

Private Corrections Institute, Inc.

March 7, 2008

SENT VIA FAX ONLY

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

RE: Responses to Written Answers Submitted by Gustavus A. Puryear IV

Dear Senator Leahy:

On March 5, Mr. Gustavus A. Puryear IV, judicial nominee for the U.S. District Court for the Middle District of Tennessee, submitted written answers to questions posed by your office and by Senator Feinstein, Senator Kennedy and Senator Feingold.

On behalf of the Private Corrections Institute (PCI), I am submitting the attached responses to Mr. Puryear's written answers. These responses are intended to provide additional information to the Committee relative to Mr. Puryear's remarks; they contain observations and details that he either failed to disclose or did not fully address.

It is not the intent of this correspondence to re-examine issues presented in previous letters sent to the Committee by PCI, nor in PCI's Response to Mr. Puryear's Feb. 12 testimony; however, references to those documents will be made where appropriate. To the extent that some of our previously-expressed concerns regarding Mr. Puryear's nomination are not addressed here, our prior letters and the other materials we have provided speak for themselves.

Since Mr. Puryear's written answers to the questions submitted by the Committee members are somewhat duplicative, as some of the questions were duplicative, rather than address his answers individually I shall do so by topic, inclusive of all his answers related to a particular topic.

Dee Hubbard
President

Alex Friedmann
Vice President

Stephen Rahe
Secretary/Treasurer

Deb Phillips
Director

Ken Kopczynski
Executive Director

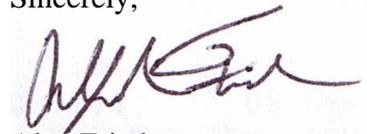
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Senator Patrick Leahy
March 7, 2008
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PCI does not mean to burden the Committee with insubstantial or trivial matters. We believe that Mr. Puryear's nomination deserves closer scrutiny based upon his Feb. 12, 2008 testimony, his written answers addressed herein, and his admitted lack of empirical federal court litigation and trial experience – among other issues as detailed in our previous correspondence.

We request that these responses be shared with the Committee members to the same extent that Mr. Puryear's answers are shared. Thank you for your continued time and consideration;

Sincerely,



Alex Friedmann
Vice President, PCI

cc: Senator Arlen Specter, Ranking Member
Senator Dianne Feinstein
Senator Edward Kennedy
Senator Russell Feingold
Ken Kopczynski, PCI Director
Paul Wright, PLN Editor

Dee Hubbard
President

Alex Friedmann
Vice President

Stephen Rahe
Secretary/Treasurer

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**Responses of the Private Corrections Institute
to
Written Answers Submitted by Gustavus A. Puryear IV**

March 7, 2008

Answers Related to Disclosure of Documents re Bay County Jail Incident

* Regarding an after-action report related to a violent hostage-taking incident at the CCA-operated Bay County, Florida jail in 2004, Mr. Puryear stated that the report, conducted by an outside law firm, was delivered verbally and no written report was ever produced. While that is entirely possible, it is an unusual way to deliver such a report. More importantly, in a letter sent to PCI's executive director by CCA's outside law firm, dated October 19, 2007, in reply to PCI's request for the company's Bay County hostage after-action report, CCA's counsel stated in writing, "I have been advised that this report was prepared by outside counsel in anticipation of litigation. Accordingly, it is exempt from those documents contemplated by [Florida public records statutes]...." This appears to conflict with Mr. Puryear's answer that no written after-action report was ever produced. The letter from CCA's outside law firm is attached to PCI's Response to Mr. Puryear's February 12, 2008 testimony, at page four of Exhibit 7.

* In response to questions from Senator Feinstein, Mr. Puryear addressed whether the reports related to the 2004 Bay County incident, prepared by public agencies, would have been protected under attorney work product doctrine – as CCA, under Mr. Puryear's direction, had asserted for the company's own after-action report. Mr. Puryear indicated that even public reports might not be subject to release under Florida's public records statutes. The more proper answer is whether such public reports actually **were** withheld from the public, as CCA's report was withheld. Bay County's "Unusual Incident Review," dated December 22, 2004 and prepared by the County, was obtained as a public document and is presently posted on PCI's website at the following link: www.privateci.org/private_pics/bay_inci.pdf. The Florida Dept. of Law Enforcement (FDLE) also conducted an investigation, and that agency's report is likewise a public document.

* Concerning Mr. Puryear's involvement in restructuring CCA's quality assurance division and placing it under the company's legal department, that and related issues were addressed in my letters dated February 26 and March 3, sent to Senator Leahy's and Senator Specter's Judiciary Committee offices under a confidentiality notice.

