



(2) February 14, 2013: Attorney General Wilson refers the complaint to the South Carolina Law Enforcement Division (SLED) for review.

(3) April 16, 2013: Meeting between Attorney General and Mr. Wright.

The House Judiciary Committee was considering ethics reform legislation that did not include a Public Integrity Unit, which the Attorney General supported. The Attorney General requested a meeting with Mr. Wright in order to explain the Public Integrity Unit to him and to defuse any tensions that might exist because the Attorney General – as is his job – referred a matter for investigation in the ordinary course of business. At this time the Attorney General was unaware of any final results of the then-pending investigation.

(4) April 17, 2013: Mr. Wright calls and indicates Mr. Harrell would in fact support the Public Integrity Unit.

Mr. Harrell was subsequently among the members who overwhelmingly voted for ethics reform legislation containing a Public Integrity Unit.

(5) December 6, 2013: SLED completes its review of the matter and provides a report to the Attorney General.

(6) January 13, 2014: A matter is referred to the South Carolina State Grand Jury.

(7) February 24, 2014: Mr. Wright signs his affidavit.

The above facts provide context for the meeting that occurred between the Attorney General and Mr. Wright. As stated in his attached Affidavit, the Attorney General had specific and legitimate reasons for such a meeting, of which none involved threats, intimidation, or the proposition of a corrupt agreement as supposedly alleged by Mr. Wright. The Attorney General has a statutory and public duty to monitor and where appropriate advocate for legislation, and he was expressly separating his advocacy for a strong enforcement mechanism like the Public Integrity Unit, from the mere fact that he had referred review a matter presented to him – as his job requires him to do.

Indeed, in order to believe Mr. Wright's version of events, one would have to accept as true that Attorney General Alan Wilson: (1) is inclined to use the power of his office to threaten people; (2) purposefully engages in corrupt negotiations to craft unlawful bargains; (3) emphasizes and facilitates this "dealmaking" with absurd physical displays such as pounding on his desk; and (4) reneges on such bargains when they are created.

Further, the court would have to accept that (1) Speaker Bobby Harrell capitulated to these threats by supporting the creation of the Public Integrity Unit; (2) the Attorney General backed out on his deal; and (3) the Attorney General would engage in all of this allegedly unethical behavior in an effort to promote the creation of a body that would enforce *greater* ethical standards of conduct by public servants in South Carolina. The logical inconsistencies in the arguments propounded by Mr. Harrell, based on the above-referenced affidavit, are significant. The various assertions contained within Mr. Wright's affidavit fail when subjected to the application of common sense and logic.

**II. EVEN ASSUMING BUT NOT CONCEDED THE ALLEGATIONS IN MR WRIGHT'S AFFIDAVIT ARE TRUE, MR. HARRELL HAS NOT COME CLOSE TO MEETING THE HIGH BURDEN NECESSARY FOR PRE-INDICTMENT JUDICIAL INVOLVEMENT IN THE GRAND JURY PROCESS.**

Despite the factual absurdities with Mr. Wright's claims, they are still insufficient on their face for disqualification. There is no need for the Court to resolve any factual issues. Even under the ridiculous assumption that Mr. Wright's affidavit is true, Mr. Harrell has not even come close to meeting the high burden necessary to justify judicial involvement in the grand jury process – particularly at the investigative stage prior to any indictment.

### **A. General Judicial Reluctance in Oversight of the Grand Jury**

Of course, the State Grand Jury statute provides that it is the duty of this Court as the State Grand Jury judge to resolve any doubt regarding conflict of the Attorney General. S.C. Code Ann s 14-7-1650. First, though, a review of the general reluctance and deference the courts show in grand jury matters is instructive before this Court considers the extraordinary and unprecedented step of removing an Attorney General over his objection from his statutory duties as legal advisor to the grand jury.

