

Smith until after I received a copy of his letter to the Committee, at which point I called to express my appreciation for the sentiments he expressed in it.

Since my nomination, Mr. Sanders and I have had telephone discussions concerning an unrelated legal matter.

After my hearing, I had two or three telephone discussions with Mr. Sanders concerning the inquiries regarding the death of inmate Estelle Richardson that were being made with respect to my nomination. I was seeking confirmation as to my recollection of facts from that matter, which had concluded approximately two years before. We discussed the situation that these inquiries put me in, as one wanting to disclose all available information to the Committee yet not wanting to risk the abrogation of any of CCA's rights. We also discussed the fact that some of my answers provided as a nominee would raise issues regarding CCA's conduct that could implicate CCA's interests. In that context, Mr. Sanders expressed his view that the information apparently being provided to the Committee may not be complete, and he volunteered to write a letter to the Committee and provide any factual information that may be helpful to the Committee in knowing the truth about what was involved in the matter. We agreed that Mr. Sanders should discuss this possible course with corporate counsel for CCA other than me, and that I should not be involved in deciding whether such information would be provided.

I did not review his letter, and I did not know of its contents (directly or indirectly), and I did not provide him with any instructions as to its content or what to disclose. I received a copy of the letter after it was transmitted to the Committee.

6. At the hearing, you pointed to your service on the National Prison Rape Elimination Commission as evidence that you are not hostile to prisoner rights.

a. Please describe in detail your work on the Commission.

Response: The National Prison Rape Elimination Commission is a bipartisan panel created by the National Prison Elimination Act of 2003, 42 U.S.C. § 15601 et seq., the primary sponsors of which were Senators Kennedy and Sessions. The Commission is charged with studying federal, state and local governmental policies and practices relating to sexual violence behind bars. Prisoners get sentenced to prison, not sexual abuse. Sexual abuse is morally and legally wrong, and I agreed to serve on the Commission to help solve this problem. The Majority Leader of the United States Senate appointed me to the Commission in December 2003.

Upon completion of its study, the Commission will report its findings, conclusions, and recommendations to the Congress, the President, and the U.S. Attorney General. These recommendations will include draft standards for the prevention of prison sexual violence that it is hoped will be implemented by the U.S. Bureau of Prisons and become a new national standard for various types of corrections institutions across

the country. These standards will attempt to enhance the prevention, detection, reduction and punishment of prison sexual assault by inmates and by staff.

My involvement as a Commissioner involved work in the original, organizational meetings to establish procedures for the Commission to follow in pursuit of its final report, including findings, conclusions, recommendations, and draft standards. I was involved in various interviews in connection with hiring senior staff for the Commission (some by telephone). Following a major staff transition, the Commission held a two or three day management retreat to attempt to get the Commission's progress back on track.

Commissioners have reviewed various proposals for studies concerning prison sexual violence and the means of eliminating it. We have held eight public hearings and one public meeting for the purpose of learning more about the scope of the problem of sexual violence in prison, the nature of the problem, and the means to reduce it.

We authorized certain expert committees to address specific areas for drafting standards: Classification and Technology; Confidential Reporting and Data Collection; Investigations and Staff Sexual Misconduct; Medical and Mental Health; Training; Juvenile Facilities; and Immigration Detention Facilities. I have helped recruit one well-known corrections expert to serve on an expert committee, and the Commissioners are kept abreast of committee development through regular written communications and conference calls.

We are currently in a stage where we are reviewing "draft" standards that have been prepared by staff based upon the work performed at public hearings and meetings, as well as the expert committees. For example, on Monday, February 25, 2008, the Commission conducted a meeting to review suggested draft standards; the meeting lasted all day and I participated via conference call.

We anticipate that draft standards will be released for public comment in the near future.

b. How many meetings or hearings has the Commission held and how many have you attended?

Response: There have been eight hearings, and I have attended four. Unfortunately, I had schedule conflicts with the remaining four. I was provided with written materials for review from those hearings that I missed. There has also been one public meeting at Notre Dame Law School, which I attended. As discussed earlier, those hearings comprise only a portion of the work done by commissioners. The Commission also has semi-regular non-public conference calls, and we have had a number of executive business meetings.

c. Have you provided the Committee with all public statements you made in connection with your service membership on the Commission? If not, please do so.