

CONSERVATIVE AGENDAS AND CAMPAIGNS

PROFITS FROM INCARCERATION

Over the past twenty years an idea has grown that entrepreneurs can—and should—make money from prisons. Several factors have contributed to this expectation. First is the idea that State services could be privatized, which in theory could decrease government size, save money and provide those services more efficiently. While the prison system has traditionally been a State industry, conservative think tanks like the Heritage Foundation have suggested that even prisons could benefit from privatization. Also, changes in federal drug laws and increased convictions with mandatory sentences helped contribute to overcrowded prisons, and a lagging economy decreased revenues available for new prison building. Finally, a handful of specialized corporations, including Corrections Corporation of America (CCA) and GEO Group (formerly Wackenhut), have developed a private prison industry that has cornered a small but visible portion of the prison “market;” about 7% of all prisoners are in private prisons in the United States.

SECTION OBJECTIVE

This section discusses how the State generates and encourages profits from incarceration. It also explores how prison guard unions benefit by securing a “tough on crime” Agenda.

IN THIS SECTION

- Role of the State: Creating the Market
- Role of the Right: California Correctional Peace Officers Association
- Organizing Advice: Q&A with Citizens Education Project
- Additional Resources



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ROLE OF THE STATE: Creating the Market

The government encourages, facilitates and implements ways for both itself and private businesses to profit from incarceration. Supporters of prison privatization hold a range of political views. Some reflect libertarian thinking, wishing to decrease the size and inefficiency of government and support efforts to outsource services and programs which they argue could be delivered more cheaply and efficiently by the private sector. Others with overt business interests see new entrepreneurial opportunities for investment, which they see as appropriate and healthy in a free market economy. Faith-based groups wanting to provide prison services recognize a new funding source that they can use to support their other prison-related agendas.

Critics of prison profiteering represent various ideological perspectives, too. Liberals, who believe that it is the role of government to provide a range of services, balk at what they see as the denial of the public duty inherent in contracting out prison administration. To them privatization in this area is one part of a larger problem of downsizing government and cutting back on services. Human rights advocates contend that prison labor is coercive and demeaning with few workers' rights. Prison guard unions oppose private prisons which they see as a threat to their jobs, and other union analysts identify prison labor as a threat to workers' wages on the outside. Those adhering to a tough on crime approach to criminal justice, like John DiIulio, do not want to see private entities running prisons. To them it is contradictory because the State should be the agent meting out punishments. Further, they see a problem with liability issues around private prison guards using deadly force on prisoners. Abolitionists, who argue for the eventual elimination of prisons, point out that the connections between corporate interest (from prison architects, private prison corporations and factories inside prison walls) and the criminal justice system resembles what has happened with the military. They describe this relationship with the phrase the "prison industrial complex." The following examples represent a few of the ways that the criminal justice system is used to generate profits.

Private Prisons

After about fifteen years of private prison implementation, serious problems like short cuts on services, prisoner abuse, and even inmate deaths began to emerge in private prisons across the country. Critics questioned the ethics of hiring armed guards who were not direct State agents and were in addition often under-trained. Scrutiny of cost-saving measures suggested that they did more to increase shareholder profit than they saved the State money. These kinds of ethical questions, combined with a decrease in prison population at the state level, lowered demand for private prisons. But the private prison industry demonstrated its resiliency.

Advocates for prison privatization built a behind-the-scenes infrastructure to guarantee support for their investments. Corporations built lobbying connections, networked with influential groups such as the American Legislative Exchange Council (which helps craft conservative legislation), and made substantial campaign contributions to sustain political interest in their product. Like any successful business, these companies adapt to current market trends. Once it became clear that the market would continue for federal prison beds, corporations shifted to accommodate this need, despite public criticism and weak financial gains. The INS and federal marshals have contracted for the construction and administration of detention centers. After recognizing that the real value of their prison holdings might lie in the facilities themselves, both CCA and GEO expanded their real estate investments and diversified their service offerings both here and abroad.

