

The permanent Republican majority: Part one: How a coterie of Republican heavyweights sent a governor to jail

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Part one of a Raw Story Investigates series on the architects and the execution of backroom Republican politics

For most Americans, the very concept of political prisoners is remote and exotic, a practice that is associated with third-world dictatorships but is foreign to the American tradition. The idea that a prominent politician -- a former state governor -- could be tried on charges that many observers consider to be trumped-up, convicted in a trial that involved numerous questionable procedures, and then hauled off to prison in shackles immediately upon sentencing would be almost unbelievable.

But there is such a politician: Don Siegelman, Democratic governor of Alabama from 1999 to 2003. Starting just a few weeks after he took office, Siegelman was targeted by an investigation launched by his political opponents and escalated from the state to the federal level by Bush Administration appointees in 2001.

Siegelman was ultimately charged with 32 counts of bribery and other crimes in 2005, just as he began to attempt a political comeback. He was convicted the following year on seven of those charges. Last summer, Siegelman was sentenced to seven years in prison and immediately whisked off to a series of out-of-state jails, not even being allowed to remain free on bond while his appeal was under way.

Shortly before the sentencing, however, suspicions expressed by Alabama observers that there was something "fishy" about the case -- as Scott Horton of Harper's Magazine would later [put it](#) -- began to reach the national stage. What initially appeared to be merely a whiff of possible political corruption became something stronger, with allegations that Karl Rove and the Bush Justice Department had been operating behind the scenes. And yet, despite these suspicions and the attempts of a few journalists to bring them to greater notice, Siegelman's case remains virtually unknown to most of America.

As a result, **RAW STORY** Investigates has decided to focus a series of reports, interviews, and investigative pieces over the next several weeks on Siegelman's case. At the very least, the investigation will illuminate an incestuous pool of corruption in Alabama, with government officials, lobbyists, attorneys, and even judges behaving in ways that breach the public trust.

Part one: Don Siegelman, political prisoner

Governor Don Siegelman was a popular Democratic politician in a largely Republican state and was the only person in Alabama history to hold all of the state's highest posts. He served as Attorney General, Secretary of State, Lieutenant Governor and finally as Governor from 1999 to 2003.

On Election Day in November 2002, when the polls had closed and the votes were being counted, it seemed increasingly apparent that Governor Siegelman had been victorious in his re-election bid against Republican challenger Bob Riley. But then -- just as in the infamous Florida election of 2000 -- something strange happened in the tallying of the votes.

As CNN reported at the time, there appeared to be two different sets of numbers coming through for one particular Alabama county:

“The confusion stems from two sets of numbers reported by one heavily Republican district,” the network stated.

“Figures originally reported by Baldwin County showed Siegelman got about 19,000 votes there, making him the state's winner by about two-tenths of 1 percent,” its reporter added. “But hours after polls closed, Baldwin County officials said the first number was wrong, and Siegelman had received just less than 13,000. Those figures would make Riley the statewide winner by about 3,000 votes.”

"Sometime after midnight, after the poll watchers were sent home, a small group there decided to recount the votes a third time," Siegelman told a news conference at the time. "No watchers legally entitled to be present were notified -- and then a different total was established."

The following morning, Alabama saw a new governor declaring victory in the election. But the story didn't end there. It was only the beginning of a case that would turn the politics of dirty tricks into something far more sinister.

Riley's electoral victory rested on a razor-thin margin of 3,120 votes. According to official reports, Baldwin County conducted a recount sometime in the middle of the night on Nov. 6, when the only county officers and election supervisors present were Republicans. It was during this second recount that the shift in votes from Siegelman to Riley appeared. Although various computer “glitches” and technical anomalies occurred across the state, it is widely acknowledged that the Baldwin County recount is what decisively delivered needed votes to the Riley camp.

State and county Democrats quickly requested another Baldwin County recount with Democratic observers present, as well as a state-wide recount. But before the Baldwin County Democratic Party canvassing board could act, Alabama's Republican Attorney General William Pryor had the ballots sealed.

