



June 28, 2016

Clara Jeffery
Editor-in-Chief
Mother Jones
222 Sutter Street, Suite 600
San Francisco, CA 94108

Dear Clara,

I am writing to request more than 18 corrections and clarifications to recent coverage of Corrections Corporation of America (CCA) in *Mother Jones*. After responding to more than 160 questions with over 50 pages of information – and *Mother Jones* apparently engaging at least four fact checkers to review the coverage during the 14 months that the stories had been developed – we were disappointed to see so many factual inaccuracies and want to work with you quickly to get them addressed. We would like to see these corrections reflected online immediately and in the next print edition of the magazine. We expect a response to this request by Friday, July 1, 2016.

To be clear, we requested multiple times to review *Mother Jones'* coverage in advance of publication in order to ensure that no false, inaccurate or misleading information was published to your readership. Those requests were ignored. *Mother Jones* also largely ignored our numerous requests for additional clarifying information, so that we could fully and appropriately respond. Furthermore, just days before the piece was published, Shane Bauer sent us an additional 29 detailed questions, half of which we were given only one business day to respond to. *Mother Jones* went ahead and published without our responses.

We were also disappointed to see that much of the responsive information we provided was not included in the published piece, which in many instances resulted in a void of important context for *Mother Jones* readers. For example, Mr. Bauer states with regard to his application process for the job, "They didn't even ask about the time I was arrested for shoplifting when I was 19." He failed to mention that at Winn Correctional Facility, the background screenings of all CCA employees were processed, reviewed and adjudicated by the Louisiana Department of Corrections, which was information provided to him in both our March 4, 2016 and May 13, 2016 responses. While we will focus on areas in need of correction or clarification in this correspondence, that does not mean we believe there were not numerous other instances in which *Mother Jones* failed to present a full and complete picture of our company and the operations at this facility.

All of this combined with many other issues that we have raised in our interactions with *Mother Jones* to date demonstrate that the magazine's reporting is defined by factual recklessness, the deliberate concealment of truth and a disgraceful lack of transparency with the purpose of advancing a pre-determined bias and self-aggrandizing your reporter and editorial staff. This conduct represents not investigative journalism, but ideological activism that is a tremendous disservice to your readership and to anyone who cares about the very real challenges facing both public and private correctional systems across the country.

To begin with our requests for correction and clarification, it is emphasized several times in several different pieces that Mr. Bauer used his "real name and personal information" when applying for the job at CCA. Although you mention it briefly in the editor's note, we request that every time this is stated that a note is added stating that he listed his profession as "writer" and his employer as the "Foundation for National Progress" so readers can draw their own conclusions about how forthright he was with his personal information rather than having *Mother Jones'* biased perspective about his level of transparency forced upon them. It is important to include this information in each instance given that many people will not necessarily read the editor's note when they read other parts of the story that make this claim.

My Four Months as a Private Prison Guard by Shane Bauer

There is a chart in Chapter 1 titled "CCA Runs 61 Facilities Across the United States," which includes incorrect information. It says, "21 holds [sic] women and children." This is false. Please issue a correction to indicate that CCA has **one** family residential center.

In Chapter 3, the characterization around our partnership with Idaho contains multiple false statements:

- **FBI Investigation:** The article says, "The lawsuit prompted an FBI investigation, which found that employees had falsified records to cover up their understaffing of mandatory positions." This is false. The FBI investigation had two stated goals, which you can read in the bureau's [press release](#). Those goals were determining "whether CCA or its employees defrauded the State of Idaho" and "whether any state actors sought to delay, hinder or corruptly influence a state criminal investigation." Additionally, if you are going to report on the FBI investigation, it's deceitful to fail to state that it yielded no evidence of criminal violations. The direct quotes from U.S. Attorney Wendy J. Olson on both matters are, "The FBI's detailed and thorough investigation did not produce evidence of a federal criminal violation," and "In addition, no evidence obtained during the FBI investigation showed that state employees at the Idaho State Police, the Idaho Department of Correction or the Governor's Office sought to delay, hinder or corruptly influence a state criminal investigation..." We request that the article be corrected to reflect the factual purpose of the FBI investigation and the result of the investigation.
- **Confidential Memo:** Despite receiving and responding to more than 160 inquiries from *Mother Jones*, we were never asked about the "confidential CCA memo that was

