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March 27, 2007

The Honorable Jay Nixon
Attorney General
Attorney General's Office
Supreme Court Building
Jefferson City, MO 65101

Dear Attorney General Nixon,

In acting to suppress my testimony about admissions made to me in private by Ameren executives about the solicitation of money for your political fund, you seek to conceal facts about your conduct from the public, Ameren ratepayers, and the Public Service Commission (PSC).

You are supposed to represent the public in Ameren's application for higher electric rates on 1,270,000 homes and businesses. Instead, you are playing legal games to stonewall an accounting of your dealings with this energy company. The ongoing suppression effort can only obstruct the PSC from determining your fitness to serve in the rate case, and evade an accounting for your continuing failure to recover the people's money from Ameren for the huge damages to the state of Missouri in the Taum Sauk dam break. This unresolved liability for Ameren, of course, will bear directly on its future rates.

In my view, your known conduct has been unbelievably insensitive to obvious, widely understood standards for ethical conduct.

First, it has been publicly established that you solicited and received political money from Ameren while you were the prosecutor in all criminal or civil liabilities that might arise in Taum Sauk. Concealment was attempted, but failed. When exposed, you said the money would be refunded to Ameren to avoid the appearance of a conflict of interest. What did you know about this improper solicitation? When did you know it? If you did not make this solicitation, who did? What have you done to reform your fundraising?

Anybody knows that law enforcement cannot take money or gifts from suspects or investigative targets. Everyone knows it is wrong for a police officer or deputy to take

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money at a traffic stop. Everyone knows a prosecutor must not seek money or gifts from a target or defendant. Therefore, the Department of Natural Resources (DNR) fired you as counsel on Taum Sauk. Any person in Missouri would have done the same if they found their lawyer taking money from the other side.

Moreover, as to the rights of targets, your conduct overthrew the long-established protection afforded to targets of criminal or civil inquiries. In everyday language, "The law can't hit you up for gifts when they're working a case against you." Lest you be confused about the point, you, like every candidate, will raise funds, and properly, and generally from those who agree with your positions on legislation, court rulings, or other public policy issues. The instant matter is about your role as an attorney who is paid by the public. You cannot properly solicit or receive money from people you are investigating, suing, or prosecuting. Who wouldn't know that?

Further, as you know, the Taum Sauk matter was nearly settled in December. When you found out that settlement was near, you raced to file a lawsuit in St. Louis City to intimidate Ameren into delaying payment of the people's claims. Now, you have admitted the suit was improperly filed.

With regard to the Ameren rate case before the PSC, you seek to reject an instruction by your client, the Office of Administration, for my relevant testimony. In doing this, your office sought to interrogate me in advance, in a posture that would be typical for opposing counsel. To the extent your adversarial posture benefits anyone, it would benefit you in your political capacity, or Ameren, or both.

The Taum Sauk settlement and rebuild are worth hundreds of millions of dollars. The Ameren rate case could cost hundreds of millions more. Put simply, once you asked for and received Ameren's money, you lost the ability to be trusted as Ameren's legal adversary. An officer of the law who takes money at a traffic stop will lose the public's good opinion. It only makes the matter worse if the officer refuses to account for himself. Therefore, I respectfully request that you rescue yourself from any and all dealings with Ameren. This includes the Taum Sauk case and the Ameren rate case.

Due to your suppression of my testimony, I have been directly in contact with the PSC and expect to testify later this week possibly as soon as Wednesday. After you rescue yourself from all dealings with Ameren, I urge you to seek the first available opportunity to testify before the PSC regarding your actions.

Sincerely yours,



Edward R. Martin, Jr.
Chief of Staff