Unless Siegelman filed an election contest in the courts, Pryor said, county canvassing boards throughout the state did not have the authority “to break the seals on ballots and machines under section 17-9-31” of the constitution.

But at the same time, other, more embarrassing questions involving the Riley camp and Alabama Republican officials appeared to have fallen off the radar.

Embarrassing questions

A RAW STORY investigation shows that as early as 1998, when Siegelman was first elected governor, Alabama corporate interests already saw him as a looming threat. These interests were aligned with GOP operatives who would emerge again during the 2002 election cycle.

One of those well-known Republican operatives was William "Bill" Canary, who was a longtime Alabama hired gun before he became a Bob Riley campaign advisor in 2002. In 1994, Canary -- whose focus at the time was on defeating Democratic judges in Alabama -- brought in outside help in the form of yet another GOP operative by the name of Karl Rove.

At that time, Rove had been active in Republican political campaigns for more than 15 years and had recently been hired as an advisor to George W. Bush's campaign for governor of Texas. A wider public would learn of Rove only six years later, when he was tapped as Bush's White House Deputy Chief of Staff after the 2000 election. Rove's name would then appear in almost every scandal involving the Bush White House, the most infamous of which involved revealing the name of a covert CIA officer as political retribution for her husband's refusal to endorse bogus intelligence leading up to the Iraq war.

Rove and Canary managed Attorney General William Pryor's re-election campaign in 1998. It was Pryor who would later seal the Baldwin County ballots in the 2002 governor's race, ensuring the victory of a candidate who had been advised by his own former campaign manager, Bill Canary. All three men -- Rove, Canary, and Pryor -- are also known to have a close political and social relationship. In addition, then-Lieutenant Governor Siegelman appears to have made an enemy of Pryor as early as 1997, when he criticized Pryor's close relationship with the tobacco industry.

After Pryor was re-elected as Alabama Attorney General in 1998, he almost immediately began the investigation into Siegelman which would eventually lead to Siegelman's conviction and imprisonment nearly a decade later.

Pryor's history and relationship with Canary and Rove should have been reason enough for the Alabama Attorney General to recuse himself from the November 2002 election controversy. But Pryor refused. The following April he was nominated by George W. Bush to serve as a federal judge on the Eleventh Circuit Court. He was eventually installed by a recess appointment, overriding the objections of Senate Democrats.

It would take a Riley campaign attorney -- long-time Alabama Republican Dana Jill Simpson -- to finally blow the whistle on the Republican governor. In a 2007 affidavit and sworn testimony, Simpson stated unequivocally that dirty tricks had sealed her boss's victory in the 2002 election, and she named Karl Rove and the US Department of Justice as conspirators in the case.

Simpson had worked for the Riley campaign in 2002 as an opposition researcher, digging up dirt on then-Governor Siegelman. According to Simpson's May 2007 affidavit, Siegelman was pressured to concede the 2002 election because the Riley camp threatened to make public a set of photographs of one of Siegelman's supporters planting Riley campaign signs at a Ku Klux Klan rally. Simpson also stated that Canary had indicated that "Karl" -- by which she had no doubt he meant Karl Rove -- had taken a personal interest in the matter.

Simpson had been communicating with Siegelman attorney's before releasing her affidavit, and during that period her house was burned down and her car was run off the road.

Expanding on her original allegations, Simpson testified on Sept. 14 before lawyers for the House Judiciary Committee and dropped a bombshell revelation. In this additional testimony, Simpson described a conference call among Bill Canary, Governor Riley's son Rob and other Riley campaign aides, which she said took place on November 18, 2002 -- the same day Don Siegelman conceded the election. Simpson alleged that Canary had said that "Rove had spoken with the Department of Justice" about "pursuing" Siegelman and had also advised Riley's staff "not to worry about Don Siegelman" because "'his girls' would take care of" the governor.