Answers Related to the Death of Estelle Richardson

* While there is definitely some disagreement between State Medical Examiner Dr. Bruce Levy and the paid medical experts hired in connection with the civil litigation filed against CCA, Ms. Richardson's cause of death – and the finding of homicide as her official cause of death – has not changed. As stated by Dr. Levy in his letter dated February 21, "Her autopsy report and death certificate ... have remained unchanged since her death in 2004." While Mr. Puryear and medical experts (who did not participate in the autopsy and did not inspect Ms. Richardson's body) may disagree, this does not alter the official findings. The Assistant D.A. who handled the prosecution of the four CCA guards indicted in connection with Ms. Richardson's death, Mr. Rob McGuire, termed her case an "unsolved murder" after the charges against the guards were dropped.

* Mr. Puryear noted that there was disagreement as to the timing of Estelle Richardson's fatal injuries. He stated, "The experts consulted by the Richardson family and CCA agreed that the head injury was at least three days old, and there were still substantial issues surrounding what role, if any, that injury played in her death." In the amended complaint filed by Ms. Richardson's family (attached as Exhibit 2 to PCI's Response to Mr. Puryear's Feb. 12, 2008 testimony), there is specific reference to a fifth CCA guard who reportedly injured Ms. Richardson in a shower on July 2, 2004 – three days before her death. This fifth guard, Shirley M. Foster, allegedly caused a head injury to Ms. Richardson, which was witnessed or documented by four prisoners at the time as detailed in the amended complaint. I have since spoken with two of those prisoners, who are still incarcerated (Judy Townsend and Carolyn Rhodes). Both remember the incident and Ms. Foster's involvement. Mr. Puryear did not mention Ms. Foster, the fifth guard who was accused in connection with Ms. Richardson's injuries. Ms. Foster was not prosecuted.

* Coincidentally, Judy Townsend's brother, Gerald Townsend, was beaten to death on Jan. 14, 2008 at the CCA-operated Metro-Davidson County Detention Facility, the same jail where Ms. Townsend was present when Estelle Richardson died in 2004. Gerald Townsend was murdered despite the many steps that Mr. Puryear said he and CCA had taken following Ms. Richardson's death, as described in his answer to a question posed by Senator Leahy.

* To the extent that Mr. Puryear cited findings by Dr. William McCormick, the paid medical expert retained by CCA's defense counsel in the civil lawsuit filed by Ms. Richardson's family, I have addressed issues related to Dr. McCormick's expert testimony in a previous letter to the Committee dated February 28, which should be part of the record.

* Mr. Puryear cited a letter from David Randolph Smith, one of the attorneys who represented Ms. Richardson's family in the lawsuit against CCA. I spoke with Mr. Smith and he related to me the underlying reasons why he sent his letter to the Committee. I am not at liberty to disclose those reasons as communicated to me during our private conversation; it is up to Mr. Smith to inform the Committee as to the true motivation behind his letter.

* Mr. Puryear repeatedly stated that CCA had "fully cooperated" or "cooperated fully" with the investigation into Ms. Richardson's death. In fact, I counted 16 separate times that he used those phrases in his combined answers. Of course there was little other alternative. Any corrections agency, whether local, state, federal or private, is expected to "fully cooperate" or "cooperate fully" with law enforcement in the investigation of a prisoner's in-custody death.

Answers Related to Lack of Trial and Litigation Experience

* Mr. Puryear noted that he had served as a law clerk to a federal court of appeals judge (Fifth Circuit, the Honorable Rhesa H. Barksdale), which is certainly a prestigious position. However, the appellate courts are not fact-finding courts; they review findings by the district court but do not engage in extensive motion practice, nor jury selection or trials, nor do they hear or weigh witness testimony or deal with the many daily tasks that make up the work performed in the U.S. District Courts where Mr. Puryear would serve if appointed. Thus, his appellate court clerkship, while certainly desirable for any attorney, does not lend significant expertise or knowledge in terms of the skills and experience required in the District Courts.

* In reply to questions from Senator Feingold related to Mr. Puryear's litigation experience "for both federal and state cases," Mr. Puryear did not reference all of his answers according to state court or federal court. For example, he noted that he once personally presented an oral argument to an appellate court. He does not specify whether that was state or federal; presumably, since he is not admitted to practice in the Sixth Circuit Court of Appeals, it was in state court. Several of his other answers likewise failed to indicate whether they were related to state or federal court practice. This is an important distinction. The Rules of Civil Procedure, Rules of Evidence, the Local Rules of Court and criminal statutes differ between the state and federal judicial systems. There are many similarities, but each system has its own distinct procedures and rules.

