

February 8, 2016

Hon. Loretta Lynch  
United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

Hon. George Beck  
United States Attorney  
Middle District of Alabama  
131 Clayton Street  
Montgomery, AL 36104

Dear General Lynch and U.S. Attorney Beck:

We are writing this letter collectively as members of the Alabama Legislature requesting that your respective offices open an investigation into an issue that has troubled and concerned members of our Legislature and many of our constituents. Based on recent information that has become available through a public court filing, it appears that Alabama Attorney General's office is allowing one of its prosecutors, Miles M. "Matt" Hart, to improperly use a grand jury to conduct discovery on one of our members, Speaker of the House Mike Hubbard. Recent information also establishes that Mr. Hart has provided selective information obtained through the grand jury to a political opponent of Mr. Hubbard in a deliberate attempt to influence an election.

Attorney Baron Coleman has set forth in the attached affidavit that he was a political consultant who helped organize and run the race for Sandy Toomer, Speaker Hubbard's opponent in his 2014 re-election campaign. Mr. Coleman has revealed, under oath, that Mr. Hart—who is the Chief of the Special Prosecution Division of the Alabama Attorney General's Office—provided him with confidential grand jury information to be used in a political campaign to defeat Speaker Hubbard. Mr. Coleman states that he had between fifty and one hundred conversations with Mr. Hart and that he used the information he gained from these conversations, including confidential grand jury information, to "create a 'whisper campaign'" in Lee County, which is Speaker Hubbard's district. Mr. Coleman states that, among other things, Mr. Hart provided him with the identities of individuals testifying before a Lee County grand jury, assurances that the investigation would result in the indictment of Speaker Hubbard, and assurances that the Attorney General's Office had sufficient information to counter any perceived prejudice or trouble inside the office. These "assurances" that Speaker Hubbard would be indicted occurred before the grand jury finished hearing testimony. Mr. Coleman further states that "each piece of information came from Matt Hart and was provided to the citizens of Lee County by others and me with confidence that it was true."

Mr. Coleman also reveals in his affidavit that Mr. Hart threatened to bring him in front of the grand jury if he ever revealed that he had "a pipeline of information out of the Attorney General's Office." When Mr. Coleman received a subpoena from Speaker Hubbard's defense attorneys, Mr. Coleman reveals in his affidavit that Mr. Hart contacted him and advised that he would "work with me on answers to potential questions concerning Speaker Hubbard, the grand jury proceedings, and information he provided to me."

In addition to the sworn statements of Mr. Coleman that Mr. Hart provided information to him in an attempt to influence Speaker Hubbard's election, the indictment against Speaker Hubbard was handed down a mere two weeks before the general election. The timing of the indictments, coupled with Mr. Coleman's sworn testimony and the statements of others, as set forth below, gives our members grave concerns that the Alabama Attorney General's Office has used the powers of its office in a coordinated effort to defeat Speaker Hubbard in his election.

Alabama Attorney General Luther Strange has publicly stated that he has recused himself from the matter regarding Speaker Hubbard. We can only assume that General Strange does not believe that he has the power to overrule, discipline, or investigate Mr. Hart and his activities. It is clear that no investigation into Mr. Hart will go forward regardless of the complaints against him or the sworn testimony that he has violated the law and has used the Attorney General's Office as a political weapon against Speaker Hubbard.

The interests of justice require that a full, unbiased investigation be made into the sworn statement by Mr. Coleman and the allegations of others that Mr. Hart is using the grand jury process to influence political elections and to silence the First Amendment rights of private citizens. This investigation cannot be conducted by General Strange, due to his bias as well as his position that he is recused from all aspects of Mr. Hart's investigation into Speaker Hubbard. Furthermore, we believe that General Strange has future political ambitions that may politically influence the manner in which an investigation would be conducted in this high profile matter against Speaker Hubbard, were someone in his office to conduct such an investigation.

