

To the House & Senate Judiciary Committees:

We, the undersigned former state attorneys general – both Democrats and Republicans – urge the U.S. Congress to investigate the circumstances surrounding the investigation, prosecution, sentencing, and detention of Don Siegelman, the former governor of Alabama. As the former chief law enforcement officers for our respective states, we honor the rule of law, the sanctity of juries, and the important deterrent effect of prosecution and – in most cases -- incarceration. We are also reticent to argue the facts of a case where we have not had an opportunity to personally review each piece of evidence and its relationship to the applicable law.

However, as numerous national and state media have pointed out, there is reason to believe that the case brought against Governor Siegelman may have had sufficient irregularities as to call into question the basic fairness that is the linchpin of our system of justice. We urge the Congress to take immediate action to investigate this entire matter so that the public may be assured that the outcome is just.

While we do not know all of the facts of this case, we do know the following:

- (1) Governor Siegelman is currently incarcerated at a Bureau of Prisons facility, having been refused release on bail pending appeal. Indeed, he was even denied 45 days to report to prison to give him time to put his affairs in order, an opportunity which is commonly granted.
- (2) A lawyer who had worked in the campaign of Governor Siegelman's opponent in the 2006 gubernatorial contest has sworn in a recent affidavit that the spouse of the federal

prosecutor in this case stated that his wife and another federal prosecutor would “take care of” Mr. Siegelman and that he had talked with a political operative for the White House concerning such assurances.

(3) In an unrelated but recent case, a low-level employee in another state administration was prosecuted and convicted by another U.S. Attorney before a U.S. Court of Appeals ordered her immediate release from prison and reversed the trial verdict calling the prosecution evidence “beyond thin.”

(4) Another former Governor of Alabama was convicted of corruption charges a few years ago in a case where he personally benefited from his action and was sentenced to probation. That case was handled by the same lead prosecutor as in the Siegelman case.

(5) The sentence sought by the prosecutor in Governor Siegelman’s case -- 30 years -- was excessively disproportionate, and the sentence imposed -- 7 years, 4 months -- was harsh.

(6) While we are not privy to all the evidence, we are aware that there are numerous apparently legitimate (and arguably compelling) appealable issues in this case, as confirmed by a number of legal scholars. There have been allegations of jury misconduct and the possible introduction of extrinsic evidence into the jury deliberation process that have not been fully investigated. For this reason, and because Governor Siegelman is not in any way a flight risk, the denial of a bond pending appeal appears inappropriate, and the shackling of the Governor in handcuffs and leg irons as he was taken out of the courtroom was shocking.

The U.S. justice system should be above reproach. The only way to convince the public that the Governor is not the victim of a politically motivated double-standard is for Congress to investigate all aspects of the case thoroughly.

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