* Mr. Puryear's admitted lack of experience in federal court litigation is particularly important in that he seeks a position on the federal bench. Assuming your child was sick and required surgery, and the hospital appointed a doctor who had performed just two surgeries, only one of which was successful, would you want that surgeon to perform the operation? There may be hundreds of more qualified doctors but the hospital has offered only one – who has very little experience and an almost non-existent track record. Would you put your child under that surgeon's scalpel? Every person who appears before a federal judge is someone's child. Federal judges make life-and-death decisions on a regular basis, e.g. in capital punishment cases, and the appeals courts often give deference to fact finding by the District Courts. A federal judgeship is no place for an inexperienced lawyer to "learn the ropes" while ruling on important issues of Constitutional law, especially a nominee like Mr. Puryear who has taken only two cases to trial and lost one.

* Mr. Puryear stated that he has served as the "chief legal officer of a major corporation" for the past seven years, which gave him a wealth of knowledge. However, that is a non-practicing management position. Mr. Puryear has primarily overseen contracted law firms that do the actual legal work. He would not have that luxury should he be appointed to the federal bench; he would have to hear and weigh evidence, handle jury trials, consider motions, coordinate trials, conduct research and issue rulings – work that he has not personally done in any appreciable amount for almost a decade, and then primarily in the state courts.

Answers Related to Membership in Belle Meade Country Club

* Regarding Mr. Puryear's answers to questions about his membership in the almost exclusively white Belle Meade Country Club, which does not afford voting privileges to the Club's female members, Mr. Puryear stated, "I am not aware, nor have I been made aware, that any woman has been proposed or has sought to be proposed as a 'Resident Member.'" This is a disingenuous answer at best. New members at the Club must be proposed, seconded and recommended by existing members. According to Article V of the Club's Bylaws, "Proposals for membership shall be made in writing on forms and in the manner provided for such purpose. Proposals shall be made and seconded by Resident members only not serving as directors and shall be accompanied by letters of recommendation giving general remarks and personal qualifications concerning the candidate, from the proposer, seconder and three members."

That the Resident Members of the Club, who are all male, have never successfully proposed a female member for Resident Member status is suspect. Mr. Puryear observes that he cannot vote because he is not a Resident Member; yet this does not explain why **some** male members can vote while **no** current female members of the Club are allowed to vote, nor why **all** the voting Resident Members of the Club happen to be male.

Comparatively it could be said that there is no de facto racial discrimination at the Club, as the voting members, who are almost exclusively white, have simply not considered asking minority members to join. This does not mean there is a dearth of interested prospective female or black members – just that they have not, apparently, been asked to join by the almost entirely white, all-male Resident Members. Similarly, in the South prior to the civil rights movement, it was not unusual for minorities "not to be asked" to sit at certain lunch counters, drink from certain water fountains, or take seats at the front of buses.

Many organizations have a formal non-discrimination statement whereby they state they do not discriminate according to race, gender, national origin, religion, etc. I have carefully reviewed the Belle Meade County Club's member handbook, Constitution and Bylaws, revised as of June 2007. I found no such non-discrimination statement in any of those documents.

* According to a recent article published in the *Nashville Scene* (March 5, 2008), the Belle Meade Country Club has only one black member – and that member does not reside in the State of Tennessee. This information might not be completely accurate; as Mr. Puryear notes in his written answers, the Club does not "track its members based on race, nor does it respond to such requests." Mr. Puryear stated that the Club "includes people of different genders, races, national origins, religions, and sexual orientation." He did not, however, provide any context as to the Club's number of minority members; indeed, just one such member would justify Mr. Puryear's remark relative to the inclusion of "different" races, but still would not excuse the discriminatory implications of having only one minority member, or a very small number of minority members, in relation to the Club's overwhelming white-majority membership.

* Mr. Puryear advises that three other federal judges are members of the Belle Meade Country Club. This has no bearing on his own membership, of course, nor on his own sound judgment in maintaining membership in an almost exclusively white club that did not accept its first black member until 1994, and which does not allow women members to vote. Whether or not other judges may be Club members is immaterial to Mr. Puryear's own membership.