As summarized by a respected Alabama political commentator after the publication of Mr. Coleman's affidavit, "the AG's office has turned into a quasi-Secret Police force able to wield the ultimate power of the government to do as it pleases. How is it that Alabama's elected Attorney General is able to unleash unelected state employees to prosecute cases that could be politically advantageous to him? When chaos ensues he, what, throws his hands up and says 'but I recused myself'? This is not what justice looks like, at least not in America, and certainly not in Alabama." While we agree that this is not what justice looks like in America, we in Alabama are gravely concerned that justice is not being served and that the Alabama Attorney General's Office is allowing its power to be used to collect information against a political adversary and then using the information to unduly influence an election in which the adversary is involved.

For the sake of all involved—including Speaker Hubbard, Mr. Hart, General Strange, and the citizens of Alabama—this matter and these claims should be thoroughly investigated by an unbiased body with the resources and experience to do so. It is our hope that Attorney General Strange will join us in asking the Justice Department to conduct an investigation into these matters involving his office to ensure that the rights of Speaker Hubbard and all Alabama citizens, those rights guaranteed to us in the Constitution of the United States, are protected. The pursuit of justice should be void of politics. Only a thorough investigation of all the facts will reveal whether the investigation into Speaker Hubbard became a political tool used to unduly influence his election.

Cc: Luther Strange  
Alabama Attorney General

Mike Hill  
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Robert Johnson  
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Paul w Lee  
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Chris Sells  
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Mack Butler 30  
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April Weaver  
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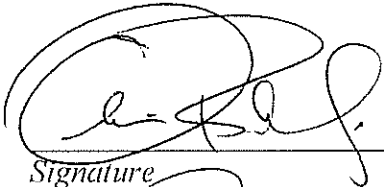
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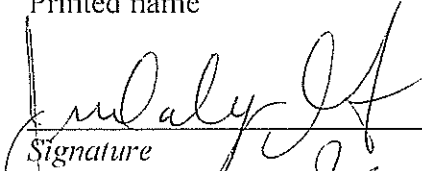
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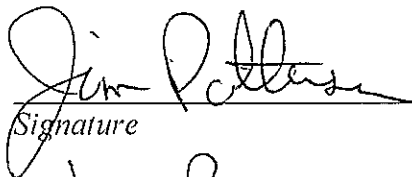
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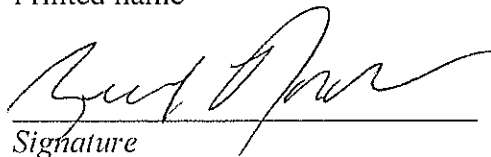
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Jim PATTERSON

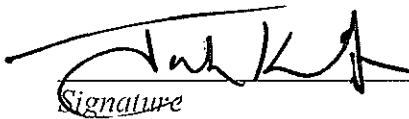
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Becky Nordgren

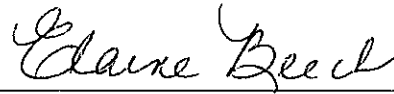
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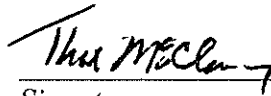
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Anthony Daniels

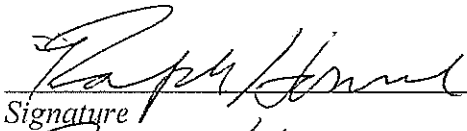
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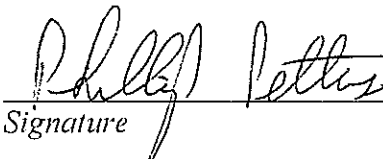
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Ralph Howard

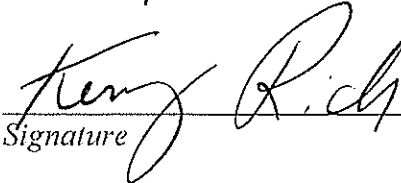
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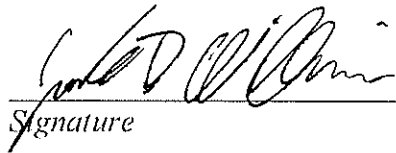
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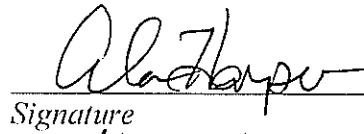