Grand juries have historically been considered an institution generally independent of the courts, which have been reluctant to engage in oversight of the process. A grand jury is “rooted in long centuries of Anglo–American history” as a “constitutional fixture in its own right”, and the “whole theory of its function is that it belongs to no branch of the institutional Government, serving as a kind of buffer or referee between the Government and the people”. United States v. Williams, 504 U.S. 36, 47 (1992) (quoting various Supreme Court cases). Thus, the United States Supreme Court has stated: “Given the grand jury’s operational separateness from its constituting court, it should come as no surprise that we have been reluctant to invoke the judicial supervisory power as a basis for prescribing modes of grand jury procedure.” Williams, 504 U.S. at 49. A court has a limited role in dealing with the grand jury and “a court may not intervene in the grand jury process absent a compelling reason.” In re Grand Jury Subpoena, 836 F.2d 1468, 1471 (4<sup>th</sup> Cir. 1988).

This limited judicial role and general reluctance in oversight is reflected in how courts have handled motions about the grand jury’s investigation. The most typical motion in the pre-indictment stage is a motion to quash subpoenas. There, the movant

has the high burden of showing unreasonableness, because “the law presumes, absent a strong showing to the contrary, that a grand jury acts within the legitimate scope of its authority”. United States v. R. Enterprises, Inc., 498 U.S. 292 (1991). This burden is particularly heavy in that “a motion to quash must be denied unless the district court determines that there is *no reasonable possibility* that the category of material the Government seeks will produce information relevant to the general subject of the grand jury’s investigation”. Id. at 301 (emphasis added). This is because a grand jury subpoena does not itself have to be justified by probable cause, as if it were a warrant, because the whole point of the grand jury investigation is to determine whether or not there is probable cause in the first place. See R. Enterprises, 498 U.S. at 297.

Indeed, even in the post-indictment setting, where there is an actual charge and adversarial process, the courts still have been reluctant to undermine the grand jury’s work when faced with defense motions to dismiss for alleged prosecutorial misconduct. The United States Supreme Court has concluded, in affirming the reversal of dismissal of an indictment based on alleged prosecutorial misconduct and secrecy violations, that a non-constitutional grand jury challenge can succeed only if the violations “substantially influenced the grand jury’s decision to indict”. Bank of Nova Scotia v. United States, 487 U.S. 250, 251 (1988). Federal courts interpreting Nova Scotia have uniformly held that such a finding of actual prejudice is necessary to dismiss an indictment.<sup>1</sup>

## **2. Conflict motions in preindictment situations**

Similarly, the courts have also been extremely reluctant to grant motions like the one we have today – a pre-indictment conflict motion to exclude the prosecutor from his role

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<sup>1</sup> See United States v. Feurtado, 191 F.3d 420 (4<sup>th</sup> Cir. 1999); United States v. Wiseman, 172 F.3d 1196 (10<sup>th</sup> Cir. 1999); United States v. Derrick, 163 F.3d 799 (4<sup>th</sup> Cir. 1998).

with the grand jury. The courts recognize that such attempts are often transparent and somewhat telling efforts to slow down and impede an investigation while it is just getting started, and the courts are typically reluctant to give credence to such efforts where the issue can be addressed at the more appropriate trial stage if in fact an indictment is forthcoming from the grand jury.

This analysis was best stated as follows:

It should be noted that the cases which have allowed judicial intervention at the preindictment, investigatory stage, have required that **serious abuses** first be shown. See In re Grand Jury Investigation, 696 F.2d 449, 451 (6th Cir.1982) and cases cited therein. No such showing has been made here. Clearly, petitioner's conclusory allegations are insufficient to warrant the court's intervention through the use of its supervisory powers. **Use of these supervisory powers to disqualify government officials from proceeding before a grand jury based on conclusory allegations of conflict of interest and speculation as to possible improprieties runs afoul of the policies of promoting "a fair method of instituting criminal proceedings", Costello, supra, 350 U.S. at 362, protecting "citizens against arbitrary and oppressive governmental action", Calandra, supra, 414 U.S. at 343, or assuring the "protection of citizens against unfounded criminal prosecutions." Branzburg, supra, 408 U.S. at 686.**

Accordingly, **whether a prosecutor who appears before a grand jury labors under a conflict of interest or whether his conduct oversteps the bounds of propriety should be determined after indictment, not by mere conjecture or speculation beforehand.** To hold otherwise would burden the grand jury with minitrials and preliminary showings which would assuredly impede its investigation and frustrate the public's interest in the fair and expeditious administration of the criminal laws. United States v. Dionisio, 410 U.S. 1, 17 (1973).

In re Grand Jury Proceedings, 700 F. Supp. 626, 631 (D. Puerto Rico 1988) (emphasis added).<sup>2</sup> Indeed, in our state jurisprudence, Evans v. State speaks at great length on

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<sup>2</sup> See also In re Grand Jury Subpoenas on Barnett, 818 F.2d 330 (5th Cir. 1987) (no conflict of interest and no termination of investigation before indictment required even though prosecutors in grand jury action also defending target's civil action against government, because no specific allegations that grand jury process used to prepare civil defense and challenges could be raised to quash if indictment obtained); Wright v. United States, 732 F.2d 1048, 1055, 1958 (2nd Cir. 1984) (no due process violation

the procedures *after indictment* for a defendant to review the grand jury proceedings and make whatever motions to quash he wishes. 363 S.C. 495, 611 S.E.2d 510 (2005)

Finally, disqualification raises separation of powers concerns and thus “is a drastic measure which courts should hesitate to impose except when absolutely necessary.” Matter of Grand Jury Subpoena of Rochon, 873 F.2d 170 (7<sup>th</sup> Cir. 1989). Rochon points out that a “court order prohibiting the Attorney General of the United States from participating in a grand jury investigation is no small matter, even if the investigation could continue in his absence,” as it raises “sharp separation of powers concerns”. 873 F.2d at 174. Of course, such concerns exist under the South Carolina Constitution where a disqualification is sought over objection, as the Attorney General is constitutionally mandated as the State’s chief prosecutor, and is constitutionally protected in that role by the separation of powers doctrine. See generally State v. Thrift, 312 S.C. 282, 291-92, 440 S.E.2d 341, 346-47 (1994).<sup>3</sup>

### **3. Standard for post-trial disqualification in South Carolina**

Having established the general reluctance of courts to inject themselves into grand jury matters, especially pre-indictment, and the high standard of “serious abuses” that must be shown for conflict motions to succeed in this context, a review of South Carolina *post-trial* conflict motions is instructive.

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sufficient to require dismissal of indictment even though wife of prosecutor appointed to investigate petitioner, was political opponent of petitioner, and previously brought two criminal complaints against petitioner – even assuming the prosecutor had a special interest in securing petitioner’s indictment, that did not constitute a violation of due process, absent evidence of specific misbehavior); In re Grand Jury Investigation, 696 F.2d 449, 451 (6<sup>th</sup> Cir. 1982) (no error in refusing to disqualify IRS agents and prosecutors at pre-indictment investigatory stage due to agents’ alleged improper conveyance of taxpayer return information to AUSAs, since witness’ conclusory allegations were insufficient to warrant court’s intervention in grand jury) (citing various cases).

<sup>3</sup> (“Under the separation of powers doctrine, which is the basis for our form of government, the Executive Branch is vested with the power to decide when and how to prosecute a case. ... The Attorney General as the State’s chief prosecutor may decide when and where to present an indictment, and may even decide whether an indictment should be sought.”). See also S.C. Const. art. V, § 24.