Answers Related to Comments About Inmate Litigation

* In terms of handling inmate litigation, Mr. Puryear stated that during his tenure at CCA he settled "meritorious inmate lawsuits for substantial monetary awards." He further quoted from his comments in an October 2005 article published in *GC South* about the "human dimension" to CCA's business, including the lives of the people housed in CCA's for-profit prisons. He did not mention another part of that same article, which related to Mr. Puryear's "no settlements" policy. The *GC* article stated, "Of course the company settles some suits, but Puryear's overarching 'no settlements' goal stems from his belief that many inmates use litigation to fill their free time and that letting them win only encourages more jailhouse lawyering." A copy of that article, which is distinct from the *Corporate Legal Times* article in which Mr. Puryear is quoted as dismissing inmate litigation as "something they can do in their spare time," is attached to this response.

Answers Related to Conflicts of Interest

* I would like to address one last point regarding Mr. Puryear's answers related to potential conflicts of interest. PCI supplied a list of 260 cases dating from Jan. 1, 2000 to Feb. 12, 2008 that named CCA, CCA staff and CCA subsidiaries as parties. Mr. Puryear contended that some of those cases might be habeas petitions "due to common codes used for civil rights cases and habeas corpus petitions." He is correct that habeas petitions should not be included as they are against the state even though they name a prison official, typically the warden. However, he is not correct in regard to his reference to "common codes." Federal cases are classified according to Nature of Suit (NOS) categories. Prisoner civil rights cases are classified as NOS 550 (civil rights) or 555 (prison conditions). Habeas corpus petitions have a separate classification, NOS 530 (general habeas). None of the 260 cases cited by PCI were classified as NOS 530; the NOS number for each case is included on the print-out. Any attorney knowledgeable about the federal docket system – including the PACER electronic docket – would have been aware of the NOS designations. Mr. Puryear, who lacks such knowledge and experience, was apparently unaware. While it is possible for the District Court clerks to misclassify cases according to an incorrect NOS, that would be unusual and an exception since the clerks are generally highly experienced and competent in maintaining the federal court dockets.

NO MORE GET OUT OF JAIL FREE

**Corrections Corporation of America's
Gus Puryear puts jailhouse lawyers, outsize
litigation and bad management on lockdown.**

BY GREG LAND

"We try a lot of cases because, in some instances, you have an unreasonable opponent ... and we want to win," says Gus Puryear. "We think it's important to win, rather than encourage more lawsuits."

ALISON CHURCH/GCSOUTH

Music City, USA, seems an unlikely place to headquarter the nation's largest operator of private prisons, and the corporate digs of Corrections Corp. of America—pioneering entrepreneur or bone-grinding misery profiteer, depending on whom you ask—are an unlikely setting for a billion-dollar operation that's struck gold in the jail business.

Just off a landscaped avenue of business parks and quiet town homes in Nashville, Tenn.'s southern suburbs, CCA's modest, curving glass-and-concrete nerve center is remarkably unremarkable. A single, soft-spoken security guard mans the desk inside the glass doors; no metal detectors, no pat-downs.

So it's really no surprise when CCA General Counsel Gus Puryear arrives: a lanky, Opie Taylor-esque fellow in tie and shirtsleeves without so much as a whiff of the mirrored-shade-wearing, fedora-sporting jailbird-thumper about him.

But don't be fooled by that unassuming demeanor. Puryear, who's 37, has strong ties to the Republican Party—useful when all your company's clients are government entities. He presides over the legal empire of a corporation that runs 63 prisons spanning all security levels in 19 states and the District of Columbia; houses 62,000 inmates; and has roughly 1,000 claims or suits percolating at any one time. What's more, since CCA is a publicly traded company listed on the New York Stock Exchange, its seven-member legal department also has to deal with securities and compliance issues.

To say Puryear's job is a big one is something of an understatement.

Goal: No Settlements

"I always figured I'd end up in some law office suite somewhere," says Puryear, explaining that a lawyerly line of maternal ancestors helped instill what he describes as a passion for the law.

After graduating from law school in 1993 at the University of North Carolina, he clerked for 5th U.S. Circuit Court of Appeals Judge Rhesa H. Barksdale. He didn't know it then, but that clerkship would provide apt training for his duties at CCA, where inmate suits provide a steady flow of paper and plaintiffs.

Puryear's clerkship predated the 1996 Prison Litigation Reform Act, which cut the volume of prisoner suits because it mandated fees and other restrictions on inmates filing legal actions.

"I think at that time, roughly one-third of all the cases in that circuit were pro se inmate cases," says Puryear. "In fact, when I got out of law school, I was appointed to represent an inmate in a Section 1983 civil rights action, and we took it to a jury trial.