Building and running private prisons, however, is not the only money-making opportunity associated with the prison industry. Contracting for programs and services in state-run prisons is much more common. Almost every state arranges with vendors Departments of Corrections to provide one or more services, which range from the delivery of health care and food services to community residential programs and substance abuse treatment. While in some instances these contracts are with other public agencies, often they are with private agencies or for-profit companies. Since 2002, faith-based groups have been allowed to compete with secular agencies for public dollars to provide services. In addition, corporations sell everything from soap to telephone services, where prisoners have no choice but to place exorbitant collect calls, because the company that gets the contract has a monopoly. State corrections agencies pay over \$1 billion each year to prison contractors.

Prisoner Labor

An additional multi-million dollar industry in prison labor exists in most state systems and in federal prisons which generates products and services as far-ranging as airline bookings, tele-marketing, data entry and transfer, textiles, furniture manufacture, warehousing, and eyeglass assembly. In some instances, profitability is guaranteed by requiring certain state agencies to purchase goods from these prison businesses. National conservative think tanks such as the National Center for Policy Analysis or state-level groups like the Pioneer Institute in Massachusetts have encouraged the use of prison labor as a useful income generator. They point to the fact that in the nineteenth century, most prisoners engaged in productive labor and that this practice could be reinstated on a larger scale than current levels, which involve a minority of prisoners.

Many groups oppose the use of prison labor as income generation for the State, citing a range of objections. Despite legislation that requires prisoners working in prison industry enhancement programs to be paid at least minimum wage, a substantial portion of that wage is reclaimed by the prison in fees and recycled back into state or federal coffers. Clothing is often exported to avoid regulations that prevent prison products from unduly competing with private commerce. The historic justification for prison labor was that it rehabilitated prisoners, although today prison industries appear to focus more on the business principles of productivity and profitability.

Renting Prison Space

As corporations completed construction of their prison facilities, the number of available beds began to exceed the number of prisoners in some locations. States like Virginia, Texas and Tennessee began to rent their prison space to other states, charging fees that were higher than costs and generating revenue for the state. Twenty-nine states boarded prisoners in other state prisons or in federal facilities in 1999.

Pay To Stay

Recent discussions in the media have profiled another income-generator associated with prisons: the Pay to Stay programs, which require prisoners who are financially able to pay per day for the costs of being jailed. This income typically goes to pay for services like drug rehabilitation programs that were previously provided with public funds. About one third of county jails used this program in 2004. In this case, the justification is that it helps defray the costs of running local jails. But reports about its success have been mixed, with stories about unrealized income projections and public criticism of it as a form of double punishment.

ROLE OF THE RIGHT: California Correctional Peace Officers Association

For the last twenty years, the California Correctional Peace Officers Association (CCPOA) has been one of the most powerful players in California state politics. Commonly referred to as the prison guard union, CCPOA is a union of prison guards and other employees in the field of corrections. CCPOA contributes heavily, more than any other California organization, to political candidates who support pro-incarceration and tough on crime policies. Extending beyond such traditional union issues as wages, benefits, and working conditions, CCPOA has successfully influenced public policy on crime control, drug laws, and state budgets.

In the 1980's, CCPOA capitalized on the "prevailing conservative climate by adopting an aggressive agenda to further promote prison expansion and ensure a growing inmate population," And therefore employment and power for its members.¹ Today, California is home to one of the largest prison systems in the world. In the last two decades, the California prison population has grown by more than 550%,² from about 24,000 prisoners in 1985 to almost a 160,000 prisoners in 2004.³ California's Department of Corrections budget has also increased from \$923 million in 1985 to \$5.7 billion dollars today.⁴ This explosive growth has been accompanied and partly fueled by CCPOA's firm grip on California's criminal justice policy which, many believe, has "produced mismanagement and abuse that waste tax dollars and compromise the public's interest."⁵

HISTORY

CCPOA was originally founded in 1957 as the California Correctional Officers Association (CCOA). Founder Al Mello and eight other correctional officers started the group to address pay issues and working conditions that had allegedly prompted a correctional officer to commit suicide.⁶ By 1978, CCOA's membership expanded to over 2,500 members, although it still remained weak in comparison to other California unions such as the California Teacher's Union. However, under the aggressive new leadership of Don Novey, a second-generation correctional officer, CCOA would soon become a formidable and unstoppable force in California politics.