disclosed in the [Idaho Correctional Center (ICC)] case.” Though specific information is not included in this paragraph, we assume the “memo” referred to is the 2008 analysis conducted by Idaho Department of Correction (IDOC) Deputy Warden Tim Higgins, which formed the basis of an August 23, 2008 letter from IDOC Warden Randy Blades to ICC Warden Phillip Valdez, which is later linked to in Chapter 5 of the *Mother Jones* article (“Blades letter”). We will address the link to the Blades letter below. The methodology underlying Higgin’s analysis was faulty, leading to false and inaccurate results. Most importantly, Higgins’ assertion about higher rates of violence at ICC are disproven in the *Kelly* federal court-appointed Independent Monitor’s Comprehensive Violence Report (*Kelly* Doc. 190), and we’ve summarized some of those key points below, as well as attached the report:

- A direct quote from page 9 of the Independent Monitor’s report: “Per capita inmate on inmate violence at ICC from FY2007-13, does not appear to be rampant or disproportionate when compared to other IDOC male institutions.” Please correct the piece to reflect this information.
- ICC would be expected to have the highest rate of violence in the IDOC system because it had the largest population of any facility in the IDOC system, the highest number of Security Threat Group (STG) offenders of any IDOC offenders (and double the number of the Idaho State Correctional Institution (ISCI), the next most comparable facility), the highest number of close custody offenders – the offender classification most likely to engage in violence, as these offenders are not single-celled, and the highest number of offenders incarcerated for crimes of violence. In spite of all these factors, the Independent Monitor found ICC’s violence rates were comparable to or lower than the most comparable IDOC facility, ISCI, as set forth in the Monitor’s Comprehensive Violence Report.
- Further, data compiled using IDOC’s own data shows that IDOC violence rates at times were significantly higher than ICC violence rates.
 - This is remarkable, given that for most of the time period, ICC housed the largest concentration of general population, gang-affiliated prisoners and violent offenders in the state. Gang-affiliated prisoners usually show the highest propensity for violence.
- Idaho Contract: The article states “the state pulled its contract.” This is false. There was an RFP to operate ICC. Nothing precluded us from submitting a bid. We chose not to. This was [reported on](#) by mainstream media in Idaho. Please correct the piece to reflect that CCA voluntarily chose not to rebid this contract.

In Chapter 4, there is a sentence that reads, “If he were sent to the hospital, CCA would be contractually obligated to pay for his stay.” A clarification should be added to reflect the information that we provided to *Mother Jones* in question 69 on page 22 of the May 13, 2016 responses. We stated, “CCA’s contract with the Louisiana Department of Corrections called on CCA to pay inmate medical expenses up to a defined maximum of \$2,500 per inmate, after which medical expenses were covered by the state, regardless of where treatment was delivered.” Without including this context, readers get the false impression that there was no cap on hospitalization expenses, which is untrue.

There are issues with the paragraph in Chapter 5 that begins with the sentence, “High levels of violence have been **documented** at several CCA prisons.”

- Link to the Blades Letter (“documented”): Again, we were never asked about this letter. As pointed out above, the methodology underlying the analysis in the letter was faulty, leading to false and inaccurate results. Most importantly, the letter’s assertion about higher rates of violence at ICC are disproven by the federal court-appointed Independent Monitor’s Comprehensive Violence Report, which we have attached. The link should be removed and a clarification should be noted to reflect that, in the direct words of the Independent Monitor, “Per capita inmate on inmate violence at ICC from FY2007-13, does not appear to be rampant or disproportionate when compared to other IDOC male institutions.”
- Lake Erie Correctional Institution: The information *Mother Jones* provides about this facility is outdated and creates a deliberately misleading picture of the facility that portrays it in a false light. It also ignores the detailed information we provided in question 23 on pages 9-10 of our May 13, 2016 responses.

The piece states, “After Ohio's Lake Erie Correctional Institution was bought by CCA in 2011, inmate-on-inmate assaults increased 188 percent and inmate-on-staff assaults went up more than 300 percent, according to a **state report**.” It then links to a 3-year-old report by the Correctional Institution Inspection Committee (CIIC).

If that information is to be included, it is disingenuous to fail to mention **the most current CIIC report**, which we provided Mr. Bauer in our May 13, 2016 responses, simply because it doesn’t match the article’s biased thesis. Here are a few direct quotes from the current report:

- “The facility had a rocky start with high staff turnover, increased violence and gang activity, and low involvement in meaningful programs and prosocial activities. Since that time, however, the facility has drastically improved and now is outperforming some of the state institutions.

