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September 24, 2009

Honorable Eric Holder
Attorney General
United States Department of Justice
950 Pennsylvania Ave. N.W.
Washington, D.C. 20530-0001

Re: Trumped Up Political Prosecution of Democrat Paul M. Minor On Overreaching Charges and Political Decision By The Same U.S. Attorney Not To Prosecute Republicans For Well-Documented Multi-Million Dollar Fraud, Money Laundering and Obstruction of Justice Scheme

Dear Attorney General Holder:

I am writing this letter as a follow-up to the attached June 24, 2009 letter I sent you on behalf of Paul Minor. As discussed in detail in the June 24 letter, there are many compelling reasons for you to conduct an immediate full review of Mr. Minor's prosecution and for your seeking Mr. Minor's release from prison and dismissal of his case. Well-documented facts and circumstances discussed in the letter raise serious concerns that the Bush Justice Department prosecution of Paul Minor was politically motivated and based on trumped up, overreaching legal charges. (See also, April 17, 2008 House Judiciary Majority Report raising serious questions and concerns that Mr. Minor's prosecution by the Bush Justice Department was based on selective political motivations and overreaching legal charges. *Id.* at iii and 26-30.) Similarly, as in the case of Senator Ted Stevens, the prosecution of Paul Minor was further calculated to secure a wrongful conviction by not complying with Mr. Minor's *Brady* requests to disclose all exculpatory evidence or evidence unfavorable to the government's case prior to the trial.

Indeed, the case for your seeking Mr. Minor's release from prison and dismissal of his case is even more compelling than the circumstances of the improper and tragic prosecution of Senator Ted Stevens in which you acted swiftly to secure the dismissal of his wrongful conviction.¹

¹ As discussed in detail in the June 24 letter, Mr. Minor was erroneously convicted on bribery charges with *no* required quid pro quo proof, much less the required *explicit* quid pro quo proof for charges that campaign fundraising constituted bribes. Even the previous Acting Assistant Attorney General of the Criminal Division, Matthew Friedrich, was quoted on the front page of *USA Today* and other news services on July 30, 2008, as explaining that the standard of proof required for Senator Steven's gratuity indictment was a lesser standard than bribery charges, since "Bribery requires proof of a specific agreement of a *quid pro quo* of this for that."

New evidence has come to Mr. Minor's attention that unequivocally establishes that prosecutive decisions made by U.S. Attorney Dunn Lampton were based upon political motivations. I have been made aware, for example, that a previous undercover government witness on a previous large scale Justice Department investigation is prepared to testify and provide documents indicating that U.S. Attorney Lampton chose not to prosecute a very compelling multi-million dollar fraud, money laundering and obstruction of justice case against several prominent Republican defendants in the *exact* timeframe as Mr. Minor's July 25, 2003 indictment. The undercover government witness who was assisting the U.S. Attorney's office and FBI with the large scale fraud, money laundering and obstruction of justice investigation is prepared to testify that he was informed by his assigned FBI investigator that the political "fix" was in and that U.S. Attorney Lampton had indicated there would be *no* prosecutions because he did not want his legacy as U.S. Attorney to be the prosecution of some of the biggest Republican supporters in Mississippi.² Similarly, the previous undercover government witness is prepared to testify that the FBI investigators and other Justice Department prosecutors, to their credit, strongly disagreed with U.S. Attorney Lampton's decision not to prosecute. Among other compelling testimony, the undercover government witness is also prepared to testify, for example, that he assisted the government in securing evidence through telephone wiretaps of his phones and his wired meetings with the targets of the investigation in which they asked him to destroy incriminating documents under government subpoena that evidenced the multi-million dollar fraud and money laundering scheme.

The U.S. Attorney did not hesitate to politically prosecute and even re-indict when the trumped up, overreaching charges involved Democrat Paul Minor.³

The U.S. Attorney did not hesitate not to prosecute when the indisputable evidence of the multi-million dollar fraud, money laundering and obstruction of justice scheme involved prominent Republican supporters.

The public's confidence in America's criminal justice system does not in any way tolerate prosecutive decisions based upon political motivations—for Democrats or Republicans. Moreover, the public's confidence in the Department of Justice's prosecutive decisions will only be restored when all parties having a role in Paul Minor and other defendants' political prosecutions across the country are fully investigated, held accountable and brought to justice.

² I would note that the September 2008 report by the Justice Department Office of Inspector General (OIG) and the Office of Professional Responsibility (OPR) entitled *An Investigation into the Removal of U.S. Attorneys in 2006* found that two top Justice Department officials, Deputy Attorney General James Comey and Associate Deputy Attorney General David Margolis, had major concerns about U.S. Attorney Dunn Lampton. Deputy Attorney General Comey stated he had "concerns about Lampton's judgment and behavior." Report, at 21 & n. 20. Deputy Associate Attorney General Margolis stated that he "strongly recommended" that Mr. Lampton "be removed" because he "questioned Lampton's judgment after learning about several matters Lampton was handling." Report, at 314. Additionally, I would note that the OIG and OPR Report found that several U.S. Attorneys were taken off of the removal list because they had the political support of "Republican officials" and the right political connections. Report, at 330.

³ The September 2008 OIG and OPR Report also recognized that "U.S. Attorneys are selected in part based on the recommendations of state and federal political officials. But once they assume office, U.S. Attorneys should leave politics behind and make their prosecutive decisions divorced from partisan political considerations." Report, at 330-331.

I sincerely thank you for your sound leadership in taking action to restore America's confidence in the Department of Justice and the criminal justice system, and I look forward to discussing this matter with you and other appropriate Justice Department lawyers and special prosecutors at your earliest convenience.

Sincerest and Best Regards,



Hiram Eastland

cc: Lanny A. Breuer
Assistant Attorney General
Criminal Division
U.S. Department of Justice

Kevin Ohlson
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