



Damon T. Hininger  
President and Chief Executive Officer  
Corrections Corporation of America  
10 Burton Hills Boulevard  
Nashville, TN 37215

May 8, 2012

**Re: Invitation to public debate**

Dear Mr. Hininger:

On behalf of the American Civil Liberties Union, we invite you to participate in a public debate on the merits of prison privatization. The debate would last ninety minutes and would occur at a mutually agreeable time and public venue. The ACLU and CCA would be given equal time. You would represent CCA at the debate, and David Shapiro, Staff Attorney, ACLU National Prison Project, would represent the ACLU.

In recent months, CCA has repeatedly criticized the views of the ACLU regarding for-profit incarceration. If you truly believe that private prisons are right for our country, we see no reason why you would be unwilling to defend that position in a public debate. As John Milton wrote, "Let [truth] and falsehood grapple; who ever knew truth put to the worse, in a free and open encounter?"

We believe the following:

- Evidence that for-profit prisons save taxpayer money is mixed at best, and privatization cannot fix the nation's binge spending on incarceration. Indeed, the industry's business model depends on extracting as much public money as possible by locking up the maximum number of people.
- Private prisons have incentives to maximize profits by cutting corners at the expense of decent conditions and public safety. Empirical research supports the view that private prisons pay correctional officers lower wages, resulting in higher turnover and less experienced staff.
- New prisons, whether public or private, deliver few benefits to local communities. A 2010 study by researchers at Washington State University and Ohio State University examined data on "all existing and new prisons in the United States since 1960," reporting findings that "cast doubt on claims that prison building is worth the investment for struggling rural communities."<sup>1</sup>

We would welcome the opportunity to defend our views on for-profit incarceration in a public debate—one that also gives you a full and fair opportunity to express your views.

<sup>1</sup> Gregory Hooks et al., *Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level Employment, 1976-2004*, 91 SOCIAL SCIENCE Q. 228, 240 (2010).

AMERICAN CIVIL  
LIBERTIES UNION FOUNDATION

PLEASE RESPOND TO:  
NATIONAL PRISON PROJECT  
915 15TH STREET, NW  
7TH FLOOR  
WASHINGTON, DC 20005-2112  
T/202.393.4930  
F/202.393.4931  
WWW.ACLU.ORG

DAVID C. FATHI  
DIRECTOR  
ATTORNEY AT LAW\*

NATIONAL OFFICE  
125 BROAD STREET, 18TH FL.  
NEW YORK, NY 10004-2400  
T/212.549.2500

OFFICERS AND DIRECTORS  
SUSAN N. HERMAN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

ROBERT B. REMAR  
TREASURER

\*NOT ADMITTED IN DC;  
PRACTICE LIMITED TO  
FEDERAL COURTS

CCA's recent public criticisms of the ACLU and others make clear that you disagree with many of our views on privatized incarceration.<sup>2</sup> Your criticism, however, has taken the form of written statements which, unlike a public debate, do not allow for refutation or further discussion. For example:

- CCA told National Public Radio in a written statement that an ACLU report on private prisons “does not enter the realm of credible discussion” and described the report as “an exceedingly thin, old mix of dated news, willful bias and unfounded opinion. It’s being advanced by a familiar cast of industry critics and is blind to our industry’s many benefits.” *Who Benefits When A Private Prison Comes To Town?*, NAT’L. PUB. RADIO, Nov. 5, 2011. If our views are indeed thin, biased, and poorly supported, a public debate offers CCA a unique opportunity to discredit them.
- In a written statement given to the Austin American Statesman, CCA described the ACLU report as “utterly blind or purposefully silent to an extensive and credible body of evidence that demonstrates the positive impact of partnership corrections.” Mike Ward, *Updated: CCA Disputes ACLU Prisons Report*, AUSTIN AMERICAN STATESMAN, Nov. 4, 2011. A public debate would enable CCA to put forth the “extensive and credible body of evidence” alluded to in this statement.
- In response to an ACLU Op-Ed in the *Palm Beach Post*, CCA wrote a letter to the editor, which stated, “privatization in the corrections industry has a track record of taxpayer savings . . . . We provide safe and secure facilities and meaningful rehabilitation programs.” Steve Owen, *Corrections Corporation of America Has 16-Year Success Rate in State*, PALM BEACH POST, Feb. 17, 2012. The proposed debate would provide an opportunity to examine the evidence regarding both savings to taxpayers and the quality of private facilities.
- When a broad coalition of sixty groups, including the ACLU, churches, unions, and policy organizations, wrote to governors opposing a CCA initiative to buy prisons from state governments, CCA responded with a written statement: “We . . . believe that our efforts to offer solutions that work should be analyzed fairly and objectively without inflammatory political rhetoric.” Jonathan Meador, *ACLU, Presbyterians Protest Prison Privatization*, NASHVILLE SCENE, Mar. 1, 2012. We agree that facts and analysis are more important than rhetoric, especially when it comes to corrections systems that incarcerate ever more people at ever greater taxpayer expense. That is why we seek to engage with you in an in-depth debate that will allow for a careful analysis of competing claims.

---

<sup>2</sup> CCA’s attacks against the ACLU appear to be part of a broader effort to silence criticism of private prisons. After *New York Times* columnist Paul Krugman criticized CCA in March, the corporation sent him a letter demanding a correction. Krugman instead wrote a follow-up piece noting CCA’s failure to identify any error: “A word about this sort of thing: anyone who steps on the toes of either corporate interests or major conservative institutions (which are often more or less the same thing) has to expect to run into a buzzsaw. The purpose of that buzzsaw is not so much to get specific corrections as to intimidate—to deter the journalist and his or her colleagues from going there again.” Paul Krugman, *Attack of the Prison People*, N.Y. TIMES, Mar. 27, 2012.

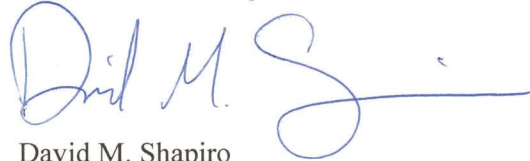
We believe that the taxpayers who finance private prisons; the families whose mothers, fathers, sons, and daughters are incarcerated in these facilities; and the communities where for-profit prisons are situated deserve more than sound bites. They deserve a full, fair, and public examination of for-profit incarceration.

We look forward to your response and hope you will accept our invitation. Please do not hesitate to contact us at the following email address: [REDACTED].

Sincerely,

A handwritten signature in blue ink, appearing to read "David C. Fathi", with a long horizontal flourish extending to the right.

David C. Fathi  
Director  
National Prison Project

A handwritten signature in blue ink, appearing to read "David M. Shapiro", with a long horizontal flourish extending to the right.

David M. Shapiro  
Staff Attorney  
National Prison Project

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION