

VALLEY OF THE DRY BONES: HUMAN BODIES FOR PRIVATE CELLS

By

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Research Project III

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[?] Copyright 2002, NBCSL. No portion of this document may be cited, copied, or reprinted without the consent of the author, Lisa N. Nealy. For more information about the author go to <http://www.nbcsl.com> reparations article entitled, Our Land is A 'Comin and Our Mule Is On 'De Way, 2002.

ABSTRACT

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In order to ascertain those factors influencing the constructions of private prisons nationally and globally throughout the United States, I analyzed the attitudes and opinions of the African American political leadership regarding this controversial phenomena. In doing, four(4) research hypotheses were addressed in this research; (1) To what extent are African American State legislators knowledgeable about prison privatization? (2) To what extent have African American State legislators introduced prison privatization legislation in their perspective state? (3) To what extent are African American State legislators familiar with Corrections Corporation of America(CCA)? And (4)To what extent do African American State legislators oppose prison privatization? Primary data was utilized in which a structured research instrument i.e.,(survey) was distributed to over 205 African American State legislators at the 25th Annual Conference of National Black Caucus of State Legislators in Atlanta, Georgia. The target sample population comprised African American state legislators with diverse backgrounds. The total N cases analyzed were 21. The data analysis included SPSS runs based on the survey responses, which generated the following results. Results revealed that 38.1 percent of African American State legislators were knowledgeable of prison privatization. Secondly, 38.1 percent of the African American State legislators had introduced some legislation in their state concerning prison privatization. Thirdly, 66.7 percent of the African American State legislators were familiar with CCA. Lastly, 90.5 percent of the African American State legislators opposed the privatization of government-run prisons.

Introduction

Thou shall not kill.¹

...Neither slavery nor involuntary servitude
Except as a punishment for crime...²

The first quote is taken from the Jeudo Christian religious doctrine according to the God's Ten Commandments. The quote clearly connotes that it is unlawful to commit a crime such as murder in the eyes of God. The quote simple evinces my claim that prisoners who are incarcerated within the penal system shouldn't be locked up. Indeed, those prisoners who have committed *murder* and other violent and sexual exploitive crimes deserve to be behind bars. However, it is the non-violent prisoner who is incarcerated for non-violent crimes such as drug use, DUI, intoxication, doesn't deserve to be there. Nor does any prisoner deserve to be treated as a slave as a form of punishment. And this is the premise that undergirds the second above quote, which delineates the 13th amendment's phrase regarding those who become property of the

¹ Cain Hope Felder. 1995. Exodus 20:13. *The Original African Heritage Study Bible, King James Version*. (Nashville Tennessee: The James C. Winston Publishers), 119.

² U.S. Constitution 13th Amendment.

state. The penal system has had a history of treating prisoners as slaves both in public and private prisons and jails across the U.S.

The penal institution commenced in 1815. Penal institutions were designed as a social control mechanism that would reduce crime. The powerless, destitute, and most often, African Americans became primary targets of that social control. Specifically, manumitted slaves comprised the penal system during the nineteenth century for the mere purpose of involuntary unpaid industrial labor. In this regard, ex-slaves were arrested for ridiculous non-violent crime like public drunkenness, adultery and once arrested; they were immediately placed in mines to labor for mining companies.³ The penal institution thus began to view their prisoners as a way to make profit by putting them to work and as a result, other state penal institutions soon adopted this illegal practice called convict-lease system. Because of the enormous profit that was made from leasing convicts to other state prison institutions, the value of human bodies became a cruel and unusual form of punishment that frequently resulted in death for many prisoners.

But the larger picture of the convict lease system ultimately evolved into an issue of race, class, and politics. A majority of the prisoners under the convict leasing system that were incarcerated happened to have been African Americans who had little financial resources to avail from the system. The politics of the system can be found in the ambiguous 13th Amendment to the constitution. In most state constitutions, the wording of the 13th amendment legitimized the illegal practices of penal institution's cruel treatment of prisoners because after all *the convicts were to be punished* for breaking society's law.

³ Douglass Blackman. 2001. From Alabama Past, Capitalism and Racism In A Cruel Partnership. (The Wall Street Journal Monday July 16), B1.

