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Senators raise doubt over testimony of Nashville judicial nominee

CCA counsel quizzed in judicial confirmation

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WASHINGTON — The accuracy of testimony by Gustavus "Gus" Puryear IV at his confirmation hearing to be a federal judge is being questioned by four Democratic members of the Senate Judiciary Committee.

Puryear is general counsel of Nashville-based private prison giant Corrections Corporation of America and was nominated by Republican President Bush.

After the February hearing, he provided written answers to additional questions about the company's handling of the death of an inmate at a company-run facility in Nashville, potential conflicts of interest he would face as a judge and his membership in the Belle Meade Country Club.

The sometimes-pointed questions and Puryear's responses again raise the stakes in his confirmation. Once thought to be routine, Puryear's nomination is being fought by a coalition of civil rights, labor and other groups spearheaded by the Private Corrections Institute, which opposes prison privatization. Puryear's responses were released Thursday.

Inmate death testimony

Judiciary Committee Chairman Sen. Patrick Leahy of Vermont, along with Sens. Ted Kennedy of Massachusetts, Dianne Feinstein of California and Russ Feingold of Wisconsin questioned the testimony Puryear gave last month about the 2004 death of Estelle Richardson.

Richardson died at the Metro Detention Facility after she was forcibly removed from her solitary confinement cell by four guards. She had a fractured skull, broken ribs and liver damage.

The state's medical examiner ruled the death a homicide and the four guards were charged, but the indictments eventually were dropped. Later, a civil suit brought by Richardson's family was settled out of court when experts representing the family and the CCA concluded the skull fracture occurred before she was extracted from her cell.

At his Feb. 12 hearing, Puryear testified it was not clear how Richardson received her head injuries and that they could have been self-inflicted. He said CPR done in an attempt to revive Richardson could have caused her broken ribs and liver damage.

All four senators questioned that testimony, citing a letter sent to the committee from Dr. Bruce Levy, Tennessee's chief medical examiner, who conducted the autopsy on Richardson.

He reiterated that the death was a homicide caused by blunt force trauma that was not self-inflicted. Levy called "misleading at best" Puryear's comment about CPR causing injuries.

Puryear responded by citing a letter to the committee from David Smith, attorney for the Richardson family, who wrote that the "the circumstances and causes of Ms. Richardson's tragic death were complex and debated ... our own experts attributed the death to a seizure."

"There were also issues on whether CPR may have caused the liver and rib injuries," Smith wrote.

Puryear said the company's expert, Dr. William McCormick, former deputy chief medical examiner for Tennessee, wrote that the rib and liver injuries were "almost certainly" caused by CPR and cited medical research to back his claim.

Promises made

Puryear expanded on a promise made during testimony that he would recuse himself for at least five years from CCA cases and would also not take on personal cases involving company executives. He said at the hearing he also would sell all of his CAA stock.

Puryear also wrote that he would resign from the Belle Meade Country Club if he discovered that the club's membership practices violated the judicial code of conduct.

Kennedy wrote that the club did not allow blacks to join until 1994 and does not give women the right to vote on club business.

Puryear said there are no women who are "resident members," the class allowed to vote, but that he knows of no policy that restricts women from being recommended for that category. "I am not aware ... that any woman has been proposed or has sought to be proposed as a 'resident member,'" he said.

Judiciary Committee spokesman Erica Chabot said the committee would likely not deal with the nomination until April at the earliest because members may want to ask follow-up questions and Congress is out of session the last two weeks of March.

The full Senate must confirm the nomination once it is out of committee.