The 1980s marked a transformation for the union as political mastermind Novey took over. In 1982, CCOA was officially renamed CCPOA so that parole officers, psychiatric and medical technicians and correctional counselors could also join the union. As CCPOA's membership and financial base

CYCLE OF CCPOA INFLUENCE

- 31,000 members pay \$59.42 per month to the CCPOA.
- Union dues total \$21.9 million per year.
- 65% of that money goes to operations.
- 35% of the budget funds political activities.
- The political budget flows out in 6 main directions.
- CCPOA pays for public relations.
- CCPOA pays for lobbying services.
- CCPOA funds affiliate groups.
- CCPOA contributes "soft money" to political parties, political events, debates.
- CCPOA gives direct contributions to candidates.
- Election winners support the CCPOA political agenda.
- Tough on crime legislation fuels expansion of the prison system.
- Expanded prison system adds membership to the CCPOA.

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grew, so did its power. CCPOA began contributing large sums to support pro-incarceration policies and politicians who advocated for the growth of California's prison industry.

CCPOA's early campaigns revolved around advocating for wage increases and "improving" working conditions for correctional officers. Throughout the 1980s, CCPOA successfully lobbied for better training, "stab-proof" vests, and the right to force prisoners to submit to an HIV test. When corrections management refused to approve expanded use of a side-handle baton, CCPOA went over their heads and persuaded the legislature to pass a bill that expanded use of the weapon. By the early 1990s, CCPOA had set up a legal defense fund to protect members accused of crimes while on the job.⁷ By 1992, CCPOA was California's second largest political action committee, donating over one million dollars to political candidates that year alone.⁸ In the mid-1990's, CCPOA members had the best pension plan in the country, and its members boasted an average salary that was 58% higher than the national average.⁹ CCPOA made history in 1994 when it made the single largest political contribution of \$425,000 to help elect former governor Pete Wilson (R-CA).¹⁰

CURRENT STATUS OF CCPOA

CCPOA's "lightning fast evolution from an obscure organization into a powerhouse"¹¹ has had an extraordinary impact on California politics and the unprecedented growth of the corrections system. CCPOA contributed millions to get Republican Pete Wilson elected in 1991 and Democrat Gray Davis elected eight years later. As a result, CCPOA was able to negotiate large salary increases.

In 2004, facing a severe budget crisis, newly elected governor Arnold Schwarzenegger (R-CA) was forced to ask CCPOA to delay the hefty three-year 10.9 % salary increases it had secured with the Davis Administration. Instead, CCPOA was offered three consecutive 5% pay raises over the next few years.¹² Although the Schwarzenegger Administration claimed the deal would save California more than \$100 million, in reality, the new agreement "saves almost no money

IN BED WITH THE GOVERNOR?

While the CCPOA achieved unprecedented political influence under [the Pete] Wilson [(R-CA, 1991-1999) administration, it was not until Gray Davis' [(D-CA, 1999-2003)] election that it achieved dominance. In 1998, the union contributed a total of \$2 million to Davis' campaign, including \$946,000 on an independent expenditure campaign for last-minute television ads targeting swing voters.

As governor, Davis virtually surrendered control of all corrections matters to the CCPOA and its leadership. No one in the Davis administration dared take a position that would be perceived as contrary to the union's interests, to the point where the director of the Department of Corrections and his senior staff seemed willing to countenance unconscionable abuse and mismanagement.

The union's remarkable influence over Davis and his administration became glaringly apparent in 2002 when he signed a new contract guaranteeing a guard pay increase of 37.7% at the same time that California was confronting the most serious fiscal crisis in recent history. Under this contract, a guard with seven years of service who earned \$53,000 per year would now receive a yearly salary of \$73,000. In addition, under the new contract, correctional officers were no longer required to show a doctor's note when calling in sick. This provision led to a 27% increase in sick hours between 2001 and 2002 and an additional 500,000 hours in staff overtime.

