



Grassroots LEADERSHIP

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February 26, 2008

The Honorable Patrick Leahy, Chair
Committee on the Judiciary
United States Senate
224 Dirksen Office Building
Washington DC 20510

The Honorable Arlen Specter, Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Office Building
Washington DC 20510

Dear Chairman Leahy and Senator Specter,

Grassroots Leadership, a national organization that works to defend democracy, to enhance the public good and to stop the erosion of the public sphere, urges the United States Senate to reject the nomination of Gustavus A. Puryear IV to the District Court of the Middle District of Tennessee. We respectfully request that this letter be made part of the official record.

The very substantive concerns regarding the appropriateness and wisdom of confirming Mr. Puryear to a lifetime appointment on the federal bench are well described and documented in the letters submitted to the Senate Judiciary Committee by the Alliance for Justice and the American Federation of State, County and Municipal Employees (AFSCME); the press release from the National Lawyers Guild; and the letter from Tennessee State Medical Examiner Dr. Bruce Levy, and do not require repeating here. Suffice it to say that Grassroots Leadership joins these concerned parties in pointing out the absolute seriousness of these issues, and the degree to which they illuminate Mr. Puryear's substantive lack of judicial experience compared to the norm for nominees to the federal bench.

This lack of trial experience, however, is far from the only factor arguing against Mr. Puryear's appointment. Federal judges are public servants; in the best sense of that phrase, they are expected to serve the public, not any set of private interests. If the public perceives that members of the federal bench operate with anything less than full and

absolute impartiality, that compromises the credibility and legitimacy of the federal judiciary. It undermines public respect for the rule of law, something that is critical to maintaining and strengthening a democratic and humane society.

Mr. Puryear's dismissal of prisoner lawsuits as "something they can do in their spare time," and his suggestion that a murdered female prisoner's broken ribs and liver damage are a "common" occurrence during resuscitation, call into question his ability to make reasoned, impartial judgments. They suggest a callousness with respect to those in our society who approach the bench without the power of those among whom Mr. Puryear appears to have spent the majority of his career.

It is inevitable that, if confirmed, Mr. Puryear will at some point beginning hearing significant numbers of cases involving Corrections Corporation of America (CCA), the world's largest for-profit private prison corporation, for which he is currently serving as general counsel. It is hard to see how this can be perceived as anything other than a significant conflict of interest. Mr. Puryear may divest his CCA stock, but he is neither likely nor required to divest himself of the network of friends, allies, business, political and social connections he has established during his many years at CCA—including those at an exclusive country club that did not admit its first African American member until 1994, and that to this day reportedly continues to limit the full membership and participation of women.

I am well aware that candidates for federal judgeships are often persons who have made major contributions to, and played political leadership roles within, the party nominating them. But respect for the law, on which our society rests, depends on respect for those who make and interpret the law. It is hard to see how, given his lack of judicial experience, his public callousness towards incarcerated persons, and his continuing conflicts of interest, Mr. Puryear can serve as an example of judicial impartiality and integrity on the federal bench.

Thank you for exercising wisdom and judgment in this matter.

Sincerely,

Si Kahn, Ph.D.
Executive Director