Paul Gilroy correctly observed that such state construction of what constitutes illegal practices [w]ere political struggles that reflect power relations between classes.⁴

Blackman observed that southern states like Alabama provided convicts, who were essential to businesses hungry for lands to work in farm fields, lumbercrop, railroad construction gangs and, especially in later years, mines. Blackman also point out that *Black Code statutes* were passed to reassert white control in the aftermath of the Civil War. A majority of these convicts were subjected to *squalid living* conditions, poor medical treatment, scant food and frequent floggings as a result, thousands died.⁵ And to this end, the *valley* became engulfed with thousands of *dry bones*.⁶ The *valley* represents a graveyard of private prison cooperations that are allowed to contract in states. The bones represent those prisoners who have died in private prisons and whose bodies are thus replaced with new prisoners. Human rights advocate and non-profit organizations that fight against profit-for private prisons will rescue those prisoners who have not yet become dry bones.

Therefore, this research analyzes the attitudes and opinions of African American State Legislators on the issue of prison privatization. This paper is divided into five sections. Immediately following the introduction, the statement of the problem, literature review and research methodology is discussed. In the remaining half of this paper, findings, discussion and conclusions are examined.

⁴ Paul Gilroy. 1982. Steppin Out of Babylon: Race, Class and Autonomy, *The Empire Strikes Back and Racism in the 70s Britain*. (London: Hutchinson).

⁵ Ibid., (Blackman).

⁶ The valley of the dry bones as a phrase was taken from the Book of *Ezekiel*. *God commanded Ezekiel, one of the four major phrophets* in the Bible, to go and preach to in the valley of dry bones. The drybones were dead human bodies. Once Ezekiel preached to the dry bones, every dry bone began to connect to joints and thus life was restored to these bodies. For more readings see Ezekiel 37 chapter.

Nature of the Problem

Manning Marble articulates his views concerning the incarceration rates of African Americans within US prisons and jails. Marble expresses his views about the growing prison industrial complex in the polity of racial politics. Marble argued that the total population of the nation's jails and prisons exceeded two million at the end of 1999. Marble observed that this dynamic and unchecked growth of the US prison population has many profound consequences—politically, economically, and socially for all people of color.⁷ Marble is correct in his keen observations about the fast growth of people of color being locked up both in prisons, jails, and now, private prisons across the US. In 2002, the current number of the prison population is over 1.8 million people.

Between 1960 and 1970, rates of violent crime, including murder, rape and robbery, increased dramatically, especially in urban areas. By the late 1970s, nearly half of all Americans were afraid to walk within a mile of their homes at night, and 90 percent percent of those respondents surveyed that the US criminal justice system was not dealing harshly enough with criminals.⁸ Richard Nixon, George Wallace, and Ronald Reagan began to campaign successfully on the theme of *law and order*. The death penalty, which was briefly outlawed by the Supreme Court, was reinstated.

Historically, crime, prisons, and politicians all had something in common: crimes are committed thus prompting stiffer laws to be passed by politicians. Prisons thus become an economic business to house violent criminals and non-violent ones in hopes of maintaining its industrial complex. From 1817 to 1981, for example, New York had

⁷ Manning Marble. 2000. Facing The Demon Head On: Institutional Racism and the Prison Industrial Complex. (Southern Changes, Fall), 4.

⁸ Ibid.

operated 33 state prisons. From 1982 to 1999, another 38 state prisons were constructed. The state prison population at the time of the Attica prison revolt in September 1971 was about 12,500. By 1991 these were over 71,000 prisoners in New York State correctional facilities.

In 1974, the number of Americans incarcerated in all state prisons stood at 187,500. By 1991, the number had reached 711,700. Nearly two-thirds of all state prisoners in 1991 had less than a high school education. One third of all prisoners were unemployed at the time of their arrests. Incarceration rates by the end of the 1980s had soared to unprecedented rates, especially for African Americans. As of December 1989, the total U.S. prison population including federal institutions exceeded one for the first time in history, an incarceration rate of the general population of one out of every 250 cities.⁹ For African Americans, the rate was over 700 per 100,000 or about seven times more than for whites. The rate of incarceration of African Americans in 1989 had surpassed that experienced by African Americans who lived under the Apartheid regime in South Africa.

By the early 1990s, rates for all types of violent crime began to plummet, but the laws that sent offenders to prison were made even scarcer. Children were increasingly viewed as adults in courts and subjected to harsher penalties. Laws like California's *three strikes and you're out* eliminated the possibility of parole for repeat offenders. The vast majority of these new prisoners were non-violent offenders and many were convicted of drug offenses that carried longer prison terms. By late 2000, the African American political leadership had become legartheic on the issue of prison industrial complex. George Napper observed that many African American political leaders had been reluctant

to speak out against prison industrial complexes and its implications. Napper suggested that part of this reluctance is due to the belief held among African American political leaders that those violating the law deserve what they get.¹⁰ Napper argued that the consequences of African American political leadership keeping quiet is perhaps many new prisons can be built in their electoral districts.

