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December 7, 2007

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

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

Dear Chairman Leahy and Senator Specter:

Alliance for Justice urges the Senate to reject the nomination of Gustavus Adolphus Puryear IV to the District Court for the Middle District of Tennessee.

Mr. Puryear's public comments indicate hostility towards civil rights lawsuits in general and to those brought by prisoners in particular. Since 2001, Mr. Puryear has served as Executive Vice President and General Counsel of Corrections Corporation of America (CCA), a position he continues to hold pending the Senate's resolution of his nomination. As CCA's General Counsel, Mr. Puryear has managed hundreds of cases filed by prisoners in his client's custody—most involving allegations of civil rights violations. In a 2004 interview with *Corporate Legal Times*, Puryear cavalierly dismissed the legitimacy of these claims. He stated that, "Litigation is an outlet for inmates…. It's something they can do in their spare time." Puryear's comments ignore the fact that such cases are the only means through which people detained by the government can protect their constitutional rights and ensure safe and humane living conditions and raise serious questions about his ability to remain objective when hearing similar cases if he is confirmed as a federal judge.*

* Mr. Puryear's publicly-stated hostility to an entire class of litigants that would frequently appear before him stands in stark contrast to his lack of relevant qualifications to serve as a federal judge. Indeed, the primary basis for this nomination appears to be his years of devoted service to the Republican Party. He served as legislative director and counsel to former Senator Bill Frist, as debate advisor to Vice President Dick Cheney, as counsel to the Senate's special investigation of campaign fundraising in the 1996 presidential election, and in 2004 he served on the Bush-Cheney Steering Committee in Tennessee, where he worked to

Mr. Puryear's confirmation to the Middle District of Tennessee would also cause docket management problems. CCA's corporate headquarters are located within the jurisdiction of the Middle District Court of Tennessee. This means that CCA regularly appears as a party before this court. Over 400 cases naming CCA or CCA employees have been filed in this court since 2000. As former general counsel for CCA, Mr. Puryear would be forced to recuse himself from all such cases for at least several years. Moreover, his statements hostile to prisoners' lawsuits raise issues of bias that would probably require Mr. Puryear to recuse himself from all lawsuits brought by prisoners. This would shift a substantial burden onto the three other district judges in the courthouse.

No nominee comes to the Senate Judiciary Committee with a presumption of confirmation. The comments made by Mr. Puryear as a private citizen about the legitimacy of prisoners' claims raise serious questions about the appropriateness of confirming Mr. Puryear's to a lifetime appointment on the federal bench. I therefore urge you to reject Gustavus Adolphus Puryear IV's nomination in favor of a nominee with a demonstrated commitment to equal justice under the law.

Sincerely,



Nan Aron
President
Alliance for Justice

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assist the campaign in "anyway I can." Recently described by his local newspaper, the *Nashville Post*, as a "Republican heavy weight," in the last six years, Puryear has personally donated $18,000 to Republican candidates.