The first point that must be made is that an actual conflict is required for disqualification – not the mere “appearance of impropriety,” a disfavored standard which has been abandoned. While appearances used to be the standard in the Code of Professional Responsibility, it faced much criticism, with the Second Circuit noting that “appearance of impropriety is simply too slender a reed on which to rest a disqualification order.” See Roberta Flowers, What You See Is What You Get: Applying the Appearance of Impropriety Standard to Prosecutors, 63 Mo. L. Rev. 699, 716 (1998) (quoting Board of Education v. Nyquist, 590 F.2d 1241 (2<sup>nd</sup> Cir. 1979)).

These issues with application of the “appearance of impropriety” standard led to its exclusion from the Model Rules of Professional Conduct, which were in large measure adopted by South Carolina effective September 1, 1990. Similarly, the ABA’s Prosecution Function section now also only refers to an actual conflict of interest rather than mere appearance: “A prosecutor should avoid a conflict of interest with respect to his or her official duties.” ABA Standards for Criminal Justice 3-1.3(a).<sup>4</sup>

Finally, South Carolina cases addressing post-indictment claims for disqualification have similarly been clear that actual prejudice is required for the extraordinary remedy of disqualification.<sup>5</sup>

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<sup>4</sup> In contrast, the Judicial Canons in South Carolina still maintain the “appearance of impropriety” standard. See Canon 2, Rule 501, SCACR.

<sup>5</sup> See State v. Inman, 395 S.C. 539, 720 S.E.2d 31 (2011) (affirming trial court’s refusal to disqualify the solicitor’s office for alleged witness intimidation, and finding prejudice generally must be shown); State v. Childers, 373 S.C. 367, 645 S.E.2d 233 (2007) (no error in denying defendant’s request to relieve his trial counsel based on counsel’s prosecution of defendant on unrelated charge during counsel’s former employment as an assistant solicitor; defendant failed to show any divided loyalties or actual conflict of interest); State v. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105 (2007) (where prosecutor intentionally eavesdropped on privileged conversation of defendant with counsel, finding defendant had to show either deliberate prosecutorial misconduct or prejudice to show a violation of the Sixth Amendment right to counsel); State v. Chisolm, 312 S.C. 235, 439 S.E.2d 850 (1994) (where assistant solicitor acted inappropriately by communicating with defendant while defendant was represented by counsel, and secretly taping conversation; defendant still failed to show prejudice, where he had no right to plea

#### **4. Analysis**

Turning to the case here, it is clear that even if Mr. Wright's ridiculous affidavit is accepted as true, it is insufficient to justify the unprecedented and extraordinary action of forcibly removing the Attorney General from a case over his objection. Although the affidavit's point and the bare bones motion are not entirely clear, apparently Mr. Wright seems to allege the Attorney General threatened the Speaker but then offered an unethical and implied *quid pro quo* promise to hinder SLED's review, in return for the Speaker's support for stronger *ethics* enforcement mechanisms – a fairly nonsensical proposition. Regardless, since Mr. Harrell ultimately supported the Public Integrity Unit, he seemingly seeks to conflict out the Attorney General for failing to live up to an alleged back room deal – over *strengthening ethics reform*.

However, even accepting (but not conceding) the truth of this affidavit, it offers nothing but speculation and conjecture as to any supposed conflict or abuse before the actual grand jury itself, and certainly does nothing to show "serious abuses" of the grand jury process as is required by the caselaw. It is the only "evidence" offered to support the current motion, and there has been no showing whatsoever of any misconduct or bias in the handling of the case before the grand jurors themselves.

Indeed, the only action regarding the grand jury to which Mr. Harrell could possibly point is the referral to the grand jury itself. However, a grand jury referral, like a grand

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bargain and evidence was overwhelming); State v. Smart, 278 S.C. 515, 299 S.E.2d 686 (1982) (motion for disqualification of entire solicitor's office was properly denied; rejecting claim that entitlement to disqualification could be established by merely alleging a violation of the ethical canons, despite cases to that effect from other jurisdictions; defendant must show actual prejudice; here, no prejudice was shown where former PD merely worked on a brief, has no discussions with trial counsel or the defendant, or looked at the case file; facts to not suggest a betrayal of any confidences); State v. Bell, 374 S.C. 136, 646 S.E.2d 888 (Ct. App. 2007) (motion to disqualify solicitor's office properly denied where former PD investigator now working for solicitor's office interviewed defendant; investigator did not remember interviewing defendant, imparted no confidential information to the solicitor, and was only involved with ministerial duties on the case while at the solicitor's office).