Thus, the major objective of this research is to address four research hypotheses: (1) To what extent are African American State Legislators knowledgeable about prison privatization? (2) To what extent have African American State Legislators introduced prison privatization legislation in their perspective state? (3) To what extent are African American State Legislators familiar with Correction Corporation of America(CCA)? And (4) To what extent do African American State legislator opposes prison privatization? Prison privatization thus becomes the dependent variable to be explained.

⁹ Ibid., 5.

¹⁰ George Napper. 2000. The Care and Forming of the Prison Industrial System. (Southern Changes Fall), 14.

Literature Review

There has been ferious debate surrounding the salient issue of prison privatization. Such debates have thus emerged with several theories as to why prison privatization has escalated since the mid 1980s. The most consistent theories about the growth rates of private prisons center around *human theory*, *economic theory*, and *theory of politics*. These three theories have been widely advanced by numerous scholars, human rights organizations, non-profit organizations, activist, and the likes. For instance, the human theory prefaced upon involuntary slave labor of prisoners is at the heart of these debates regarding prison privatization. According to Murphy Davis, the reason why prisoners are treated as slaves who are forced to labor is due to the ambiguity of the 13th Amendment to the Constitution. Davis argued that the wording of the 13th Amendment mandates prisoners as slaves, which only partially abolished slavery in the US. He contends that the 13th amendment only narrowed the practice of slavery.¹¹ Davis is absolutely right in his observations of the 13th amendment, however; he did not consider the interpretative meaning behind the phrasing of this specific amendment. Foremost, an aristocratic class of white male slaveholders who protected their economic interests at the expense of African slaves wrote the US Constitution, a legal document. Simply put, Thomas Jefferson et al purposely phrased the 13th amendment as they *wanted* it to be in order to

safeguard the rights of slave holders who could *control* their *human property* by inflicting cruel and unusual punishment. African slaves were dehumanize and ceased to exist as a person while under a system of private ownership terrorized by the *whip, gun, and Bible*.

The first state prison was opened in Milledgeville Georgia in 1817. The prison was based on the *Auburn plan*, which assumed that hard work would simultaneously punish and reform. The average number of prisoners remained around two hundred, all white. African Americans were slaves who were dealt with inside the system of private ownership.¹² This development in Georgia largely coincided with the opening of state prisons in other states. As Davis argued, Jefferson took from Italian philosopher Cesaure Beccaria, the notion of confined convicted slavery and designed as prison for Virginia that opened to receive prisoners during the 1800s. Centuries earlier, governments had learned that the punishment of slavery could be used to the benefit of the state. *Gallery slavery* of ancient Greece and Rome was used again in France and Spain during the 14th and 15th centuries.¹³

In the 19th century, slavery as punishment was tailored to the needs of the American system. The benefits of this form of punishment to general social control were finally admitted. Davis noted that in an 1820 prison report, it stressed that convict submission was demanded not so much for the smooth functioning of the prison but for the sake of the convict himself, *who shall learn to submit willingly to the fate of the lower classes*. As the system of American prison slavery was developed, the controversy raged over the wording of the constitutional amendment to legally abolish slavery. Led by Massachusetts Senator Charles Sumner, those who argued for complete abolition of

¹¹ Murphy Davis. 2000. Prison Slavery. ([Southern Changes](#) Fall), 21.

¹² Ibid.

slavery in the US lost their struggle. Therefore, the 13th amendment as it was passed, and as it stood, *forbids slavery except as a punishment for crime*.¹⁴

This was a major victory for the white political forces of the old confederacy, who were bitter over the loss of their captive labor force. Rather than legally abolishing slavery, the amendment changed the system to accommodate the state, not private citizens, to be slave owners. After the Civil War, Southern planters thought themselves lost without their slaves. The one legal form of slavery still available to them was imprisonment. Some states passed *Black Codes*. Georgia and other states passed *vagrancy laws* and similar statutes and ordinances as a way to lock up African Americans who were seen not to be in their *proper* places.¹⁵ In 1868, Georgia established by law the convict lease system modeled after the Massachusetts system that began in 1798. Convicts could be leased to counties or county contractors for use on public works. In 1874, the Georgia law was altered to permit leasing convicts to private individuals and companies. By 1877, Georgia had 1, 100 prisoners with 94 percent of them African Americans.¹⁶