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in the long run,” and in fact only serves to “increase the union’s influence.”¹³

Recent media coverage of several major allegations of prisoner abuse, along with the large California budget deficit, have prompted at least some public scrutiny of CCPOA. A commission appointed by Governor Schwarzenegger to study the state’s prison system bluntly stated the following in 2004: “The agreement between the state and the California Correctional Peace Officers Association ... clearly has resulted in an unfair and unworkable tilt toward union influence.” The report also added that CCPOA’s contract “contains numerous provisions that seriously undermine the ability of management to direct and control the activities of existing correctional departments.”¹⁴

In order to improve their public image, CCPOA has continued its decade old strategy of launching aggressive public relations campaigns, portraying itself as “representing the men and women who walk the toughest beat in the state.” In the past, CCPOA has released several promotional videos with titles such as *Inside Corcoran: Where Hell Begins* (1999) and *Inside Harm’s Way: Life inside the Toughest Beat in California* (1996). (See box on CCPOA’s Slogan).

However, despite its many critics, CCPOA continues to enjoy levels of unprecedented success. Paying almost \$60 in dues each month, CCPOA’s 31,000 members generate \$1.8 million a month and over \$21.9 million a year.¹⁵ In turn, the steady influx of resources allowed CCPOA to gain tremendous political leverage by hiring its own lawyers and lobbyists.¹⁶ By 2002, CCPOA had negotiated several major victories for their members. Average salaries had more than doubled from \$14,400 in 1980 to \$54,000 in 2002,¹⁷ the highest correctional officer salary in the country. CCPOA’s staff had also swelled to 91 staff members, including 20 full-time attorneys, lobbyists, and public relations consultants.¹⁸

POLITICAL AND ECONOMIC INFLUENCES

CCPOA has gained much of its influence by contributing heavily to politicians and legislators. CCPOA gives twice as much as the California Teacher’s Association despite being only one-tenth the size.¹⁹ In 1998, CCPOA contributed around \$2 million to former Governor Gray Davis’s (D-CA) campaign with about \$946,000 for television ads in the final few days leading up to the election. Once in office, Davis promised to build a new prison in Delano and approved a five-year contract raising top salaries by as much as 25%. If fully implemented, these changes would have cost California more than \$1 billion—while California was experiencing a recession.²⁰

Most of CCPOA’s spending is through political action committees (PACs). CCPOA played a major role in the passage of the Three-Strikes legislation in California and was the second biggest donor to the cause, giving \$101,000 to the initiative.²¹ CCPOA spent more than \$9.6 million in the last two election cycles alone. CCPOA is “alleged to have as many as 11 PACs,”²² although the exact number of PACs working with CCPOA interests is unknown. CCPOA’s contributions extend to Democrats, Republicans, and all three branches of government (legislative, executive and judicial).²³

DARE TO OPPOSE CCPOA?

Legislators who oppose CCPOA put themselves at risk. They not only deny themselves contributions from the biggest spenders in the state, they also subject themselves to public relations assaults. For example, the CCPOA initiated a direct-mail campaign sent to every member that listed the “Enemies We Face” and included Senators John Vasconcellos and Richard Polanco. The result is overwhelming support for the CCPOA and legislators scramble for endorsements and contributions.

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CCPOA'S SLOGAN: "TOUGHEST BEAT IN THE STATE"

"Every day they 'walk the line' among some of the toughest, most violent inmates in the world... These are the men and women of the California Correctional Peace Officers Association—dedicated, proud, courageous law enforcement professionals who walk the toughest beat in the state."

CCPOA's promotional materials aim to raise questions about who is more vulnerable in California prisons—the inmates or the officers. Since 1997, the CCPOA has spent at least \$361,000 on public relations campaigns, primarily crafted by McNally Temple Associates. One goal of CCPOA's public relations campaigns is to counter negative press that correctional officers received, including reports of alleged staged fights and subsequent shootings of Corcoran inmates.

To take the spotlight off the alleged brutality of correctional officers, the CCPOA has emphasized the brutality of inmates. CCPOA literature, TV commercials and promotional videos advertise that six officers are assaulted every day. Inmates use handmade weapons. They throw feces. "They can assault you for no reason." They act without rationale, like caged animals.

CCPOA promotional materials never show an inmate by face or by name. Instead, videos depict inmates as anonymous, predatory creatures. Interviewees refer to inmates as "the criminal element" or "the predatory element." According to one video, "The predatory element is always on the hunt." The video shows scenes of staged violence where inmates overtake correctional officers and brutally beat them.

"They're victimizers," a young, blond correctional officer tells the camera, "They victimize people on the street. Right now they're victimizing us inside the institutions anyway they can."

In contrast to the faceless criminals, the correctional officers in the videos are a diverse workforce of men and women, who talk about the real tensions and stresses of their work environment. They describe kissing their kids goodbye everyday, not knowing if they will see them again. These individuals are "the unseen heroes of law enforcement."

When asked what motivates him to go to work every day, one officer responds, "Our main purpose is to keep those people away from our daughters, away from our wives, away from you."

CCPOA promotional materials work to maintain a heightened fear of crime in the public. This is essential to maintain support for the CCPOA political agenda.

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While each PAC may have its own uniquely stated agenda, all money generally serves to boost incarceration rates and the length of sentences, which in turn benefits CCPOA members by ensuring their jobs. However, an accurate and a complete picture of their finances is unavailable because CCPOA falls within a legal loophole. As a union of state employees, instead of private or federal employees, CCPOA is exempt from federal policies that mandate public disclosure of its finances.²⁴

CCPOA also creates and funds affiliate organizations in order to give the appearance that many organizations support its agenda. For example, according to the Center on Juvenile and Criminal Justice, the Native American Peace Officers PAC (NAPO) is a "shadow organization run entirely from the offices of CCPOA" that has donated over \$200,000 to political candidates. CCPOA also heavily supports Crime Victims United of California (CVUC) and the Crime Victims Bureau (CVB), two of California's most influential victims' rights organizations that routinely call for longer and more punitive sentences.²⁵ Crime Victims United of California received about 95% of its initial funding from CCPOA. The union also provided office space, telephones, lobbying teams and even a full-time staff consisting of researchers and directors.²⁶

CCPOA'S ALLIANCES, POSITIONS, AND STANCES

Native People

CCPOA maintains a strategic alliance with Native tribes and organizations. The California Teachers' Association (CTA) used to be the most powerful union in California. However, as gambling became legalized on Native reservations, a variety of Native tribes gave over \$20 million in campaign contributions and surpassed the CTA.²⁷ According to the Center on Juvenile and Criminal Justice, in 1998 an alliance began and by 2001 the CCPOA contributed \$60,000 to the Native American Peace Officers PAC. Together the cash and political clout is able to wield considerable influence in California politics.²⁸

Privatization

CCPOA is a strong opponent of prison privatization mainly out of self-preservation and self interest. CCPOA is not necessarily opposed to privatization as a principle, but in this case because it would break down the cycle of wealth and power creation for the union. Since CCPOA is a union of state employees, privatization would inevitably result in the loss of CCPOA members' jobs. As prisons become privatized, CCPOA would lose membership numbers and power.

Those who dare to oppose CCPOA's anti-privatization stance face political suicide. When conservative assemblyman Phil Wyman (R-Tehachapi) advocated for private prisons in his 2002 re-election campaign, CCPOA poured \$200,000 into his opponent's campaign, and Wyman lost the election.²⁹

Services for Prisoners

Despite state commissions that have criticized the lack of rehabilitative services in California prisons, CCPOA has repeatedly fought against services for prisoners. In 2004, "the CCPOA waged vigorous campaigns to prevent the establishment of education programs, which have been shown to lower recidivism rates, at two state prisons."³⁰

Three-Strikes/Mandatory Sentencing

CCPOA benefits immensely from rising incarceration rates. As more people are incarcerated, the hiring of correctional officers will also increase. It follows then that CCPOA is a strong supporter of mandatory sentencing, three-strikes, and other policies that increase incarceration. In California, three-strikes was heavily funded by CCPOA in partnership with the National Rifle Association (NRA) and various victims' rights organizations. CCPOA was the second largest donor to the three-strikes crime initiative, giving about \$101,000. Republican Congressman Michael Huffington gave the largest donation at \$350,000 and the NRA gave \$100,000.³¹

Victims' Rights

CCPOA supports victims' rights organizations and legislation as a political tactic. Since most victims' rights organizations are advocating for tougher laws and longer sentences, there is a natural partnership. "The CCPOA brought money; crime victims brought a pretty face. As Jeff Thompson, lobbyist for both CCPOA and Crime Victims United of California (CVUC), explained, 'Nobody feels empathetic for prison guards, but everyone's got sympathy for crime victims.'³²

CCPOA's funding and staff support was the "link that shifted the crime victims' movement into high gear."³³ CVUC's executive director states: "If CCPOA hadn't helped us, we wouldn't have CVUC. They saw a need for a statewide umbrella entity instead of individuals and local groups of victims doing their own thing and they filled it."³⁴ CCPOA provided CVUC with virtually all of its start-up funding and other needs. As CVUC grew, CCPOA replaced direct funding by paying for the salaries of CVUC's executive and research director positions. CCPOA also supports the Criminal Victims Bureau (CVB) by providing 78% of their funding along with office space, computers, equipment and most importantly political leadership and coaching.³⁵

"This strategic alliance with crime victim groups also allowed the CCPOA to form relationships with other law enforcement groups, such as the District Attorneys' Association and the California Sheriff's Association."³⁶

Endnotes Available Online!

All citations and references are available at www.defendingjustice.org or by contacting PRA.

All of the content in this publication,
plus additional information, can be downloaded
from the *Defending Justice* companion website:
www.defendingjustice.org.

ORGANIZING ADVICE: Opposing Private Prison Construction

Q & A WITH CITIZENS EDUCATION PROJECT AND WESTERN PRISON PROJECT

As the western state that has seen the most organized grassroots activism in opposition to private prisons, Utah provides a case study for organizers. Steve Erickson, one of the co-founders of the Citizens Education Project, spoke with the Western Prison Project in June 2000 about their organizing efforts in Utah. Following is an excerpt from that interview.

WPP: What was your organizing strategy in fighting the proposed private prison in Utah?

SE: The first thing we wanted to do was to focus attention on the fact that this decision had been made, that the state was proceeding down a path of prison privatization without sufficient public debate on the subject. The public was completely unaware of it. The legislature, in the '98 general session, put about \$2 million towards site evaluation for a private prison, and they appropriated the funding through the Department of Corrections to begin the process. Now that would have been enough money only to have the initial work done, short of construction, but that commitment was made by the legislature. It was made without anybody knowing that it was going on.

WPP: Who was backing this process?

SE: Well, as we were to later find out, the president of the Senate and the speaker of the House, who quickly became the former Speaker of the House for other reasons—those were the two main players in the legislature—and the third main player was the governor, who was very supportive. There is, as in many conservative states, a real philosophical allegiance and bent towards privatization of as many government services as possible. That's still the case in Utah.

WPP: You succeeded in generating an enormous amount of press on these issues. How did you work that?

SE: Well, I've been involved with press work going back to the MX fight in 1980-81 [the fight to keep MX missiles from being sited in Utah], so I have a lot of press contacts and background. We worked together to develop our script, our main points, how we were going to play it out, and what hot

buttons to push with the press and the public. It was critical to get the press on our side and help us create the issue. It didn't produce a groundswell of public outrage about private prisons, but it did give the politicians the jitters, and that was crucial. It also brought out local folks, and so we were able to make connections with the grassroots. These were folks from rural Utah whose towns were being targeted as possible sites for this first 500-bed private prison. We worked quite a bit as advisors and sort of as lobbyists and press agents for local groups who are out in pretty isolated, small communities where they don't have access to power—which we have here in the city.

WPP: How important was the local activism in fighting the prison siting?

SE: It was absolutely essential.

WPP: One of the challenges in prison siting fights in small communities is the issue of NIMBY—Not In My Back Yard. How did you work with that?

SE: We allowed it to play its own course at the local level. If they didn't want it for reasons that could be classified as NIMBY, we could work with that. We would prefer that they would take a philosophical stand against the whole notion [of privatized prisons], and many of the individuals who were involved did. As they became more educated about private prisons elsewhere in the country, they became much more convinced that the whole concept is anathema to good government and to democracy and to responsible criminal justice.

WPP: Do you think you played a major role in that education?

SE: Yeah, we sent lots of materials, primarily by e-mail. We tried to give them as much back-up information as we possibly could, without killing them. I mean, these people have lives too. We tried to empower them with information and then we provided the technical expertise in the area of lobbying and media. There were some remarkable folks who just did a bang-up job. They were creative, they went out and built coalitions within their communities, got hundreds of people to sign on petitions, forced it onto the ballot in Fillmore, and won on the ballot by a substantial margin. They learned their own lessons in political activism as

they were doing it. Many had never done anything like this before, so we give a lot of credit to them. We assisted, but we are not responsible for what they did...they get the credit for what they did at the local level, not us. We were just a helping hand, an important helping hand, but they did it.

WPP: So the working relationship between CEP and the local activists was one of mutual aid?

SE: Mainly us aiding them, but in the end, they aided the whole issue which made it much more possible for us to operate with more flexibility when it came to the political work that needed to be done. For instance, it was a small group of people headed by Tom Chandler and Peggy Overson in Delta, Utah, which is near Fillmore, who convinced their state representative, Mike Styler, that this was a bad idea. I know Mike really well, he's a farmer, and had sort of a pro-privatization mentality to start with, but he didn't like the idea of this prison deal, and he was convinced by his local constituents to become a player on the issue. He's the guy who carried the amendment outlawing the importation of out of state inmates to the private prison to the legislation that passed in the '99 session.

WPP: Who drafted that legislation?

SE: We worked with him on that draft. It passed as part of an amendment to a larger bill that was intended to restrict private prisons. That bill passed the House of Representatives unanimously. So the lobbyists for the private prisons—and there were a bunch of well heeled lobbyists, I'll tell you—they were just caught completely flat-footed and there was nothing they could do because that amendment was overwhelming.

WPP: You even got the Mormon Church to take a stand against private prisons, didn't you?

SE: The Church never really came out, but the Church newspaper did. *The Deseret News*, owned by the Church, doesn't take a stand on a major issue in the state without getting at least the nod from the Church hierarchy. Basically, they opposed private prisons as "commerce in souls." And that's their job.

WPP: As the campaign went on, what were the main organizing handles on this issue?

SE: Well, what we tried to do was to keep hammering the fallacy that this was a money saver, and that it was inappropriate for government to relinquish responsibility to private corporations. So we really

hammered the immorality of the concept and the bogus cost-savings that politically drive these deals. We tried to make the case, though I don't know if we were ever quite as effective as we would liked to have been, that this is not going to be profound economic development in rural communities, that the impacts are going to be such that they will outweigh the benefits. It was difficult to get that word out, so we focused mostly on the media and the legislative politics in the fight, as opposed to trying to get the people of Grantsville to reverse their support for the private prison.

WPP: Were there key turning points in the campaign?

SE: Yeah. One was that in '99, they were struggling with balancing the budget. Utah's had a real boom economy for several years, but tax receipts started to slow down substantially heading into the '99 session. Corrections already had all these other problems that they had to finance, including the big issue that their prison guards get paid substantially less than the guards who work at the county jails, and of course we worked this one with the private prison issue. So Corrections had to go to the legislature and ask for a greater degree of wage parity with the counties. At the same time, the counties were quite concerned, and the sheriffs especially, that they were not getting the numbers of prisoners from the state to house in their county jails that the state had promised.