"We lost," he says dryly.

Bad news for the plaintiff, but fitting foreshadowing for the young lawyer who eventually would make "no settlements" a key corporate goal at CCA.

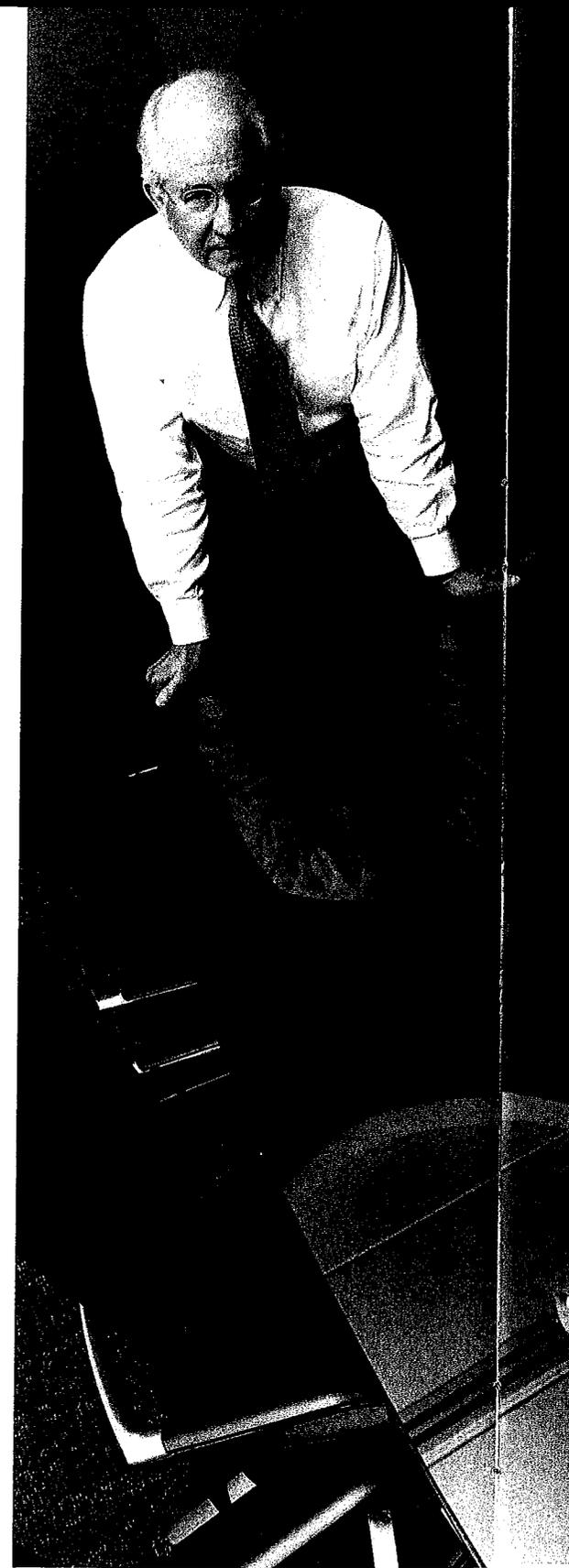
Of course the company settles some suits, but Puryear's overarching "no settlements" goal stems from his belief that many inmates use litigation to fill their free time and that letting them win only encourages more jailhouse lawyering.

"We try a lot of cases because, in some instances, you have an unreasonable opponent ... who has just enough to get by on motions and not much else, but wants his day in court. And we want to win; we think it's important to win, rather than encourage more lawsuits," he says.

That hard-nosed style has earned CCA's lawyers a reputation as pugnacious foes, whether the opposing side is representing corrections officers suing about overtime pay or inmates alleging unsafe prison conditions. It also has helped trim the company's legal budget. Puryear says that between 2000 and 2004, litigation fees paid to outside counsel fell 17 percent; total fees paid to outside counsel dropped almost 20 percent.

"At any one time, the company has somewhere between 700 and 1,100 pending litigation matters or claims that are viewed as potential litigation matters," says Puryear. Of those, he adds, 85 percent to 90 percent are inmate suits. "Of course, most of them are claims advanced without lawyers ... so there's an extraordinary turnover in those cases. We win most of those very quickly and easily, without a great deal of expense."

Some of the more memorable inmate suits: One prisoner claimed his religious rights were infringed because he wasn't



allowed to handle poisonous snakes in his cell, according to Puryear.