Furthermore, the *economic theory* emerged as another debate regarding prison privatization. The economic theory is prefaced on a cost-profit benefit analysis which Corporations Correction America (CCA) accumulates huge profits from the construction of private prisons. CCA was founded by a Republican Tennessee activist Thomas Beasley in 1983 along with capitalist Jack Massey who build Corporation of America(HCA). CCA and other companies that jumped into the field including

¹³ Ibid., 21-22.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid., 23.

established firms such as security services leader Wackenhut Correction Corporation, well funded start-ups such as Prisor Inc. all took advantage of the opportunity to cash in on the building of private prisons throughout the US and globally.¹⁷

As Mattera et al observed, prisons were bulging as a result of harsher drug laws and stricter sentencing rules, yet taxpayers were resisting paying for more correctional facilities. At the same time, about three dozen states were under court orders to reduce overcrowding in public prisons. According to Mattera et al, the private prison industries such as CCA and WCC took advantage of the opportunity to house inmates in their private facilities at a lower cost than government-operated prisons. Some of the private operators offered to build new facilities and to do so on a much faster timetable than government agencies could. Others bid to operate existing public facilities, claiming they could do it more efficiently. In selling themselves, contractors were often openly contemptuous of government's prison record: "The work done in the public sector in the last 30 years has been a dismal failure", asserted Zed Nissen, president of Behavioral Systems Southwest in 1985.¹⁸

Mattera et al also found that many officials in the South took note of the cheaper incarceration cost. State legislatures began enacting laws that permitted private parties to perform what had previously been considered a function that should be performed exclusively by government. As a result of this merger, Hamilton County Tennessee became the first county in the country to contract out its jail when it brought in CCA in 1984. The following year CCA made an attractive offer to take control over the entire prison system of Tennessee, but the state legislature faced strong opposition from public

¹⁷ Philip Mattera, Mafruz Khan et al. 2001. *Jail Breaks: Economic Development Subsidies Given to Private Prisons* (Washington DC: Institute on Taxation and Economic Policy), 2.

employee groups and other decline to act on the other. CCA did, however, succeed in its effort to win a contract to operate a 400-bed jail in Bay County, Florida. Mattera et al. showed that the very first state contract was awarded to US Correction Corporations in 1986 to operate a prison at an abandoned college campus in Marion, Kentucky. In 1987 CCA got its first state-level contracts for a regional juvenile facility in Tennessee and two minimum-security, pre-release facility in Texas.¹⁹

Growth over the next few years was uneven but by the early 1990s, the private prison business had expanded by leaps and bounds. Annual revenues at CCA climbed from about 14 million dollars in 1986 to more than 55 million dollars in 1990 and then soared to 120 million in 1994 i.e. the year it moved up to the New York Stock Exchange. Wackenhut Corporation(WCC)which was created as a subsidiary of Wackenhut Correction Corporations in 1988, saw its revenue grow from about 49 million in 1989 to 84 million in 1994 when it made an initial public offering of stock.²⁰ At the same time, the total capacity of secure adult facilities under private management climbed from about 3,000 beds in 1987 to more than 20,000 in 1992.²¹ By 1995 the country's total inmate population-local, state, federal had reached more than 1.5 million, which was three times the number in 1980. The incarceration rates of the number of inmates per 100,000 US residents—jumped in that 15-year period from 221 to 601.²²

The private prison industry's reputation was tarnished by a series of high profile scandals about substandard conditions, poor management and brutality in facilities under its control. In June 1995 there was an uprising by inmates at an immigration detention

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid., 3.

center operated by Esmor Correctional Services in Elizabeth New Jersey. In the wake of the uprising, the INS issued a scathing report on mismanagement at the Esmor facility. The INS found that poorly trained and abusive guards terrorized the immigrant inmates, while supervisors did little to monitor the situation.²³ The Union County New Jersey prosecutor, Andrew K. Ruotdo Jr., described Esmor's operations as "privatization at its worst".²⁴ In addition, there were red faces in Texas in 1996 after two convicted sex offenders from Oregon broke out of a CCA facility near Houston and travelled nearly 200 miles before they were caught. State officials, who had not been informed by CCA that out-of-state inmates had been imported, realized they had no authority to prosecute the converts for the escape. There was no law against escaping from a private correctional facility, a situation that was later changed in Texas and elsewhere.²⁵