The "girls" allegedly referenced by Bill Canary were his wife, Leura Canary -- who was appointed by George W. Bush in 2001 as the US Attorney for the Middle District of Alabama -- and Alice Martin, another 2001 Bush appointee as the US Attorney for the Northern District of Alabama. Simpson added that she was told by Rob Riley that Judge Mark Fuller was deliberately chosen when the Siegelman case was prosecuted in 2005, and that Fuller would "hang" Siegelman.

The Canary "girls," the judge, and the jury

Siegelman case watcher have noted that the Canary "girls" would be instrumental in "taking care" of the governor by fixing the facts around his indictment. Yet it remains unclear what charges, if any, Siegelman was actually guilty of, because the process had become so politicized and the case so aggressively partisan.

Leura Canary had begun working on Siegelman's case almost as soon she took office in 2001, when she federalized Attorney General Pryor's ongoing state probe. It was that investigation that finally culminated in Siegelman's prosecution on corruption charges in 2005-06, just as he was again running for the governorship.

In 2002, after having spent more than six months investigating Governor Siegelman, Leura Canary was forced to recuse herself -- or at least give [the appearance](#) of doing so -- over her husband's connections to the Riley campaign. However, it is [widely believed](#) that she in fact continued to guide the case behind the scenes.

In 2004, charges of Medicaid bid-rigging were brought against Siegelman by the other one of Bill Canary's "girls," US Attorney Alice Martin. These charges were eventually [thrown out](#) by a [visibly exasperated](#) Alabama judge.

After Siegelman indicated his intention to seek reelection in 2005, Canary's original investigation resurfaced. Canary had never stopped pushing the investigation along, even against the advice of her professional staff, and in October 2005, Don Siegelman was once again indicted by a [federal grand jury](#) in Canary's district on 32 counts of bribery, conspiracy and mail fraud.

The Siegelman case was assigned to Judge Mark Fuller, a former district attorney whom George W. Bush had nominated for a federal judgeship in August 2002. Fuller was accused by his Siegelman-appointed successor in the district attorney's office of falsifying payroll records with intent to defraud the Alabama retirement system, leading him to back Riley during that year's election. This episode raises serious questions about Fuller's refusal to recuse himself and helps explain Rob Riley's alleged statement to Jill Simpson that Fuller would "hang" Siegelman.

Siegelman was accused of accepting a \$500,000 donation from HealthSouth founder Richard M. Scrushy in exchange for an appointment to the Alabama hospital regulatory board. That donation went to pay off a debt incurred by a non-profit foundation set up by Siegelman and others to promote an education lottery in a state referendum. However, Siegelman's attorney argued that he did not control the foundation by which the debt was incurred, nor did he take money from or profit from the foundation.

The case dragged on until June 2006, shortly after Siegelman was defeated in the Democratic primary. A few weeks later, he was acquitted of 25 of the 32 counts against him, but he was ultimately convicted on the other seven, after the jury had deadlocked twice and been sent back to deliberate by Judge Fuller. During the trial itself there were [many irregularities](#), including strong indications of jury tampering involving two jurors.

When it finally came time for sentencing, Judge Fuller imposed a sentence of seven years, four months and would not allow Siegelman to remain free while his case was under appeal. Within hours of his sentencing, Siegelman had been taken to a federal penitentiary in Atlanta.

In the days immediately following Siegelman's imprisonment, another set of strange occurrences further underscored the serious ethical and legal questions surrounding this case. First his lawyer's office was [broken into](#), although the thieves took nothing of value and only appeared to have been looking for files. Then, ten days later, Siegelman was sent on an extended odyssey to prisons in Michigan, New York, Oklahoma and finally Louisiana -- during which time his attorneys were led to believe that he had been moved to Texas.

It was this final series of moves that brought this case to public notice and raised the ire of 44 former state attorneys general, who penned [a letter](#) to Congress asking that the case be investigated.