforts to thwart the EPA and the alleged scheme to bribe Robinson were effectively working toward the same goal.

Shortly after accepting an appointment to be the United States Attorney for the Northern District of Alabama, Jay Town said he believed Gilbert, McKinney and Roberson acted alone in the alleged corruption scheme with Robinson. Their employers, Drummond Co. and Balch & Bingham, were not accused of any crimes, and the investigation essentially ended there.

Town's boss is Sessions.

Strange bedfellows

Sessions wasn't the only public official resisting the NPL designation. The Alabama Attorney General's office has been pushing back, too, all while communicating and coordinating about it with Balch lawyers, according to emails obtained by AL.com through a public information request.

On Oct. 23, 2014, Strange sent a formal letter to the EPA, calling the NPL listing "premature" and "futile." It has been pointed out before, this letter followed less than a week after Drummond Co. contributed \$25,000 to Strange's reelection campaign, and Drummond was Strange's third largest donor in that election cycle.

What hasn't been evident before was how closely Strange's office and the Balch lawyers Gilbert and McKinney were working together.

When Strange's administrative assistant emailed the letter to the EPA, she blind carbon copied three lawyers in the Alabama Attorney General's office -- and Gilbert at Balch.

Essentially, Strange's office was letting Gilbert read their correspondence with the EPA without the EPA knowing Gilbert could see it.

And the Attorney General's office's coordination with Gilbert didn't stop there. Additional emails show that Robert Tambling, the chief of the environmental section, followed up on Nov. 4, 2014, after the EPA apparently failed to respond to Strange's first letter.

Tambling immediately forwarded a copy of his email to the EPA to Gilbert at Balch, writing to him, "Joel, Hope this helps. RT"

A few minutes later, Gilbert wrote back, "Can't hurt ... Thanks."

Where are the good guys?

At the heart of Robinson's crimes was his betrayal of his constituents, but the reality is, Robinson's old Alabama House district was mostly adjacent to the affected area. He shared few actual constituents in the Superfund site or a proposed expansion of the site.

However, two former Alabama elected officials can't say the same.

As a senator, Sessions' district was the entire state. Likewise, as Alabama Attorney General, Luther Strange was supposed to look after the interests of every Alabamian.

But when those folks in Tarrant, Inglenook, Collegeville needed someone to look out for their interests, who was there to represent them?

It wasn't Jeff Sessions.

Nor was it Luther Strange.

Kyle Whitmire is the state political columnist for the Alabama Media Group.

Want access to the best analysis and in-depth reporting about Alabama each week? Sign up for the weekly Reckon Report newsletter and follow Reckon on Facebook and Twitter.