jury subpoena, requires no probable cause to initiate, and does not carry with it any imprimatur of guilt, since the grand jurors are conducting an investigation from which they may or may not find probable cause. Moreover, the Attorney General alone cannot initiate a case – it also requires the support of the Chief of SLED and approval of a petition by the presiding judge of the State Grand Jury. Again, the only evidence offered to support the motion is a conversation with the Attorney General in April of 2013 – which took place long before the referral to the grand jury in January of 2014, and a conversation which did not involve either the Chief of SLED or the presiding judge of the state grand jury. If anything, even if one accepts Mr. Wright's farfetched version of the conversation as accurate, the supposed promise has had no effect on the investigation – as the investigation has continued even though Mr. Harrell supported the Public Integrity Unit. Regardless, it is what happens before the grand jurors that counts, and Mr. Harrell has not made cannot make any showing in that regard.

And that last point illustrates why Mr. Harrell's motion is premature. If – and only if – a grand jury indicts him, he will then have the opportunity to review every transcript of the proceedings before the grand jurors for supposed prosecutorial misconduct or conflict of interest. If he finds something he thinks qualifies, he can make whatever motions he wishes to make to quash or dismiss the indictment. As In re Grand Jury Proceedings persuasively points out, "whether a prosecutor who appears before a grand jury labors under a conflict of interest or whether his conduct oversteps the bounds of propriety should be determined after indictment, not by mere conjecture or speculation beforehand". 700 F. Supp. 626, 631. Otherwise, "any holding that would saddle a grand jury with mini-trials and preliminary showings would assuredly impede its

investigation and frustrate the public's interest in the fair and expeditious administration of the criminal laws." R. Enterprises, 498 U.S. at 298-99.

#### **V. MR. WRIGHT'S AFFIDAVIT IS INCORRECT.**

While the preceding ground as to the insufficiency of the affidavit on its face is justification for the court to deny relief without further factual inquiry, the substance of the affidavit is incorrect and refuted by the Affidavits provided by the Attorney General and Adam Piper, his Director of Governmental and Community Affairs. Thus, there is no proof of an actual conflict of interest or prejudice.

As shown by the Attorney General's affidavit, one of the Attorney General's statutory duties is to monitor, and where appropriate, advocate for proposed legislation pending before the South Carolina General Assembly – particularly where such legislation would affect the criminal laws of the State. S. C. Code s 1-7-90. He became aware of the Speaker's possible objections to including the Public Integrity Unit in the ethics reform legislation, and he reached out to Mr. Wright for a meeting. The purpose of this meeting was to explain the mechanics of Public Integrity Unit to Mr. Wright, and to advise him that the Attorney General's advocacy for a Public Integrity Unit had no connection to the fact that the Attorney General referred the matter to SLED for investigation – as he had to do and frequently does for many matters in the ordinary course of his business. The Attorney General wished to avoid the appearance of impropriety from a direct meeting with Mr. Harrell but still comply with his statutory duty to advocate for proposed legislation. His goal was to lower tensions and not raise them from the mere fact that he had simply done his job and referred a matter for review.

The Attorney General adamantly denies raising his voice, pounding the desk, or

any other aggressive action. The Attorney General adamantly denies threatening the Speaker or promising the Speaker anything with regards to the SLED investigation. The Attorney General adamantly denies that he is in any way conflicted in the matter, or that he has or will make any decision on anything but an objective view of the facts and the law.