In August 1997, another private prison scandal erupted in Texas when a videotape showed abuses by guards at the Brazoria County Detention Center was made public in the course of a lawsuit brought by one of the inmates at the facility, run by Capital Correctional Resources Inc. The footage showed guards kicking inmates, coxing guard dogs to attack them, and shocking at least one prisoner with a stun gun. The abuses depicted on the tape especially disturbed officials in Missouri, given that inmates from

²² US Department of Justice. Office of Justice Programs, Bureau of Justice Statistics. (Prisoners in 1994 and Prisoners in 2000), 2.

²³ *Ibid.*, 5.

²⁴ John Sullivan. 1995. Operator of Immigration Jails Has A History of Problems. New York Times June 20. Also see John Sullivan and Mathew Purdy, in In Corrections Business Shrewdness Pays, (New York Times July 23, 1995), A 1.

²⁵ Joan Thongson,. 1996. Laws Lay Behind Booming Private Prison Industry. (Associated Press November 5).

that state were being housed at the Brazoria facility. In the wake of the revelation, Missouri removed its inmates.²⁶

In 1998 a series of fatal inmate stabbing and a six person escape put a national spotlight on the prison in Youngstown, Ohio that CCA had built to house inmates from the District of Columbia. In March 1999, the company agreed to pay 1.6 million to settle a class action lawsuit brought on behalf of prisoners at the facility who claimed that they were abused, denied medical care and not properly segregated from more dangerous inmates.²⁷ In April 2000, authorities in Louisiana, acting under pressure from the federal government, took control of the Jena Juvenile Justice Center away from Wackenhut Corrections Corporation(WCC). There was widespread brutality at the facility, which became so severe that some youths took to mutilating themselves. They harmed themselves so they would be transferred to the medical unit where they could more easily avoid beatings and rapes.²⁸

Even more, Lehman Brothers has been a pioneer in private prison finance. Lehman Brothers brokered major deals between private prison operators, investors and lenders. In 1998, Lehman Brothers, formerly known as Sheason Lehman was involved in a joint venture with American Correctional System(ACS), Bechtel, and Daewoo to develop a 40 million medium security private prison in Colorado. In 1997, Lehman was one of the underwriters of the initial public offering of stock made by CCA Prison Realty Trust, the real estate investment trust spin off of CCA. Later that year Lehman was supposed to serve as the lead manager of a bond offering by the State of Mexico in

²⁶ Sam Howeaverhovck. 1997. Video Puts A Harsh New Spotlight on Texas Jails. (New York Times, August 22), A1.

²⁷ Cheryl W. Thompson. 1999. Prison Firm Settles Suit by DC Inmates in Ohio. (Washington Post March 2), B1.

connection with two prisons that were to be operated by WCC, but after political opposition delayed the deal, WCC ended up financing the projects itself. In 1997, Lehman was also the underwriter for 34.5 million offering of certificates of participation to finance the East Mississippi Correctional Facility that was to be run by WCC. In 1998, Lehman was the underwriter for 59 million of revenue bonds issued by the Idaho State Building authority to finance a private prison to be operated by CCA. In May 1999, Lehman served as the lead arranger for a 1 billion-credit facility for Prison Realty Corporation, the new name of the CCA real estate investment trust.²⁹

In June 1999, Lehman served as the underwriter for a 100 million dollar offering of senior notes by Prison Realty. In August 2001 Lehman helped Cornell Companies execute a sale lease back deal under which ownership of a group of its correctional facilities was transferred to an entity called Municipal Correctives Finance L.P. that generated 173 million dollars in cash for Cornell. In October 2001 Cornell Companies announced plans to issue 3 million new shares of stock, with Lehman Brothers serving as head underwriter. Cornell plans to build a new prison for immigrants in McComb, Mississippi.³⁰

These numbers provide only a glimpse into the central role of the Lehman in what the business world calls the *execution* of private prison financial deals. What the numbers don't show is how in 1999, when CCA was on the edge of bankruptcy, Lehman helped convince the company's lenders to forge loan payments while CCA restructured. There are many negative consequences of the growth in private prison industries like the current

²⁸ Steve Ritea. 2000. Louisiana Takes Over Youth Jail in Jena. ([The Times Picayune New Orleans](#) April 6), A1.

