

Private Corrections Institute, Inc.

April 17, 2008

SENT VIA FAX

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

RE: Alliance for Justice Report on Judicial Nominee Gustavus A. Puryear IV

Dear Chairman Leahy:

Earlier this week the Alliance for Justice released a report concerning judicial nominee Gustavus A. Puryear IV. The Private Corrections Institute (PCI) had no input in the creation of the report and did not review it prior to release. Although the report cites various documents submitted to the Committee by PCI, we disagree with several parts of the report as set forth below.

1. The AFJ report includes a section titled "Disappearing Evidence of Sexual Abuse in Transport," related to incidents of sexual abuse involving prisoners in the custody of TransCor, a CCA subsidiary. In late 2006, in my capacity as associate editor for *Prison Legal News*, I wrote a comprehensive 10,000-word article on the private prisoner transportation industry that included detailed research on TransCor. A shortened version of that article appears as a chapter in *PLN's* latest anthology, "Prison Profiteers" (The New Press, 2008).

TransCor has indeed had past problems with transport officers sexually abusing prisoners: In my article I documented six cases where female prisoners were sexually assaulted by TransCor guards, including the case cited in the AFJ report that resulted in a \$5 million settlement. Such problems still persist. On February 3, 2008, *The Florida Times-Union* reported that a TransCor officer was charged with having sex with two female prisoners in his custody. However, most of these incidents occurred prior to Mr. Puryear joining CCA as general counsel, and PCI does not believe that isolated issues related to litigation stemming from such incidents can be attributed to Mr. Puryear's oversight of legal affairs at the company.

Dee Hubbard
President

Alex Friedmann
Vice President

Stephen Raher
Secretary/Treasurer

Deb Phillips
Director

Ken Kopczynski
Executive Director

1114 Brandt Drive - Tallahassee, FL 32308
850-980-0887 - www.PrivateCI.org

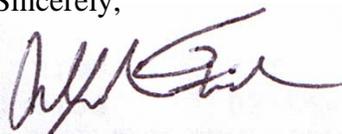
2. The AFJ report also includes a section related to "Use of Intimidation and Threats to Obtain Settlements," which cites newspaper reports about a CCA prisoner who stated that CCA employees kept him in segregation and pressured him to sign a settlement and release that would preclude him from filing suit, after he was attacked by other prisoners. Contrary to the reports at the time, no U.S. Department of Justice investigation by the Civil Rights Division was initiated regarding this incident; further, a lawsuit filed against CCA was later dismissed on a motion for summary judgment. We do not see how this reflects poorly on Mr. Puryear.

3. The AFJ report questions whether Mr. Puryear is suited to hear criminal cases, as "every prisoner he sentences to confinement directly increases the earnings of his former employer and the value of his significant CCA stock holdings." PCI disagrees with this assessment. Given Mr. Puryear's stated goal of divesting all CCA stock holdings if he is confirmed, and considering that a relatively small number of federal prisoners are housed at CCA-operated prisons (about 11,000 nationwide, including prisoners in ICE and U.S. Marshals custody), we do not believe this specific issue is a significant concern relative to Mr. Puryear's nomination.

The Alliance for Justice report includes more serious issues that should be given consideration and attention by the Committee – including matters related to Mr. Puryear's verbal and written comments concerning the death of Estelle Richardson at a CCA-operated jail in Nashville; Mr. Puryear's membership in the Belle Meade Country Club, which appears to engage in de facto racial and gender discrimination; Mr. Puryear's remarks, as reported in two publications, related to his disparaging view of prisoner litigation; and allegations by former CCA senior manager Ronald T. Jones relative to CCA's practice of keeping separate sets of quality assurance reports and designating in-house reports as attorney-client privileged, under Mr. Puryear's direction.

Thank you for your continued time and attention regarding our input into Mr. Puryear's pending judicial nomination.

Sincerely,



Alex Friedmann
Vice President, PCI

cc: Senator Arlen Specter, Ranking Member
Alliance for Justice

Dee Hubbard
President

Alex Friedmann
Vice President

Stephen Rahe
Secretary/Treasurer

Deb Phillips
Director

Ken Kopczynski
Executive Director