Additionally, Mr. Wright's version of a supposed unethical deal and unethical actions for the purpose of promoting ethics reform is absurd and inconsistent on its face and accordingly lacks credibility. As discussed in the first section, too many ridiculous premises have to be accepted to find Mr. Wright's story credible, aside from the Attorney General's express refutation.

The bottom line is there is no conflict where the Attorney General is merely attempting to engage the Speaker's office on pending legislation, while a SLED investigation is ongoing from which no final results have been reported to him. Because of their respective integral roles in the government of South Carolina, the Attorney General still had to endeavor to work with the Speaker -- particularly where the SLED review was incomplete and pending, and it is not uncommon that complaints and matters referred to this Office are shown to be unfounded after full review by an investigative body. If Mr. Wright unfortunately read into the conversation a threat, promise, or *quid pro quo* that was not offered or did not exist, that is no basis for the drastic remedy of conflicting an elected constitutional officer like the the Attorney General from his constitutional and statutory duties.

The motion is without merit and should be denied.

**CONCLUSION**

The allegations in Mr. Wright's affidavit are insufficient on their face to overcome the high standard needed for judicial intervention in a pre-indictment grand jury matter. Under the caselaw, after indictment is when individuals become defendants in an adversarial process, and can then make motions they wish to make.

In any event, the significant facts or implications of Mr. Wright's affidavit are incorrect and expressly denied. The Attorney General has no conflict sufficient for the drastic remedy of disqualifying an elected constitutional officer over his objection from his constitutionally and legislatively charged duties.

It is respectfully submitted that the motion should be denied.

Respectfully submitted,

ALAN WILSON  
ATTORNEY GENERAL

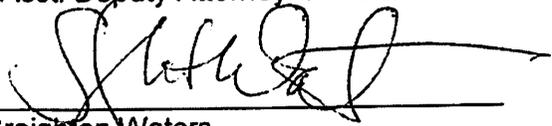
JOHN MCINTOSH  
CHIEF DEPUTY ATTORNEY GENERAL

ROBERT D. COOK  
SOLICITOR GENERAL



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W. Allen Myrick  
Sr. Asst. Deputy Attorney General



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March 7, 2014

**FILED**

MAR 07 2014

JAMES R. PARKS  
CLERK, STATE GRAND JURY

**THE STATE GRAND JURY OF SOUTH CAROLINA**

In the matter of State Grand Jury  
Investigation 2014-237

**AFFIDAVIT OF ALAN WILSON**

PERSONALLY APPEARED BEFORE ME, ALAN WILSON, who first being duly sworn deposes and states as follows:

- (1) My name is Alan Wilson. I am the elected Attorney General of the State of South Carolina. I also currently serve as a Lieutenant Colonel in the South Carolina National Guard. During my career I have also served as an Assistant Solicitor in the Eleventh Circuit, an Assistant Attorney General in the South Carolina Attorney General's Office, and an artillery Officer in the United States Army.
- (2) On February 14, 2013, a citizen complaint was delivered to this Office regarding possible ethics violations by Speaker Robert Harrell. A concern was raised that staff of the House Ethics Committee would have a conflict of interest in investigating claims against Speaker Harrell, because of his control over the hiring and firing of staffers, and because some of those staffers might be fact witnesses in the investigation. As such, the complaint was brought to this Office.
- (3) Because the complaint was brought to our office due to concerns over possible conflicts of interest, I had a job to do. Accordingly, on February 14, 2013, I referred the matter to the South Carolina Law Enforcement Division ("SLED") to conduct a preliminary review of the matters raised by the citizen complaint. At this time I knew nothing about the case other than the allegations that were set forth in the complaint.
- (4) One of the many duties I have as Attorney General of South Carolina is to monitor, and where appropriate, advocate for proposed legislation pending before the South Carolina General Assembly – particularly where such legislation would affect the criminal laws of the State. Indeed, this duty is codified at section 1-7-90 of the South Carolina Code of Laws.
- (5) During the first half of 2013 I was supporting an ethics reform bill that not only would strengthen the ethics laws in general, but also would include the creation

of the Public Integrity Unit. The proposed Public Integrity Unit would include representatives from the Attorney General's Office, SLED, the South Carolina Ethics Commission, the South Carolina Department of Revenue, and the Inspector General.