Another inmate, he says, "violated a specific, written policy" against manually changing the channels on a TV mounted high on the wall in the dayroom. Prisoners are supposed to use the remote control.

CEO John Ferguson had to create a new role for Puryear. The company had never had a general counsel.

serious allegations of beatings, untended medical problems and prison rape have been adjudicated.

Often, because of the strictures of the Prison Litigation Reform Act, even egregious allegations are dismissed because inmates have not exhausted the required grievance proceedings, cited the proper constitutional issues or filed in a timely manner.

But those cases that do make it to court are fought hard by CCA's attorneys.

In one case, an inmate was seriously injured when another attacked him with a homemade knife, or shank, in a New Mexico prison. The injured inmate sued, claiming the prison failed to protect him. "We tried the case to a jury and won," says Puryear.

Puryear recalls two New Jersey cases involving U.S. Citizenship and Immigration Services detainees who claimed they'd been abused by correctional officers. The detainees were represented by plaintiffs' lawyers who had won a multimillion-dollar verdict from CCA before Puryear came on board. "They had a number of other cases in another jurisdiction, and the earlier verdict had increased their assumptions regarding the value of the cases," he says.

After trying the cases simultaneously, Puryear says, the jury returned a defense verdict in one and awarded the defendant in the other case \$1 in damages. "Shortly thereafter," he adds, "the remaining cases between these plaintiffs' lawyers and the company were resolved."

Currently on CCA's docket is the case of Estelle Richardson, a prisoner who allegedly was beaten to death by one or more guards in July 2004 at a CCA facility in Nashville. A Section 1983 suit filed on behalf of her two minor children in the Middle District of Tennessee seeks \$60 million in damages.

Of the Richardson case, Puryear says only that he and CCA's in-house legal team will leave tactical decisions and courtroom fireworks to outside counsel. "It's safe to say that any case that gets a higher degree of public attention is going to get more attention from the deputy GC

and myself," he says, adding, "We have confidence in our outside lawyers' ability and judgment."

No In-House Experience

Tough cases and lots of litigation are a way of life for Puryear now, but when he became CCA's general counsel in December 2000, he had no in-house experience and had spent about half of his six years as an attorney practicing politics rather than law.

What's more, the company he'd chosen for his in-house debut was, at the time, some \$730 million in debt and reeling from the effects of union opposition, several high-profile prison incidents and a perception—bolstered by a 1996 General Accounting Office study—that the savings offered by private prisons were not as large as promised, thus dampening lawmakers' enthusiasm for CCA.

When CCA's board of directors found itself facing stock that had plunged from a one-time high of more than \$40 to less than 20 cents per share and a passel of litigious shareholders, it decided a thorough housecleaning was in order. The board's first move was to hire a new president, veteran banking official John Ferguson. One of Ferguson's first moves was to hire a general counsel.

"We had to create a new role. We'd never had a general counsel," says Ferguson.

The general counsel he chose was Puryear, who'd spent the past few years miles away in the nation's capital.

After a stint in private practice in Nashville, Puryear had gone to Washington in 1997 as part of a legal team assembled by Sen. Fred Thompson, R-Tenn., to investigate alleged fundraising abuses by the Clinton White House and the Democratic National Committee.

He got that job through Nashville lawyer J. Mark Tipps, who'd tried unsuccessfully to recruit him as a summer associate years earlier. When that investigation ended, without turning up any wrongdoing, Tipps helped Puryear land a job in the office of Sen. Bill Frist, R-Tenn., overseeing policy issues and managing a staff of legislative assistants.

Through a connection from that job,



"He chose to leap up in an attempt to change the channel," says Puryear. "He changed the channel but returned to the floor less one digit on his hand, which caught on the TV mount. Of course, he sued."

But there are also many cases in which

ALISON CHURCH/GCSOUTH

Puryear ended up helping Dick Cheney prepare for the 2000 vice presidential debate with Sen. Joe Lieberman.

Puryear found Washington exciting, but when he was ready to come back to Nashville, Tipps stepped in again. Tipps, now with Walker, Bryant, Tipps & Malone, had been working as CCA's outside counsel and recommended Puryear to CCA's president.

"People I had confidence in recommended him," says Ferguson, "and he did have some practical experience. Of course, he was—he still is—young, but based on his breadth of experience, serving for a U.S. Senate committee ... all those things gave him some of the experience we were looking for."

