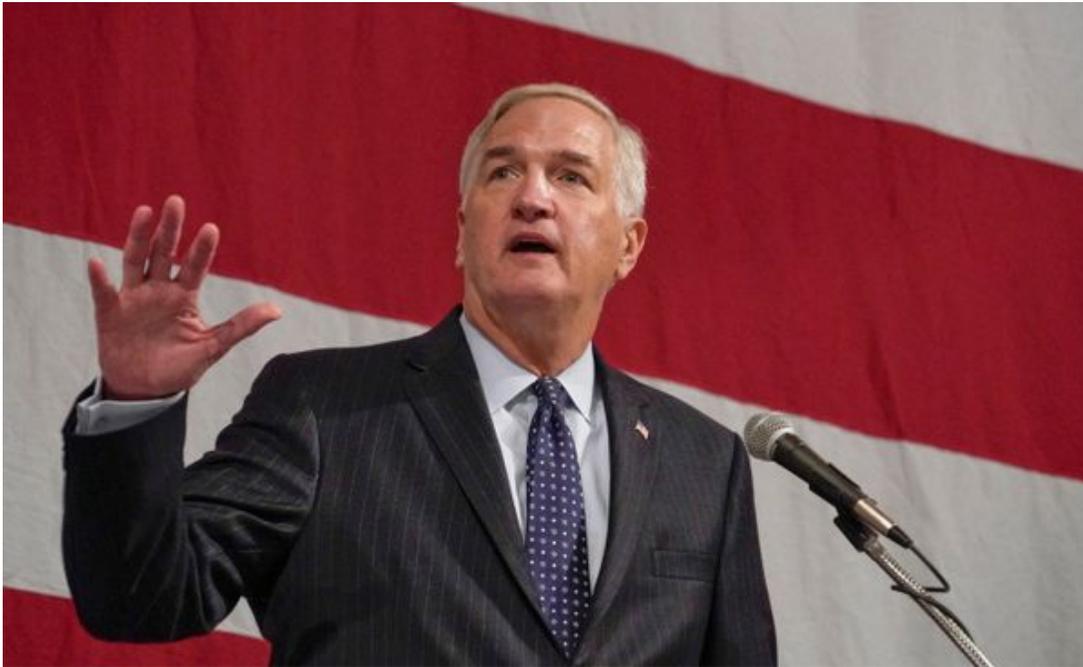


Documents suggest Balch ghostwrote Strange letter to EPA

Updated 12:51 PM; Posted 11:25 AM



In 2015, Then-Alabama Attorney General signed and sent a letter to the EPA questioning its plans to clean up north Birmingham neighborhoods, but a tracking number left on the document suggests it was written by a polluter's law firm, Balch & Bingham. (Bob Gathany / bgathany@AL.com)(*Bob Gathany*)

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In January 2015, the Alabama Attorney General's office sent [a blistering letter to the Environmental Protection Agency](#). The letter questioned the EPA's efforts to add a north Birmingham Superfund site to its National Priorities list, a designation that could have fast-tracked cleanup and put polluters on the hook for the cost.

Then-Alabama Attorney General Luther Strange signed the letter.

However, a document tracking number on all but one of the letter's 23 pages would indicate the letter wasn't written by Strange or state lawyers at all, but rather by the Birmingham law firm Balch & Bingham.

That law firm and the north Birmingham Superfund site are at the center of a public corruption scandal that has already snared one former Alabama lawmaker and led to the indictments of two Balch lawyers, Joel Gilbert and Steve McKinney, and Drummond Co. vice president David Roberson.

Last year, the Alabama Media Group requested all correspondence between the Alabama Attorney General's office and Balch and Bingham regarding the north Birmingham Superfund site. Last month, the Alabama Attorney General's office produced records in response to that request. While those records showed state lawyers and Gilbert had cooperated in opposing the EPA's cleanup efforts, the state did not turn over any correspondence showing Balch lawyers wrote any of the state's filings with the EPA.

But the number at the bottom of the state's own documents suggests the state's open records response is incomplete.

The tracking number

It is common practice among law firms to add document tracking numbers to the firm's work product. Typically such numbers are issued sequentially, much like serial numbers, as documents are created.

Tracking numbers typically also have a decimal, with numbers after the decimal indicating the version number to prevent confusion between different drafts of the same number.

Strange's letter to the EPA has the tracking number 1368229.11.

Tracking numbers do not show on other court filings or legal documents created by the Alabama Attorney General's Office.

However they do appear on other documents created and filed by Balch. A sampling of Balch filings from 2014 and 2015 shows that the seven-digit tracking numbers on documents created by Balch began with 135 or 136.

The letter, oddly, duplicated the first page. One copy of the first page carries Strange's official letterhead. On the duplicate page, the space for the letterhead is blank.

Requests for comment or explanation sent by email and voicemail and to Balch and the Alabama Attorney General's office and a text message to Alabama Attorney General Steve Marshall were not answered.

Not the first time

If Balch did write the letter for Strange, it wouldn't be the first time the firm's lawyers had ghostwritten something related to the north Birmingham Superfund site.

According to federal prosecutors, Balch lawyers wrote letters for Robinson, who put on his official letterhead before submitting them to Alabama Environmental Management Commission.

Last year, Robinson pleaded guilty to federal corruption charges. In his plea agreement he admitted he sent the letters written by Balch because he was paid by Balch and the Roberson.

Also, federal prosecutors said, the Balch lawyer Gilbert wrote a joint resolution voicing opposition to the EPA's efforts. State Sen. Jabo Waggoner sponsored that resolution in the Alabama Legislature, which approved it.

No further defendants

When announcing the indictment of Gilbert, McKinney and Roberson last year, newly appointed United State Attorney Jay Town said he believed that those three defendants and Robinson had acted alone and without the knowledge of their employers. Town's pronouncement effectively closed the investigation.

Then a sitting United States senator, Strange would have had considerable influence in Town's confirmation, and Town worked on Strange's 2010 and 2014 campaigns for Alabama Attorney General.

Town's boss is Attorney General Jeff Sessions, who has numerous ties to Balch and who previously, as a United States senator, fought the NPL listing of the north Birmingham superfund site. Balch was Sessions's second-largest campaign contributor. Drummond Co. was Session's third-largest campaign contributor.

The non-profit government watchdog Project on Government Oversight has previously called for Sessions and Town to recuse themselves from the investigation of political corruption surrounding the north Birmingham Superfund site. Neither official has formally removed themselves from the case.

Drummond Co. was also Strange's third largest campaign donor in the 2014 election cycle, contributing \$75,000.

One contribution of \$25,000 preceded a 2014 letter Strange sent to the EPA by less than one week.

Another \$25,000 contribution from Drummond followed about a month after Strange's second letter to the EPA.

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

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2015.01.20 AG Comment to EPA by Kyle Whitmire on Scribd