- (6) The purpose of the Public Integrity Unit was to enhance collaboration and minimize duplication of effort among the various state agencies charged with detecting and addressing corruption, fraud, misconduct, and dishonesty in South Carolina state government.
- (7) During February, March, and April of 2013 I met with various people to discuss and hopefully advance ethics reform legislation and the creation of the Public Integrity Unit. During this time I became aware that Speaker Harrell may have had concerns about including the Public Integrity Unit in ethics reform legislation. I was worried that the Public Integrity Unit would not make it into the final bill.
- (8) On April 11, 2013, a comprehensive ethics bill was introduced that did not contain a Public Integrity Unit. The Full Judiciary Committee met on April 16, 2013, and I was advised the Public Integrity Unit was not included in the discussions.
- (9) Because I believed it would create the appearance of impropriety if I were to meet directly with Speaker Harrell given the pending SLED review of the citizen complaint into possible ethics violations by Speaker Harrell, I decided to reach out to his chief of staff and chief legal counsel, Brad Wright, to discuss the ethics reform legislation and the Public Integrity Unit.
- (10) My purpose in arranging this meeting was to get Speaker Harrell's support for stronger ethics laws and a Public Integrity Unit, and to convey that the proposed ethics reform and the Public Integrity Unit had nothing to do with the fact that this Office, in the normal course of business, referred to SLED a complaint that was brought to us for investigation – as this Office routinely does for the myriad of cases and matters that are brought to it. Of course, such a referral carries with it no conclusion that a complaint is valid or unfounded – that is for the investigation to determine.
- (11) Indeed, at that time I did not know the final result of any investigation into the ethics complaints about Speaker Harrell, and had no idea as to what, if anything, SLED would find.

- (12) Accordingly, on April 16, 2013, I had my staff obtain a cell phone number for Mr. Wright and invite him to a meeting at my office. After reviewing my calendar, I believe the meeting took place late that afternoon. I closed the door and Mr. Wright and I sat down in my office.
- (13) I explained to Mr. Wright the mechanics of the Public Integrity Unit and the idea of fostering collaboration among the various state agencies tasked with ensuring that there is good and honest government for the citizens of South Carolina. I also explained that there was no linkage between the proposed ethics reform and the fact that this Office simply referred a complaint about Speaker Harrell for investigation, as it routinely does for various matters in the ordinary course of business. I conveyed to Mr. Wright my hope that the mere fact this Office referred the matter to SLED in the ordinary course of its business would not cause Speaker Harrell to publicly or privately withhold support for the Public Integrity Unit.
- (14) At no time did we discuss the specifics of the SLED referral other than to acknowledge it existed, and again, at that time I had no knowledge about the final results of any such investigation.
- (15) The entire conversation between us was professional and cordial.
- (16) I deny that I raised my voice at Mr. Wright at any time during the meeting, or behaved in any other manner that would be aggressive, unprofessional, or uncivil.
- (17) I further deny that at any time I pounded my fist on the desk. That is not something I do as a general matter, and it makes no sense that I would be combative given that my goal was to prevent the Public Integrity Unit from being scuttled because of tension from Speaker Harrell over the fact this Office had referred to SLED ethics complaints against the Speaker.
- (18) At no time did Mr. Wright say anything or do anything that would indicate he was "intimidated", and I did nothing that was designed to intimidate anyone.
- (19) At no time did I expressly or impliedly threaten Mr. Wright with "consequences" if Speaker Harrell did not support the Public Integrity Unit. Nor did I make any promises regarding the investigation. My intent in the conversation was to lessen tensions not raise them, and to explain to Mr. Wright the advantages of having a Public Integrity Unit.

