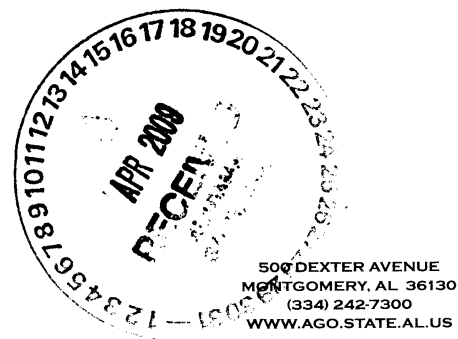


STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

TROY KING
ATTORNEY GENERAL

April 8, 2009



Mr. Keith Norman
Executive Director
Alabama State Bar Association
Post Office Box 671
Montgomery, Alabama 36101


Dear Mr. Norman:

A review was commenced by my office on the complaint filed by the Alabama State Bar Association alleging certain activities in the 2008 Alabama Supreme Court election campaign to be in violation of the provisions of Alabama's Fair Campaign Practices Act and other statutes that regulate corporate contributions to candidates. Pursuant to subpoenas, those involved provided transcripts of the advertisements at issue. The Bar provided the names of three (3) individuals known to have received the "push poll" calls. All were contacted. According to the investigator, each of the individuals refused to send an affidavit because they could not "swear in court" to what was exactly said. However each said they would send a signed letter stating what was said during the call. Only one actually did. The known facts do not support a viable prosecution of the Bar's complaint. Now that the review has been completed, I write to inform you that my office is closing this file without taking further action.

If you wish to pursue this matter further, you might consider seeking legislation to bring Alabama's statutes into compliance with *Buckley v. Valeo*, 424 U.S. 1 (1976), and/or a declaratory judgment action asking for a judicial determination of the constitutionality of Alabama's FCPA and regulations on corporate contributions.

If my staff or I can be of assistance to you in the future, please do not hesitate to call upon us.

Sincerely,



Troy King
Attorney General

TK:oi