



November 8, 2007

The Honorable Robert C. Scott  
Chair, Subcommittee on Crime, Terrorism, and Homeland Security  
House Judiciary Committee  
Washington, D.C. 20515

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The Honorable J. Randy Forbes  
Ranking Member, Subcommittee on Crime, Terrorism,  
and Homeland Security  
House Judiciary Committee  
Washington, D.C. 20515

Caroline Fredrickson  
DIRECTOR

**Re: The ACLU supports H.R. 1889, the Private Prison Information Act  
of 2007**

NATIONAL OFFICE  
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Dear Chairman Scott and Ranking Member Forbes,

OFFICERS AND DIRECTORS  
NADINE STROSSEN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

RICHARD ZACKS  
TREASURER

On behalf of the American Civil Liberties Union, a non-partisan organization with hundreds of thousands of activists and members and 53 affiliates nationwide, we write to support H.R.1889, the Private Prison Information Act of 2007. This legislation would require private prisons that detain and incarcerate federal prisoners to release information about the operation of the prison in accordance with the Freedom of Information Act (FOIA) as any federal agency operating a facility is required to do.

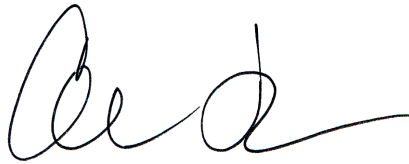
Allowing the public to have access to FOIA information about private prisons is critical to the ongoing role the public plays in monitoring conditions of confinement and protecting people in federal facilities. Private facilities are often responsible for some of the most vulnerable prisoners and detainees from various federal agencies across the country. Presently, FOIA laws do not apply to private prisons and immigration detention centers. This omission in the law makes it extremely difficult to acquire the information necessary to ensure that the constitutional rights of people being held in these facilities are not being violated and that they are living in humane conditions. Recently, the media and non-governmental organizations have exposed some of the horribly inadequate living conditions faced by prisoners and immigration detainees held in private prisons. For example, at a San Diego immigration detention facility managed by the Corrections

Corporation of America, Inc. (CCA), hundreds of detainees were forced to live for months and years in dangerously overcrowded conditions, many of them sleeping on plastic slabs placed on the floor by the toilet. Records pertaining to the detainee population, CCA's staffing levels, and any CCA policies regarding sanitation, security, or overcrowding at the facility were publicly unavailable because of current FOIA limitations. Unlike other federal prisons, these private prisons cannot be monitored by the American public for unacceptable conditions because private prisons are not required to release this type of information.

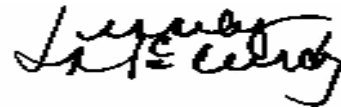
Since its enactment over forty years ago, FOIA has created the transparency necessary to ensure that the public and the media have the ability to access basic government records. This is vital to the public's and the media's ability to hold the government accountable, when it denies a person his or her freedom by incarceration. Currently, the federal Bureau of Prisons houses more than 27,000 prisoners in private facilities—this figure does not include the thousands of federal immigration detainees held in private federal prisons. With the increasing number of federal prisoners being held in private prisons it is important that these privately owned and operated facilities be held to the same standards and have the same responsibilities as the federal government to promptly process requests for information and release information concerning prisoners and detainees under the FOIA laws.

**We are pleased to support H.R. 1889 and urge you and other members of the House Judiciary Committee, Crime, Terrorism and Homeland Security Subcommittee to support this important legislation.** If you have any questions about the ACLU's position on H.R. 1889, please feel free to contact Jesselyn McCurdy, Legislative Counsel at phone: (202)675-2314 or e-mail: [jmccurdy@dcaclu.org](mailto:jmccurdy@dcaclu.org).

Sincerely,



Caroline Fredrickson  
Director



Jesselyn McCurdy  
Legislative Counsel

cc: House Judiciary Committee  
Crime, Terrorism and Homeland Security Subcommittee Members