²⁹ <http://www.nomoreprisons.org>

³⁰ Ibid.

interstate commerce in prisoners by for-profit prison corporations. This is one of the tragedies of prison privatizations. For example, prisoners are incarcerated at great distances from their families, homes, and communities, basically to suit the convenience of corporations.³¹

Many studies have shown that prisoners in these circumstances are significantly on release and therefore far more likely to be returned to prison. This *export-import* business has a particular impact on the South. As SiKhan noted, the *exporting* states are those with higher costs per day for prisoners. Si Khan argued that exporting prisoners is not just about solving prison overcrowding but about saving money, including the capitol costs of building new prisons. The *importing* states tend to be those with lower costs per prisoner a day, often a reflection of their significantly low labor cost as a result of non-unionization among correction officers and other prison employees.³² The *importing* states tend to be located in the South, with its historical labor costs and lack of unionization. According to SiKhan, the South already has a long and shameful history of incarceration and the racialized use of imprisonment as a total of social control, including chain gangs and convict labor, which tend to make prison privatization more acceptable. Almost 70 percent of all prisoners in private facilities are in the eleven states of the old confederacy and over 95 percent of all private prison facilities and detention centers in the US are owned or operated by Southern prison corporations.³³

Needless to say, the theory of politics is another theory surrounding the controversy over prison privatization. Private prison companies have deeply insinuated themselves into the political process. Conservative politics favors privatization of many

³¹ Si Khan. 2000. Cells For Sale. ([Southern Changes](#) Fall), 18.

³² Ibid.

public responsibilities, including criminal justice; the increasingly common practice of exploiting public fears about crime to gain or maintain political power, the concerted efforts of corporate backed think tanks like the American Legislative Exchange Council to develop and disseminate pro-privatization legislative models.³⁴ According to the Western Prison Project, the U.S. is currently engaged in the latest prison build up in record history. Between 1987 and 1986, the number of inmates in private prisons soared more than 2000 percent, jumping from 3,122 to 78,000. By December 1999, private prison beds in the US numbered over 130,000. There are two methods used by private prison corporations to persuade policy: political campaign contributions and ideologically loaded model legislation shaped by the same private interests who stand to profit from it.³⁵

Since 1992, in most parts of the country, the demand for prison cells is higher than ever. No-nonsense crime reforms passed in the 1980s and 90s where longer sentences before parole, *three-strikes-and you're out*, and *mandtory minimum sentences* are still increasing prison populations even as crime shrinks. The US had 1-8 million people behind bars in 1998, more than double the total in 1985 and the world's largest national inmate count. This count is higher even than 1.4 million in China, worse population is nearly five time that of the US. The US also rank high incarceration rates at 668 inmates per 100, 000 populations and is number two in the world, just behind Russia.³⁶

³³ Ibid.

³⁴ <http://www.westernprisonproject.org> . Executive Summary from the Prison Payoff; The Role of Politics and Private Prisons in the Incarceration Boom.

³⁵ Ibid.

³⁶ Suzanne Smalley. 1999. A Stir Over Private Pens. (National Journal May), 1169.

At least 26 states have contracts with private prison firms. CCA operates over 70 prisons world wide—64 in the US. While WC operates 52 worldwide, 32 of them in the US. The General Accounting Office(GAO), the watchdog agency of Congress has studied five private prisons and found no conclusive evidence of significant savings. But there is evidence that private prison facilities failed to spend money on training staffers and offices how to better handle prisoners. These commercially operated prisons are increasingly the facility of choice for jurisdictions struggling to house number of convicts there doing the time as a result of get-tough sentencing laws passed in the 1980s and 1990s. Representative Ted Strickland(D-Ohio) and Representative John E. Sweeney, and Peter T. King, both Republicans from New York introduced their bi-partisan *Public Safety Act*. The bill would effectively combat the growth of private prisons by prohibiting the incarceration of any future federal grants to states and cities that use them.³⁷

State governors have taken a second look at private prisons, especially the prison practice of importing inmates from state to state in order to fill beds. In illustration, Suzane found that private companies operated four prisons in New Mexico including one where a riot broke out in May of 1999. The state legislature then approved a bill that would require better training for private correction officers and more information on inmate transferred from other states. Republican Governor Grary E. Johnson vetoed the measure in 1999. In Tennessee, several bills were pending in the state legislature that would limit the importation of outer-state inmates.³⁸

In Montana, the state legislature passed a bill requiring that only Montana inmates be imprisoned there. The state of North Carolina passed legislation preventing any

³⁷ Ibid., 1168.