The situation at CCA was grim when Puryear was hired. "When I came on, the company had been in extremis for some time," he says. "It had been through seemingly one financial crisis after another for a couple of years. It had been restructured and engineered in so many ways that it was almost incomprehensible to understand the corporate structure."

Particularly baffling to Puryear was the lack of litigation oversight. The company had a paralegal managing all its litigation, he says, and one in-house attorney with a background in operations.

After streamlining the company's management process, Puryear tackled the legal structure. "The company's legal department had not played a role in advising the directors, the management team, on governance issues or anything else, for that matter," he says. "They had relied almost entirely on an outside law firm. I immediately realized the company was not adequately managing the litigation risks that it faced.

"Given the nature of the business we're in and the number of employees we have, you're going to have a lot of litigation from inmates, and from the occasional employment side. The numbers can be fairly dramatic. So the first thing I saw was a need to handle that risk and reduce our reliance on outside lawyers."

When Puryear joined CCA, the company had about 70 outside law firms; he replaced roughly a third of them.

He also began using the company's

legal department to improve CCA's contract compliance and site audits. CCA's vice president, J. Michael Quinlan, calls that one of Puryear's most important accomplishments.

Quinlan, an attorney and former director of the Federal Bureau of Prisons, says all 63 CCA facilities involve government contracts, so workers must be trained to comply with them. "So from a legal standpoint, it's a major challenge. ... We pride ourselves on compliance with the standards of the American Correctional Association: 85 percent of our facilities are ACA accredited," he says.

With new management and an active legal department, CCA began to turn around. Revenue was \$1.1 billion in 2004, and the company's stock has climbed back up to nearly \$40 per share. As the company's fortunes have risen, so have Puryear's.

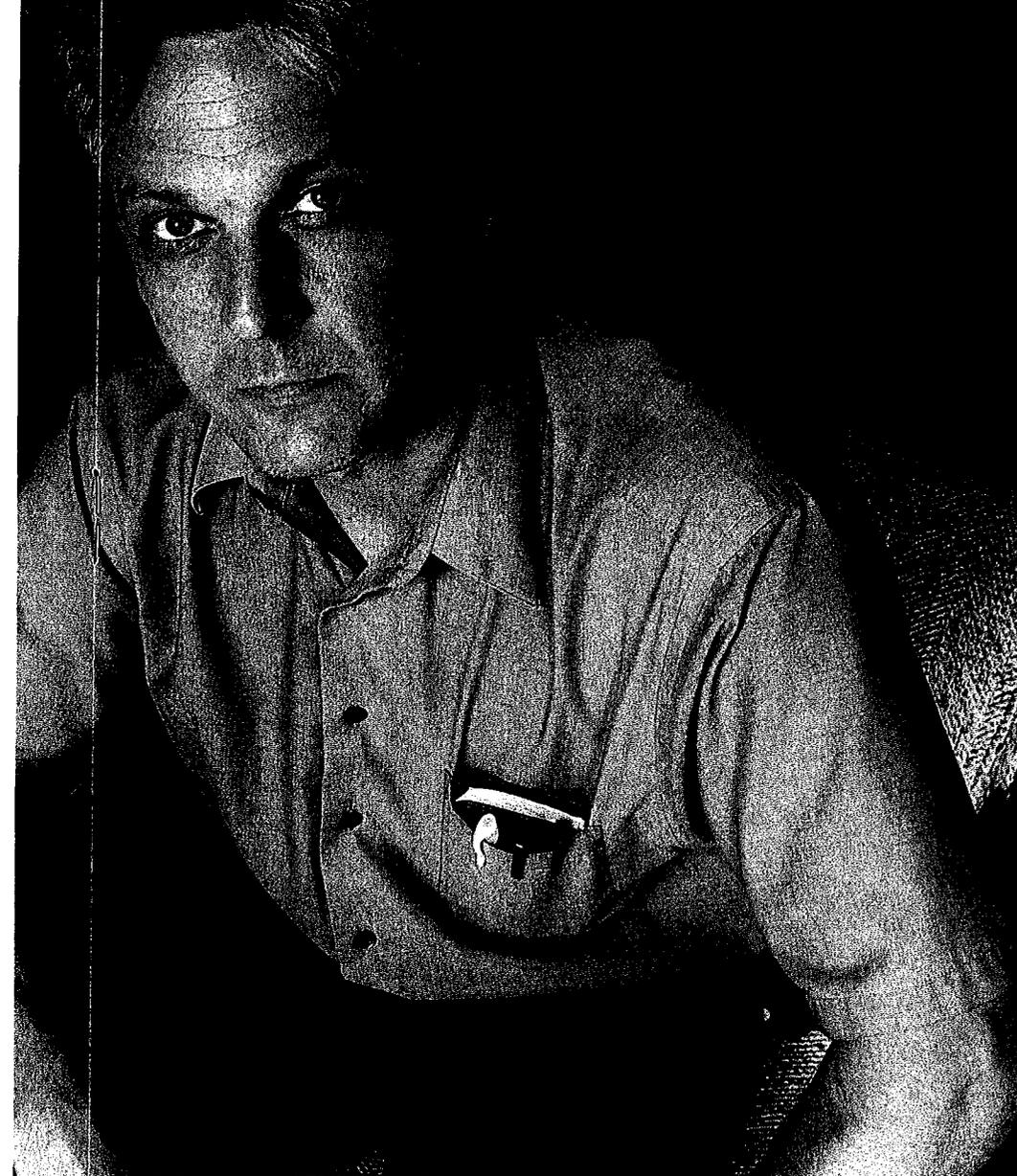
According to CCA's proxy, he received almost \$349,000 in salary and bonuses last year, and he has exercisable shares valued at \$3.4 million.

