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February 11, 2008

Members of the Judiciary Committee  
United States Senate  
Washington, D.C. 20510

Dear Senator:

On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to voice our strong opposition to the nomination of Gustavus Puryear IV to the U.S. District Court for the Middle District of Tennessee.

Mr. Puryear currently is the general counsel for the Corrections Corporation of America (CCA) which is the largest for profit private prison company in the world. CCA's corporate headquarters is located in the same jurisdiction as the Middle District of Tennessee. Since 2000, more than 400 cases have been filed involving CCA or its employees. If Mr. Puryear were the judge in this jurisdiction, he would be required to recuse himself from a considerable number of the cases that come before that court for a specified number of years. This would place a tremendous burden on the court and on the judges who would have to replace Mr. Puryear in these cases. Moreover, in addition to his rather large salary as general counsel for CCA, Mr. Puryear retains considerable stock options in the company and has sold approximately \$2.64 million of his CCA stock since 2006. Needless to say, Mr. Puryear's interest in CCA would present a major conflict of interest if he was confirmed.

In addition to his conflict of interest as a result of his relationship with CCA, Mr. Puryear has minimal litigation experience which we believe should be a factor in considering whether or not he should be given a lifetime appointment on a federal court. He has spent very little time working as an active litigator. His most recent involvement in federal cases was nine years ago, and he has been actively involved in only five federal cases. Only one of these cases went to trial, and this was a bench trial.

AFSCME believes a lifetime position to a federal court should be given to those persons who have sufficient experience and qualifications to do the job. We do not believe that Mr. Puryear meets this standard. And we certainly do not believe that it is wise to tie up the court's resources with a judge who would have to disqualify himself from a large percentage of the cases that come before the court.

For these reasons, we ask that you reject the nomination of Gustavus Puryear to the U.S. District Court in the Middle District of Tennessee.

Sincerely,

Charles M. Loveless  
Director of Legislation

CML:cbm