³⁸ Ibid., 1169.

private business from building speculative prisons with the hope of winning contracts to fill them later and banned companies from bringing in out of state prisons. A core function within the criminal justice system is whether it should be handed over to corporations whose shareholders' interests come before the general publics and whether they should be allowed to develop long term interest in shaping criminal justice policy.³⁹ College students and leading active organizations have also forced the U.S. Congress to pass stiffer legislation that would bring for-profit prisons to their demise.

Some of Howard University students led a protest march to Capitol Hill on April 3, 2001 to fight against private prisons. These students met with Khalil Abdullah, executive director of National Black Caucus of State Legislators (NBCSL) and Labor economist Joshua Miller of the American Federation of State, County, and Municipal Employees (AFSCME) who informed students about the problem of prison privatization. Howard student's also fought to end Howard's contract with Sodexo-Marriott Services. Sodexo Marriott is heavily invested in private prisons mainly the CCA.⁴⁰

As the incarceration rise in the U.S. faster and higher than any other Western industrialized nation, the South stands in the lead. Louisiana and Texas are in front, imprisoning more than one in 131 of their residents. Texas leads the nation in incarceration growth.⁴¹ Of all the fifty states, Alabama and Florida deprive more prisoners of the right to vote, with nearly one-third of adult African American males disenfranchised. Texas and Virginia have executed more people than any other state. The electoral implications of the whole sale imprisonment of African American males in the

³⁹ <http://www.futurenet.org/sprisons/html>.

⁴⁰ Chanel Vesal. 2001. Students Fight Against Private Prisons Goes to the Hill. (*The Hilltop*. Tuesday April 3), A4.

⁴¹ Ellen Spears. 2000. Captive Lives. (*Southern Changes* Volume 22, Number 3 Fall), 13.

U.S. are becoming increasingly apparent, with one in seven adults African American males having lost voting rights due to a felon conviction. Even more, the number of women in America's prisons soared more than 500 percent in the past two decades to nearly 85,000 according to a new General Accounting Office(GAO) report. The reason given for the dramatic increase was the passage of tough new mandatory drug laws.⁴²

The study found that during the 1990s, drug offenders accounted for the largest source of total growth among female inmates. More specifically, from 1990-1997 the number of female inmates serving time for drug offenses nearly doubled 72 percent of federal and 35 percent of state female prisoners were serving drug offenses in 1997. Overall, the majority of women in prison are incarcerated for non-violent crimes and 84 percent of federal and 64 percent of states' female prisoners are mothers, incarcerated at great distances from their children. African American females are also more than twice as white females to be incarcerated. The South leads the nation in the imprisonment of women. In 1998, of female state prisoners, 47 percent were held by states in the South where the incarceration rate is the highest of any region. Also too, Texas leads the way in locking up women with 10,343 female prisoners and a rate of 102 per 100,000 residents.⁴³

Angela Davis shed light on the increase in African American women incarceration rates. Davis observed that African American women are the fastest growing group of prisoners and that Native American prisoners are the largest group per capita.⁴⁴

⁴² Drug Convictions Drive Female Prisoner Population. 2000 (Families Against Mandatory Minimums Spring), 1.

⁴³ Sarah Toran. 2000. Criminalization of Women. (Southern Changes Fall), 25.

⁴⁴ Angela Davis. 1998. Masked Racism: Reflections on the Prison Industrial Complex. (Colorlines Fall), 2.

However, white women still constitute a relatively small percentage of people behind bars. While African American women are eight times as likely to go to prison as white women imprisoned women of color are not seen as victims of racist and sexist discrimination.⁴⁵

Research Methodology

This section describes the research methodology that was utilized in this paper. Partial quantitative analysis was employed in this research. Therefore numeric value is emphasized.

Data Collection Technique

There were over 150 questionnaire surveys distributed to over 205 African American State Legislators at the Annual National Black Caucus of State Legislative Conference held in Atlanta, Georgia. Only 21 survey questionnaires were returned. The sample population included both male and female African American legislators.

Data Analysis

Descriptive statistics was used to analyze the data. In doing so, SPSS 9.0 was employed to conduct the computer runs based on each item listed on the survey. Due to the very low returned rate, advance statistical analysis could not be used in this study.⁴⁶

⁴⁵ Angela Davis. 2000. Women In Prison (Essence September 7), 216.