“LAECI consistently scores close to perfect scores in American Correctional Association (ACA) audits, including higher scores on the Ohio Standards than the state institutions. Violence has significantly decreased, as has reported gang activity. Use of force – previously a main concern – has improved. Contraband conveyance, another primary concern, has significantly decreased. Even more important is the intelligent and strategic management of the institution: Staff conduct in-depth tracking and analysis of performance metrics, which is shared across the staff.” (pg. 4)

- “CIIC’s evaluation of violence focuses on the number and rate of disciplinary convictions for assaults, fights, the number of homicides, and disturbances at

the institution during a year in comparison to the previous year; the comparator prisons rate; and the DRC average. Overall, the CIIC inspection team rated violence outcome measures as EXCEPTIONAL” (pg. 27)

Please insert a clarification regarding the current violence rate at this facility. Without this information, Lake Erie is portrayed in a false light that is misleading to *Mother Jones* readers.

Why We Sent a Reporter to Work as a Prison Guard by Clara Jeffereys

In this editor’s note, you paraphrase a list of conditions that you claim validate the type of deception perpetrated by Mr. Bauer. One of the conditions is, “When other efforts to gain that information have been exhausted.”

Including this statement without context portrays CCA in a false light. It is critical for your readers to understand that not once prior to Mr. Bauer obtaining employment under false pretenses did he or anyone else at *Mother Jones* ever reach out to our company to visit a facility or request an interview. In fact, in reviewing our records over the past several years, we believe the only request we’ve received from *Mother Jones* was from a writer named Jim Ridgeway in May 2012. He asked for a statement, and we promptly responded.

This omission is deliberately deceptive because it provides an incomplete picture of the interactions between our company and your magazine (or the lack thereof), and a clarification should be included to ensure your readers don’t have a false impression of CCA’s genuine, good-faith efforts to be responsive to the media, which is further underscored by the more than 160 questions we answered through over 50 pages of responses.

We also request that you add a note to each article related to this topic indicating the funding that *Mothers Jones* has received from Soros’ Open Society Foundations, which has provided hundreds of thousands of dollars in support for numerous anti-private prison groups such as Prison Legal News (which the main piece cites), as well as any other groups that support anti-privatization efforts from which you receive financial support.

A Brief History of America's Private Prison Industry by Madison Pauly

Under “Mid-’90s” the timeline states “CCA co-chairs the criminal justice task force of the [American Legislative Exchange Council](#) (ALEC). Among the “model” bills to [emerge](#) are truth-in-sentencing and three-strikes legislation that help fuel the ‘90s prison boom.” This is false. CCA was a non-voting member of the organization. No one from our company was ever designated a task force chair or any other leadership capacity. CCA also did not vote on or communicate support or opposition for any legislation. Under a longstanding, zero-tolerance policy, our company does not lobby for or against — or take any position on — policies or legislation that would determine the basis for or duration of an individual’s incarceration or detention.

The *In These Times* article cited is from a reporter [who has been discredited](#) and who provides no citation or documentation to support his claim, which is false. Please correct this statement.

Under “2009” the timeline states, “A CCA representative attends a [meeting](#) where ALEC members draft the legislation that will eventually become Arizona's notorious anti-immigration law. CCA denies having a hand in writing the bill. It [cuts ties](#) with ALEC the following year.” The NPR article linked to includes a lengthy clarification on the matter, and we have highlighted a particularly relevant section:

“As we reported, Arizona state Sen. Russell Pearce was the originator of the draft legislation that later became Arizona SB 1070. This story did not mean to suggest that the Corrections Corporation of America was the catalyst behind the law or that it took a corporate position in favor of the legislation.

“In our 2010 broadcast piece we said: ‘Last December Arizona Sen. Russell Pearce sat in a hotel conference room with representatives from the Corrections Corporation of America and several dozen others. Together they drafted model legislation that was introduced into the Arizona Legislature two months later, almost word for word.’

“Although CCA did have a representative at the ALEC meeting where model legislation similar to 1070 was drafted, we didn't mean to suggest that CCA wrote the language.

