

PRESS RELEASE

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Corrections Corp. of America Required to Produce Records After Tennessee Supreme Court Declines to Hear Appeal in Public Records Suit

Nashville, TN – On March 1, the Tennessee Supreme Court, in a two-sentence order, declined to hear an appeal in a public records case involving Nashville-based Corrections Corp. of America (CCA), the nation's largest for-profit private prison firm.

The case was originally filed in May 2008 by Alex Friedmann, Associate Editor of *Prison Legal News* (PLN), a non-profit monthly publication that reports on criminal justice issues. CCA had denied Friedmann's request for documents related to lawsuits filed against the company and for reports or audits that found contract violations by CCA, among other records.

The Chancery Court of Davidson County ruled in Friedmann's favor on July 29, 2008 and CCA was ordered to produce the requested documents.

On appeal, CCA strenuously claimed that it was not subject to the Public Records Act because it was not the "functional equivalent of a state agency." However, the Court of Appeals rejected that argument. "With all due respect to CCA, this Court is at a loss as to how operating a prison could be considered anything less than a governmental function," the appellate court observed in a September 16, 2009 ruling.

The Court of Appeals held that CCA was subject to the Public Records Act, and was required to disclose the documents requested by Friedmann for all but one of the company's facilities in Tennessee. CCA appealed the appellate decision to the state Supreme Court and Friedmann cross-appealed on the issue of attorney fees.

In declining to hear the appeals on March 1, the Supreme Court left intact the appellate court's previous ruling. The case will now be remanded to the Chancery Court for further proceedings, to determine which records CCA will be required to make public.

"This decision by the Tennessee Supreme Court brings us one step closer to ensuring that CCA is held accountable to the public to the same extent as the government agencies it contracts with, which will bring much-needed transparency to CCA's private prison operations in Tennessee," Friedmann said.

He noted that CCA's contracts are funded with taxpayer dollars, and members of the public thus have a right to know how their money is being spent – particularly in regard to the operation of prisons, which is a fundamental government function.

Friedmann, who was formerly incarcerated at a CCA facility in the mid-1990s, opposes prison privatization. "Allowing a private company to incarcerate people, and generate profit from their incarceration, is morally wrong and a social injustice," he stated.

A number of organizations had filed amicus briefs in support of Friedmann's appeal when the case was before the Court of Appeals. Those organizations included the Tennessee ACLU, the Reporters Committee for Freedom of the Press, the American Society for Newspaper Editors, the Society of Professional Journalists, the Associated Press, and the Association of Capitol Reporters and Editors. The Tennessee Coalition for Open Government (TCOG) had asked to file an amicus brief in support of Friedmann's appeal to the state Supreme Court.

The case is *Friedmann v. CCA*, Tenn. Supreme Court, Case No. M2008-01998-SC-R11-CV. Friedmann and PLN are ably represented by attorney Andrew Clarke of the Memphis law firm of Borod and Kramer, PLC.

Prison Legal News (PLN), founded in 1990 and based in Brattleboro, Vermont, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. PLN publishes a monthly magazine that includes reports, reviews and analysis of court rulings and news related to prisoners' rights and criminal justice issues. PLN has almost 7,000 subscribers nationwide and operates a website (www.prisonlegalnews.org) that includes a comprehensive database of prison and jail-related articles, news reports, court rulings, verdicts, settlements and related documents. PLN is a project of the Human Rights Defense Center.

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