

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
v.) Case No. 2:07-CR-448-UWC-HGD
)
GARY L. WHITE)

AFFIDAVIT OF JUDY WHITE

Before me the undersigned authority, in and for said county and state, personally appeared Judy White, who being known to me and first duly sworn, says on oath as follows:

My name is Judy White. I am over the age of nineteen years. This affidavit is intended to provide sworn testimony of events of which I have personal knowledge, and is offered in support of motions pending before this Honorable Court, and as evidence and proof of prosecutorial misconduct and selective prosecution against my husband.

On a particular Monday morning in early May of 2005, my husband received a telephone call from Bill Long, acting as an agent of the federal government. Mr. Long advised my husband that he was in possession of a subpoena for my husband, and that he was required to travel to Montgomery that morning to provide grand jury testimony against former Governor Don Siegelman and Richard Scrushy. Mr. Long further advised my husband that he was required to bring with him all of his calendars or records of a particular year, being some years prior. My husband informed Mr. Long that he had no such calendars or records, and he had no knowledge of any illicit interactions or wrong-doing by Gov. Siegelman or Mr. Scrushy, but that if he were required to appear, he would do so, and that any testimony would be that he had no records or knowledge of the matters being charged.

The previous day, my husband and I had travelled to Sewanee, Tennessee to bring home some of our daughter's possessions, as the end of the school year was near. In order to do that, we had to rent an automobile, as our family automobile was in the shop having necessary repair work done. The rental automobile was required to be returned that morning, and our family automobile was not to have been ready for pick-up until late in the day. My husband and I had planned to spend the day together, and to have lunch in celebration of my birthday. The insistence of Mr. Long that my

husband immediately travel to Montgomery presented logistical problems, and also permitted no opportunity for my husband to seek advice or legal counsel.

My husband and I decided that I would follow him in my small automobile to return the rental automobile, then we would travel together to Montgomery, having lunch and spending the day together, while fulfilling his obligation to appear as a grand jury witness, as demanded by Mr. Long.

Upon our arrival at the federal courthouse, we both were required to sign in. We were met by Mr. Long, who escorted us to a room where we were joined by another agent of the federal government, whose name I do not recall at this time. My husband was informed by the agents that he was not the target or subject of any investigation. In response to my husband's question about whether he needed an attorney, he was told that he did not, and was again assured that the agents' interest was specifically Gov. Siegelman and Mr. Scrushy, and that my husband was not of interest to them.

My husband was informed that he had been subpoenaed because his name came up in connection with a meeting that was supposed to have occurred between Gov. Siegelman and Mr. Scrushy. My husband was instructed by the agents that they wanted him to testify that the meeting took place on a particular and specific date which was stated to him by the agents. My husband informed the agents that he had no idea of the specific date when the meeting took place, that he recalled having been asked to arrange an appointment between Gov. Siegelman and Mr. Scrushy, and that he was present only at the introduction, then departed without participating in or witnessing any specific or detailed conversation between Gov. Siegelman and Mr. Scrushy.

My husband was questioned by Mr. Long and the other agent for some time, about various matters, many having nothing to do with Gov. Siegelman or Mr. Scrushy, or the meeting. The agents repeatedly and insistently told my husband that they "needed" for the meeting to have occurred at the particular and specific date, and that they wanted him to testify that it did. My husband maintained that he could not do so, as he did not know when the meeting occurred. They even attempted to persuade him that the meeting "could have" taken place on the date they stated, and reminded him that he had no calendar saying that it did not. After some time of these exchanges, the federal prosecutor was brought into the room, and we were introduced. He asked about my husband's testimony, and my husband told him that he did not know specifically when the meeting occurred. Shortly thereafter, my husband was taken to the grand jury room for testimony, while I waited. After a very short time, my husband was escorted back to where I was waiting, and we were allowed to leave.

I was deeply troubled by the events, and by the behavior of the agents, as they were very intimidating and insistent that what they wanted to be said should be said,

regardless of whether it was true. The questions they asked my husband seemed to be intended to intimidate him so that he would comply with their insisted-upon testimony.

(As we exited the federal courthouse, we were accosted by numerous members of the media shouting questions at my husband. My husband stated that he didn't believe he was supposed to discuss why he was there; I maintained utter silence. The following morning, the front page of The Birmingham News wrongly announced that my husband and I had testified before a federal grand jury. When I demanded a correction, one of the reporters lamely explained that because I had signed in at the federal courthouse – as required – I had to have been called to testify, and she insisted that by remaining silent, even though no question was ever directed to me, I had “declined to comment.”)

Gov. Siegelman and Mr. Scrushy were subsequently indicted, tried, and convicted. My husband was not contacted during the process, nor was he called as a witness. His telephone records, however, were subpoenaed, with no notification or disclosure to him, but were never used in the extended trial, indicating that the records did not substantiate the desired date.

In March of 2007, my husband was made aware that he was being investigated by the FBI, subsequent to questioning and subpoenas to certain individuals and business entities. He met with federal officials for more than five hours, answering their questions. In early June, days before the sentencing hearing for Gov. Siegelman and Mr. Scrushy, I answered a telephone call at home. Mr. Long identified himself and stated that they “needed” my husband to testify at the sentencing hearing. I replied that he must be confused, as my husband was being investigated by his cohorts in Birmingham, and would not be interested in helping him. He informed me that he had a subpoena for my husband, and would be faxing it to my fax number, implying that because my husband was being investigated, they might get the testimony they wanted. I hung up and set the fax machine to “telephone” mode. Over the following days, several calls showing “Maxwell AFB” and Mr. Long’s telephone number appeared on that line’s caller ID, and, upon going to voicemail, left fax tones. My husband was not served with any subpoena (and service by fax is not proper service, anyway), and did not appear or testify at the sentencing hearing.

Intermingled within these times were other ominous incidents involving U.S. Attorney Alice Martin and Bettye Fine Collins. For a number of years, it has been widely known within political circles that Ms. Martin desires an appointment to a federal judgeship. In pursuit of that goal, she has, unfortunately for Americans, allowed her office to be used for political purposes, initiating and carrying out prosecutions based upon political considerations, specifically targeting officials who are Democrats, particularly minorities, and those who have aligned themselves against certain

Republicans. Having goals of prosecuting additional specific Democrats and minorities, Ms. Martin was hampered. As national attention became increasingly focused on the questionable and selective actions of U.S. Attorneys throughout the country, Ms. Martin was in an untenable position. She needed to prosecute a Republican.

Bettye Fine Collins was a member of the Jefferson County Commission with a vendetta against my husband, and she had long maintained a file containing information to be used against him. But, more importantly to Ms. Martin, she was Alabama's Republican National Committeewoman. My husband and I were warned that Ms. Collins and Ms. Martin had discussions resulting in a plan that would satisfy each of their goals, and that Ms. Collins had boasted that she had persuaded and was insuring that Ms. Martin was to indict my husband. Ms. Martin, by satisfying Ms. Collins' demands, would deflect attention from her dastardly actions, while incurring Ms. Collins' support for an appointment to a federal judgeship, as Ms. Collins convinced Ms. Martin that, being national committeewoman, she was in a position to make that happen.

Ms. Collins, more than anything else, wanted to be president of the county commission. Her goal had been thwarted in 2002, when my husband refused to vote for her, breaking ranks with the Republican majority, and casting the deciding vote for a Democrat who became the first minority president of the county commission, making himself, in the process, the perfect target for a Republican political prosecution as well as racist hatred. As the 2006 election cycle began, Ms. Martin's office, acting on fabrications and information emanating from Ms. Collins, began investigating my husband. The first subpoenas were served and grand jury testimony began as the qualifying process opened in January of 2006.

Ms. Collins, in recruiting an opponent to run against my husband, reportedly stated that my husband would not even be a candidate, as she was assured that he would be indicted before the June, 2006 primary. Instead, my husband lost the election, in a campaign where "No Democrats, No Dome, and No Debt" was the theme used by all three of the Republicans who were ultimately elected. And throughout the campaign, Ms. Collins made numerous threats to individuals and businesses that if they supported my husband, they would not receive county business in the future. She also very freely reported that my husband "was being indicted."

When my husband met with federal agents in the spring of 2007, their questions were evocative of the exact words and fabrications initiated by Ms. Collins. The agents informed my husband that they wanted information about two specific individuals that they wanted to pursue. My husband responded that, while he had no information about those two individuals, he believed that Ms. Collins had committed some questionable actions, including voting for an appropriation to an organization, then asking for money from the organization as a "consulting" fee. The agents made it clear that Ms. Collins

was not of interest to them, and unless the specified information was tendered, my husband would remain their focus.

The agents later attempted to coerce a guilty plea from my husband, threatening that if he did not do so, they would add so many charges against him, that he would be convicted just because of the sheer volume of the charges. Assistant U.S. Attorney Pat Meadows offered his personal "promise" that he would have the jury "hating Gary White" and they would convict him, regardless of the evidence, because of hatred. When they were not successful, after my husband's arrest, they offered to drop all charges against him, if he would plead guilty to "something" to allow them to save face.

On the day my husband was arrested, he was terminated from his position by telephone. The company official who terminated him met with him subsequently and said that he had spoken with an FBI agent, and that based on his conversation, and his fear of having himself and his companies investigated, acted to satisfy the agent's suggestion to terminate my husband. This occurred some months after Ms. Collins' threat to a company official that as long as my husband was involved with the company, she would make sure that they received no consideration for county business and no county business. Ms. Collins had made similar threats to withdraw county business from an entity for which our college-student daughter has worked on a part-time basis since 2004. These acts of federal agents and Ms. Collins amount to collusion, abuse of process, abuse of authority, and outrageous misconduct, resulting in severe economic harm to my family.

Judy White
AFFIANT

STATE OF ALABAMA)
JEFFERSON COUNTY)

Personally appeared before me, the undersigned authority, JUDY WHITE, whose name is signed to the foregoing Affidavit, and who is known to me, and who acknowledges before me on this day that, being informed of the contents of the Affidavit, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 5th day of February 2008.

[Signature]
Notary Public
My Commission Expires: 2/12/09