WPP: In their over-built county jails?

SE: Yeah. What happened is that the county saw the state, and contracting with the state, as a way to build large new jails that the state would indirectly help finance. For instance Beaver County, which is a tiny county with only two significant towns in it—we're talking about maybe 2000 people in each town, maybe less—they built a 190-bed jail, when their average local jail population would cover between ten and twenty, mostly for little things. The counties get a certain per inmate per day reimbursement for housing state inmates at county jails. The counties have gone out and bonded at the local level for the money to construct jails, far larger than they need to accommodate their local prisoners, and they use the state reimbursements to pay off the bonds.

The points we were driving were two-fold. First, why are you building a private prison if you're not filling the jail space that's already out there with the

counties, and you've got the counties upset with you because they're not getting the income they need to pay off their bonded indebtedness? The second issue that we hammered was, look, if you can't keep personnel at your state prisons because they can go to the county jail and get better pay, what's going to happen when a private corporation comes in and tries to find additional personnel to run that jail? They may be able to offer more in salary, but they are going to offer a whole lot less in benefits and working conditions and therefore you are going to have staff turn over. And of course we had all these examples from across the country where they had chronic problems with staffing in these private facilities...so we just hammered that issue.

WPP: How did you finally make this a dead issue in the 2000 General Session of the legislature?

SE: I think in the end, what happened was the allegiance with the counties and the sheriffs pushed it over the top. We kept raising so much fear, uncertainty and doubt about the stability of the industry, about the track record of the industry, about the cost issues that it created uncertainty within the legislature when they had a million other issues on their plate. So they just threw up their hands and said, "well, we don't know what to do with this mess." And this is where it ended. They still could come back. This is a hydra-headed monster—you cut off one head and the next head pops up. We can say with some degree of confidence that this is a dead issue for now. We don't know if two years from now it may come up again, but they would have to go through another whole bidding process and start over.

This interview first appeared in The Prison Payoff: The Role of Politics and Private Prisons in the Incarceration Boom, by Brigette Sarabi and Edwin Bender, Western States Center and Western Prison Project, 2000.

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Additional Resources

California Prison Moratorium Project (CPMP)

PO Box 339
Berkeley, CA 94701
Phone: 510-595-4674
<http://www.prisonactivist.org/pmp/>

CPMP seeks to stop all public and private prison construction in California for five years. They have published an excellent guide titled: "How to Stop a Prison in Your Town: An Information, Research and Action Handbook."

Not With Our Money! (NWOM)

c/o Grassroots Leadership
610 Brazos, Suite 300-E
Austin, TX 78701
Phone: 512-482-8835
<http://www.notwithourmoney.org>

NWOM is a network of student and community activists working to end the use of prisons for profit.

Books/Reports

Gerchik, Julie R.F. "Slouching Towards Extremism: The Federalist Society and the Transformation of American Jurisprudence." *IDS Insights*, November 2000. 1-12.

Greene, Judith. "Entrepreneurial Corrections: Incarceration as a Business Opportunity," in *Invisible Punishment*, ed. Mark Maurer and Meda Chesney-Lind. New York: The New Press, 2002, 95-113.

Kliger, Patrick J. and others. "Hidden Agendas: What Is Really Behind Attacks on Legal Aid Lawyers?" New York: Brennan Center for Justice, 2001.

Mattera, Philip, Mafruz Khan, Greg LeRoy, and Kate Davis. "Jail Breaks: Economic Development Subsidies Given to Private Prisons." Washington, D.C.: Institute on Taxation and Economic Policy, 2001.

Sarabi, Brigette and Edwin Bender. "The Prison Payoff: The Role of Politics and Private Prisons in the Incarceration Boom." Portland, OR: Western States Center and Western Prison Project, 2000.

Endnotes Available Online!

All citations and references are available at www.defendingjustice.org or by contacting PRA.