Hefty Criticism

Despite CCA's financial improvements, all the management shake-ups, a renewed emphasis on staff training and Puryear's efforts to beef up audits of each facility—from checking the fencing used to vetting medical procedures and food vendors—the company still faces hefty criticism.

The vast majority of CCA workers are nonunion, so CCA board meetings almost always feature a vocal contingent of union demonstrators, led by the American Federation of State, County and Municipal Employees and complaining that the private-prison behemoth suppresses wages and benefits.





REGGIE GRANT

Other critics take issue with how CCA runs its facilities and cares for its inmates.

Ken Kopczynski, executive director of the Florida-based Private Corrections Institute Inc. and a former lobbyist for the Florida Police Benevolent Association, which opposes private prisons, sees a continuation of operational practices that endanger inmates, CCA staff and surrounding citizens—all at a price that isn't saving taxpayers money.

"They are still there to cut corners and pinch pennies, and that's reflected in the riots they've had, and the staff turnover, and the lack of benefits," says Kopczynski.

By trying to house prisoners "on the cheap," Kopczynski says, states that contract with private prisons not only don't save as much money as they claim, but also end up with second-

class correctional systems.

He cites an incident at CCA's Tallahatchie County Correctional Facility in Tutwiler, Miss., when inmates in prison-yard separation pens knocked the locks off the cage doors and began fighting.

In another incident at the same prison this July, inmates rioted after cell doors inexplicably popped open.

Steve Owen, a spokesman for CCA, concedes that there have been violent incidents at CCA facilities. "But the reality is that incidents do occur in prisons, both public and private. ... True corrections professionals know better than to draw broad conclusions based on isolated incidents," he says.

Kopczynski points to several critical reports to bolster his arguments.

In April, the Office of the State Auditor for Colorado released a report covering

Private prisons five private prisons—
opponent Ken four of them run by
Kopczynski says CCA. The report
outfits like CCA found that the prisons
"cut corners and had staff-to-inmate
pinch pennies." levels at about 80 per-
cent of those at state-run prisons, and that
salary levels for private prisons averaged
50 percent less than those of public sites.

"While the company did question some of those issues ... we did also embrace some of the findings and have been working closely with the state to address those," Owen says of the Colorado report.

A privately commissioned February report from Arizona indicated that cost cutting had decreased safety and inmate care at its six privately run prisons, half of which are CCA facilities.

CCA spokeswoman Louise Gilchrist says that report should be taken "with a grain of salt," as it was provided by opponents of prison privatization.

"We couldn't stay in business if all the things our critics say were true," says Puryear. CCA employees and programs, he says, are comparable in quality to those operated by most state corrections departments—and in many cases surpass the standards required by client governments.

He particularly takes issue with those who accuse CCA of allowing the bottom line to obscure the fact that the company's business is the humane, ethical care of human beings.

CCA's president "insists that we visit at least one facility a year," says Puryear, adding that his team members usually visit more facilities in the ordinary course of their work.

Those visits are important, he says, because "there is a human dimension to our business, not just for our employees, but also the inmates who are entrusted to our care. So you're aware, every day, that this company has to conduct itself with absolute integrity, because the lives of the people we're housing depend on it, the lives of the people who work for us depend on it, the lives of those outside our facilities who depend on us to protect them depend on it. So you're acutely aware of that dimension and of the good that can come from corrections." □