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Ex-inmate helps make Bush nominee 'controversial'

By TRAVIS LOLLER

NASHVILLE, Tenn. (AP) — Had this been like most nominations for federal judgeships, the chief lawyer with Corrections Corporation of America might have been packing up his office and heading for the courthouse by now.

But a determined opponent — a former prisoner at a Corrections Corporation of America facility in Clifton, Tenn. — has worked tirelessly to see that would not happen.

And he may have succeeded.

More than a year after President Bush nominated Gustavus A. Puryear IV to become a U.S. district judge in Nashville, the 40-year-old's appointment appears to be in serious trouble, thanks in no small part to Alex Friedmann, a convicted armed robber turned inmate advocate.

Friedmann, 39, contends Puryear is unqualified because he lacks experience in federal courts — he's been involved in only two federal trials — and might have a potential conflict of interest in hearing cases that involve CCA.

On his Web site, <http://www.againstpuryear.org>, Friedmann also has detailed Puryear's ties to powerful Republicans like Dick Cheney, whom he helped prep for a 2000 debate, and portrayed Puryear as someone who got the nomination because of his connections rather than his qualifications.

The Senate Judiciary Committee held a hearing on Puryear's nomination in February but has yet to vote on whether to send his name to the full Senate. Erica Chabot, the press secretary for committee Chairman Patrick Leahy, said Puryear is one of only three people who have been nominated for district judgeships since January 2007 and have had hearings before the committee but have not had their nominations voted on.

Leahy, D-Vt., has said the panel will not consider any more nominees this session without the consent of leaders from both parties.

"I understand they have put Puryear in the 'controversial' category," said Brian Fitzpatrick, who once worked for Republican Sen. John Cornyn of Texas defending Bush's Supreme Court nominees and is now an assistant law professor at Vanderbilt University. "It's very rare for a district court nominee to become controversial. Usually they just fly through."

The Senate typically defers heavily to the senators from the nominee's home state, and Republican Sens. Lamar Alexander and Bob Corker of Tennessee solidly support Puryear.

But the opposition has been unusually committed.

Multiple organizations, including the left-leaning Alliance for Justice and the National Lawyer's Guild, have challenged Puryear's nomination, all of them using research that originated with Friedmann, occasionally quoting it verbatim.

Friedmann says he learned of the nomination because he keeps track of Nashville-based CCA, which manages 66 facilities around the country. He looked through dockets and court cases, contacted former co-workers and made Freedom of Information Act requests.

To get the word out, he relied on the nonprofit Private Corrections Institute, for which he serves as vice president, and a group he formed called Tennesseans Against Puryear.

Puryear did not return calls from The Associated Press for this story.

White House spokesman Blair Jones said the White House suggests that nominees not speak to the media, prior to confirmation, out of respect for the deliberative process of the Senate.

"Groups can attack a nominee, but you'll never see (the nominee) respond to anything except at hearings," said Puryear's friend Ed Haden, an attorney in Birmingham, Ala.

Haden said the obstacles to Puryear's nomination are political, and don't mean he is not qualified for the job.

"As far as his qualifications go, he was at the top of his class in law school, he clerked on the U.S. Court of Appeals, he has legislative experience in the U.S. Senate, he manages litigation for a big Fortune 500 company, and the ABA (American Bar Association) rated him as qualified," Haden said.

"Gus realizes this is a lame duck year in politics," he added. "It's true for all nominees — whether you're in the deal or not is beyond your control."

Puryear's nomination remains active until Congress adjourns, and he could still be confirmed. The most likely scenario for that would be a deal struck between senators.

"At the end of the session, it's, 'Who wants a bridge in Vermont?'" said Haden, who has worked with two U.S. senators on judicial nominations.

Meanwhile, Friedmann is continuing his opposition campaign in the hopes of making a last-minute deal less likely.

"I'm glad the Judiciary Committee is taking a closer look at Mr. Puryear as a candidate because the issues we raised are legitimate issues," he said.

"But," he added, "I'm definitely not claiming victory."

On the Net:

- * Tennesseans Against Puryear: <http://www.againstpuryear.org>
- * Tennesseans for Gus Puryear: <http://tnforpuryear.blogspot.com>
- * CCA: <http://www.correctionscorp.com>