(20) I certainly may have asked Mr. Wright to let us know if Speaker Harrell was going to support stronger ethics enforcement mechanisms, but I deny that I was "insisting" or "adamant".

(21) At the conclusion of the meeting, Mr. Wright and I got up, shook hands, and then I walked him to the elevator along with Adam Piper, the Office's Director of Government and Community Relations. The conversation had been pleasant and cordial, and I was encouraged for the Public Integrity Unit as I believed the entire interaction had been on good terms.

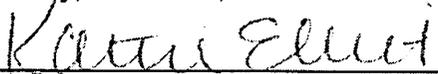
(22) I was advised by staff the next day that Mr. Wright had called and stated Speaker Harrell would support an amendment containing a Public Integrity Unit. Speaker Harrell subsequently voted for a version of ethics reform that contained a Public Integrity Unit.

(23) Any decisions I have made in this case were based purely on objective consideration of the facts and the law.

FURTHER AFFIANT SAYETH NOT.

  
ALAN WILSON

SWORN to before me this  
Friday, March 07, 2014



Notary Public for South Carolina

My Commission Expires: 06/14/2021

MAR 07 2014

JAMES R. PARKS  
CLERK, STATE GRAND JURY

**THE STATE GRAND JURY OF SOUTH CAROLINA**

In the matter of State Grand Jury )  
Investigation 2014-237 )  
\_\_\_\_\_) )

**AFFIDAVIT OF ADAM PIPER**

PERSONALLY APPEARED BEFORE ME, ADAM PIPER, who first being duly sworn deposes and states as follows:

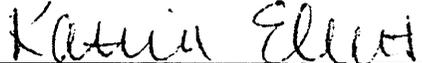
- (1) My name is Adam Piper. I am Director of Government and Community Relations for the South Carolina Attorney General's Office.
- (2) One of the duties of my position is to assist the Attorney General in monitoring and where appropriate advocating for legislation that is pending before the General Assembly.
- (3) On March 6, 2013, an ethics reform bill was introduced in the House that included a Public Integrity Unit.
- (4) In March of 2013, the Office was advised that ethics reform legislation to be discussed by the House Judiciary Committee would not include a Public Integrity Unit.
- (5) On April 11, 2013, a new comprehensive bill was introduced in the House that excluded a Public Integrity Unit.
- (6) On April 16, 2013, the House Full Judiciary Committee discussed ethics reform without the Public Integrity Unit. However, a break was taken for possible amendment.
- (7) The Attorney General asked me to find a contact number for Brad Wright, the chief of staff and legal counsel for Speaker Harrell in order to set up a meeting.
- (8) Mr. Wright met with the Attorney General on the afternoon of April 16, 2013. Although I did not attend the meeting, I walked with the Attorney General and Mr. Wright on the way to the elevator. The interaction I observed between the Attorney General and Mr. Wright was normal and comfortable, and nothing Mr. Wright said or did, and nothing about his demeanor, indicated that his interaction with the Attorney General had been anything but normal.

- (9) Mr. Wright and I exchanged contact information and business cards. Again, nothing Mr. Wright said or did, and nothing about his demeanor, indicated that he was at all uncomfortable or intimidated. Nothing I observed gave any indication that Mr. Wright had just had any kind of negative interaction with the Attorney General. My interaction with Mr. Wright was also pleasant and professional.
- (10) The next day, April 17, 2013, Mr. Wright called to inform us the Speaker would be supporting the Public Integrity Unit and would advise other members of this.
- (11) That day, an amendment was added which inserted the Public Integrity Unit into ethics reform legislation. Speaker Harrell was among the House members who overwhelmingly voted for the legislation, which included the Public Integrity Unit.

FURTHER AFFIANT SAYETH NOT.

  
ADAM PIPER

SWORN to before me this  
Friday, March 07, 2014

  
Notary Public for South Carolina  
My Commission Expires: 06/14/2021