“Nov. 18, 2011 — In the introduction to the radio version of this story, we said that the legislation that became the Arizona immigration law (SB 1070) was drafted at a meeting of the American Legislative Council, or ALEC. The introduction should have made a clearer distinction between drafting the Arizona bill and ALEC's role in turning it into ‘model’ legislation to be submitted in states across the country.”

It portrays the company in a false light to say, “CCA denies having a hand in writing the bill,” while failing to say that NPR – the source of this information – clearly states that it “didn't mean to suggest that CCA wrote the language.” This information should be clarified in the timeline.

Under “2014” the timeline states, “CCA's [annual report](#) flags criminal justice reform—including drug decriminalization and the reduction of mandatory minimum sentences—as a ‘risk factor’ for its business.” First, we disclose these risk factors every year, so pegging them to one year is incorrect and misleading. Additionally, the portrayal of this information underscores a fundamental misunderstanding that all publicly traded companies are required by the U.S. Securities and Exchange Commission to disclose a wide range of potential financial risk factors to help inform current and prospective investors. Simply disclosing a risk factor does not mean that we take a stance on an issue, and implying that it does indicates a lack of understanding of the purpose of such a regulatory filing. The headline of that section of our 10-K sums it up well: “Our ability to secure new contracts to

develop and manage correctional and detention facilities depends on many factors outside our control.” Please correct this section.

Inside Shane Bauer's Gripping Look at the Workings of a Private Prison

In the second paragraph, it states, “Using his real name and personal information, Bauer applied for jobs at private prisons to get an inside look at the secretive industry that holds nine percent of America's prisoners.” This is incorrect. In Bauer’s own reporting, he says, “Currently, private prisons oversee about 8 percent of the country's total prison population,” and this figure is also supported by current information from the Bureau of Justice Statistics. Please correct this information. Also, this is another example where it should be noted that Mr. Bauer listed his job as “writer” and his employer as the “Foundation for National Progress.”

Additionally, we provided responsive information for the six bullet points used to summarize the Mr. Bauer’s longer piece. None of that information is reflected in this article, and the casual reader, who may understandably choose to read these so-called “key findings” rather than the 35,000-word article from Mr. Bauer, would have a misleading view of our company and no indication that we had worked diligently to provide responsive information. We request a note of clarification that highlights our responses on each issue.

Shane Bauer Talks About His Four Months Working in a Private Prison

We request that notes of clarification be added to the Q&A with Mr. Bauer that address the quotes listed below:

- “There isn't a lot of reporting on private prisons ... it's pretty hard for journalists to get inside them.”: Please make a critical note for readers that Mr. Bauer nor anyone from *Mother Jones* reached out to our company prior to him obtaining employment under false pretenses to either ask for an interview or to visit one of our facilities. Failing to include this information portrays our company in a false light, and may incorrectly indicate to the reader that Mr. Bauer had previously tried to gain access, which he had not. This statement is also factually incorrect. Although we don’t track the aggregate number of journalists who visit our facilities, in the past year alone, dozens of mainstream media outlets have been to our correctional and detention facilities, including *The Wall Street Journal*, *The New York Times*, National Public Radio, Fox News, Al Jazeera, *The Washington Times*, Univision, Telemundo, *The Atlanta Journal Constitution* and *The Oklahoman*, among others. Additionally, a quick Factiva search shows more than 1,300 articles about CCA and more than 3,500 about private prisons in the past year, a clear sign that it has been covered exhaustively.
- “I filled out an application online. I filled it out honestly with my real information.”: As mentioned previously, please provide a note of clarification for readers

indicating that Mr. Bauer listed his profession as “writer” and his employer as the “Foundation for National Progress” so that readers can draw their own conclusions about whether or not this constitutes his “real information.”

- “But CCA had to pay to take a prisoner to the hospital, which costs a lot of money...” As mentioned previously, we provided information in our May 13, 2016 responses that clearly states that CCA’s contract with the Louisiana Department of Corrections called on CCA to pay inmate medical expenses up to a defined maximum of \$2,500 per inmate, after which medical expenses were covered by the state, regardless of where treatment was delivered. Without this context, readers get a false impression of how healthcare was paid for and where it might be delivered. Please add a note of clarification.

If you would like to discuss any of these correction or clarification requests further, please do not hesitate to reach out. To ensure *Mother Jones* readers are not misled, we believe it is important to resolve these matters of factual accuracy as quickly as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Burns', with a stylized flourish at the end.

Jonathan Burns

Director, Public Affairs
CCA
Nashville, TN