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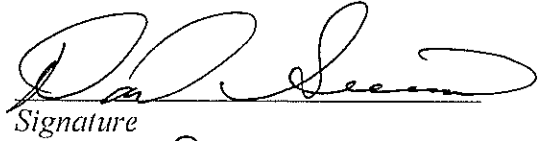
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David Sessions  
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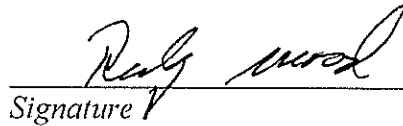
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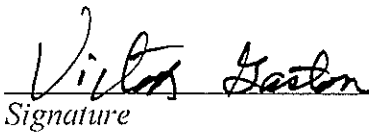
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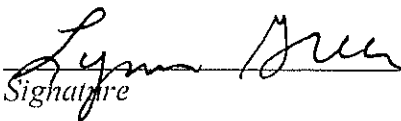
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Victor GASTON  
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Lynn Greer  
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IN THE CIRCUIT COURT OF LEE COUNTY, ALABAMA

STATE OF ALABAMA )  
 )  
v. ) Case No. CC 2014-565  
 )  
MICHAEL GREGORY HUBBARD, )  
 )  
Defendant. )

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AFFIDVIT OF BARON COLEMAN

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1. My name is Baron Coleman. I am over the age of 19 and a resident of Montgomery County, Alabama.

2. I am a licensed attorney in the State of Alabama. In addition to practicing law, I provide political consulting work, write articles published by media, have co-hosted a TV political show, and have a daily radio show.

3. I have had knowledge of the State of Alabama's investigation of Speaker Mike Hubbard from the very beginning. I have had between 50 and 100 conversations with Matt Hart, Chief of the Special Prosecutions Unit. These conversations were in reference to the Mike Hubbard investigation and the Lee County Special Grand Jury.

4. I recently sought the opinion of the General Counsel of the Alabama State Bar and the opinion and advice of an attorney on whether Rules 8.3 and 8.4 of the Alabama Rules of Professional Conduct compel me to make a statement to this tribunal on a number of issues that have occurred over the past few years.

5. It would be impossible to put into writing the content of the numerous phone calls and conversations with Matt Hart over the past few years. During the course of the investigation, Matt Hart and I had long and detailed conversations about the investigation including information I concluded was discussed in the Lee County Special Grand Jury. Many of those conversations have been lost to time. However, I will identify for the sake of providing this tribunal with a general understanding of some of the conduct and conversations that may have risen to a violation. I wish to comply to the best of my ability with the advice provided by the General Counsel of the Alabama State Bar, my understanding of Rules 8.3 and 8.4 of the Rules of Professional Conduct, and my conscience.

6. Matt Hart was aware of my professional activities, particularly in the area of political consulting. At one point, Matt Hart told me in January 2014 it was a good thing for him and his office that I was in the political world "wheeling and dealing" and doing political things.

7. During the 2014 primary campaign, I was a consultant on the campaign for Mike Hubbard's political opposition, Sandy Toomer. During this campaign, Matt Hart and I had frequent conversations about the state and nature of the political race, including that I planned to spend one million dollars against Hubbard, the nature of polling information, and what we were doing in the race. I used information provided to me by Matt Hart against Mike Hubbard in an attempt to defeat Hubbard.

8. I used the information from Matt Hart to create a "whisper campaign" in Lee County. We visited many homes during the election cycle in order to get this information out in the public. We targeted the individuals in the community that were well known and knowing they would repeat what we told them. When we would leave from meeting with these individuals, they would have been told critical information from the investigation of Mike Hubbard in an effort to prejudice those individuals against Mike Hubbard. This information included the identities of people testifying in front of the Grand Jury, assurances that the investigation would result in the indictment of Mike Hubbard, and assurances that the Attorney General's office had sufficient information to counter any perceived prejudice or trouble inside the office. Each piece of information came from Matt Hart and was provided to the citizens of Lee County by others and me with confidence that it was true.

9. When defense attorneys began complaining about a Grand Jury leak involving Representative Ed Henry, Matt Hart called me to Lee County and spent close to an hour talking to me about it in the parking lot of the Lee County Justice Center. I had told Joe Hubbard some information that I learned about the Lee County Special Grand Jury. Joe Hubbard allegedly told Ed Henry, who reported to Mike Hubbard's defense attorneys that Joe Hubbard was receiving leaked Grand Jury information. When Mr. Hart became aware of this information, he called and advised me to never let that happen again. Mr. Hart threatened to put me in front of the Grand Jury, which he claimed would be "somewhat painful" for him and "painful" for me.

10. Near the end of this conversation, Hart awkwardly interrogated me for several minutes about whether I had ever recorded him in any manner, including during phone conversations or face-to-face conversations such as we were having outside the Lee County Justice Center, or recorded any "government agent" in connection with the Mike Hubbard investigation. Since I did not believe it to be illegal for one person to record a conversation with another in a one-party state like Alabama, I concluded he feared I had recorded him and the recordings would be subpoenaed to show Grand Jury leaks.

11. Based on comments made to me by Mr. Hart, I am concerned about Mr. Hart and the power he possesses. Mr. Hart told me a visit to the Grand Jury would be "painful" for me and it would be "a fucking mess" if I told people I had a pipeline of information out of the Attorney General's office. I believe his threats of a painful Grand Jury experience were designed to keep the line of communication open between us, knowing that I would use the information he provided me but would be fearful to ever reveal its source.

12. When Hubbard's defense attorneys sent me a subpoena in Fall of 2015, Matt Hart contacted me and advised me that he would work with me on answers to potential questions concerning Speaker Mike Hubbard, the Grand Jury proceedings, and information he provided to

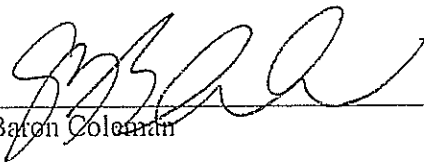
me.

13. On January 8, 2016, Your Honor issued a "gag order" on attorneys for either side speaking about this case with members of the media. On January 19, 2016, Mr. Hart contacted me and was again upset that I had mentioned on my radio show the contract the Attorney General's office had with the Spotswood law firm out of Birmingham to do legal writing and research on the Mike Hubbard case. Mr. Hart made accusations against me during the first 30-45 minutes of our very contentious conversation, but was friendly by the final 30 minutes of the conversation. We spoke for about an hour and ten minutes. I left the conversation firmly convinced Mr. Hart was attempting to intimidate me into not mentioning the Spotswood law firm contract anymore on my daily radio show. The Attorney General's Office had just recently received approval from the contract review committee to retain the Spotswood firm out of Birmingham to assist Mr. Hart on a case he was working on. During the conversation he referenced the great written work product one of the Spotswood lawyers was doing on the Hubbard case and rudely compared it to work product of mine that he apparently felt was substandard. This contract was for close to one million dollars and caught the attention of many in the media chiefly because Mr. Hart explained it in front of the contract review committee.

14. I was recently contacted by law enforcement and met with them in reference to how and why I received grand jury information from the Lee County Special Grand Jury and with regard to the conduct of Matt Hart in the Hubbard case.

15. I want to reiterate that I am distilling my experiences into writing for this tribunal in response to advice from the Alabama State Bar and after consulting with an attorney on the matter. I understand the grave and important responsibilities of members of the bar to be forthcoming with a tribunal when it comes to the attorney's attention that there may be violations of Rules 8.3 and 8.4 of the Alabama Rules of Professional Conduct. Once again, I make no effort to conclude whether there were in fact violations, only that I consider the area close enough to the line to feel compelled to offer this Affidavit on the advice of the Alabama State Bar and an attorney.

Dated this 2 day of February, 2016, at Montgomery, Alabama.

  
Baton Coleman

STATE OF ALABAMA                    )  
COUNTY OF MONTGOMERY        )

I, Kimberly J. Ellis a Notary Public for the State at Large, hereby certify that Baton Coleman, whose identity was confirmed to me by government issued



identification, personally appeared before me and, after being duly sworn, affixed his signature to the foregoing document.

GIVEN UNDER MY HAND AND OFFICAL SEAL OF OFFICE on this 2<sup>nd</sup> day of February, 2016.

Kimberly J. Ellis  
NOTARY PUBLIC

My commission expires: 4/22/2019