⁴⁶ For future research on prison privatization, I recommend that my successor extend this research by collecting a large enough sample from African American State legislators. In this vein, the population sample will be representative of the general population of African American state legislators. Perhaps monetary incentives should be used to persuade those legislators to participate in the survey. Secondly, more effort from the NBCSL staff in assisting in making sure that legislators participate in the survey and returned them the same day.

Results

In this study, the attitudes and opinions of African American State Legislators were analyzed regarding prison privatization. There were two sections explicated: (a,)The Demographic part that focused on general information about the state legislators and (b) Substantive Issues that focuses on the critical questions on the survey regarding prison privatization.

Part I- Demographic Content

TABLE 1.1: DEMOGRAPHICS OF AFRICAN AMERICAN STATE LEGISLATORS, PRISON PRIVATIZATION, 2002.

RACE	N	%
African American	21	100.0
total	21	100.0
GENDER	N	
Female	4	19.0
Male	16	76.2
Other	1	4.8
Total	21	100.0
AGE	N	%
36-45	7	33.3
46-55	9	42.9
56-65	4	19.0
65 AND over	1	4.8
total	21	100.0
EDUCATION	N	%
High School	2	9.5
Diploma/GED		
Associates of Arts(A.A.)	2	9.5
Bachelor of Arts(B.A.)	5	23.8
Bachelor of Science(B.S.)	4	19.0

Masters of Arts(M.A.)	2	9.5
Masters of Science(M.S.)	1	4.8
Jurist Doctor of Law(J.D.)	5	23.8
Doctor of Philosophy(Ph.D.)	0	0
Total	21	100.0
ELECTED OFFICE	N	%
State Representative	15	71.4
State Senate	5	23.8
City-Council	1	4.8
Total	21	100.0

DATA SOURCE: RESULTS GENERATED FROM SPSS RUNS BASED ON PRIMARY RESEARCH INSTRUMENT—
SURVEY DEVELOPED BY AUTHOR, 2002.

Table 1.1 depicts the demographic information on African American State legislators who participated in the survey. The Total number(N) of state legislators who chose to participate were 21. The total percentage(%) rate yields the accurate enumeration of the sample population in this study, which yield 100 percent. The majority of state legislators were African American. A majority of the state legislators who participated in the survey were males. The mean age of the state legislators range between 46-55 years old. The second mean age of state legislators ranged between 36 and 46. A majority of the state legislators held law degrees. A majority of the state legislators were state Representatives followed by half being state Senators.

II. PART 11-SUBSTANTIVE CONTENT

This section analyzes more substantive issues concerning prison privatization that were asked of African American State legislators.

TABLE 2: How knowledgeable are you about Prison Privatization? (N=21)

RATING	N	%
Strongly Knowledgeable	8	38.1

Fairly Knowledgeable	6	28.6
Somewhat Knowledgeable	6	28.6
Little Knowledge	1	4.8
Total	21	100.0

IBID.

There were seven questions asked about prison privatization. There were four categories created for this question in Table 2. One hundred percent(21) of the African American State legislators responded to this question. A majority of the legislators were strongly knowledgeable of the prison privatization issue. While about half of the legislators was fairly knowledgeable of prison privatization. The same percentage of legislators indicated that they were somewhat knowledgeable of prison privatization and only 1(4.8) percent knew very little about prison privatization.

TABLE 3: If you are knowledgeable about Prison Privatization, what type of legislation has been introduced in your State? (N=15)

RESPONSE	N	%
No Legislation has been introduced in my state	3	14.3
Some Legislation has been produced in my State	8	38.1
Not Applicable	4	19.0
Total	15	71.4

IBID.

Three categories were created for this question. Only 71.4(15) percent of the state legislators chose to answer this question. A majority of the legislators had introduced some legislation in their state on prison privatization(38.1) percent. While a third of the state legislators had not introduced any legislation in their state and about half of the state legislators indicated other or did not choose to answer this category.

TABLE 4: Are you Familiar With Correction Corporation of America(CCA)? (N=21)

RESPONSE	N	%
Yes	14	66.7
No	6	28.6
Don't know	1	4.8
Total	21	100.0

IBID.

Furthermore, 100 percent(21) of the state legislators answered this question. Three categories were created for this question. A majority of the state legislators indicated that they were familiar with Correction Corporation of America. While about half of the state legislators indicated that they were not familiar with Correction Corporation of America and only 1(4.8) percent of the state legislators said they didn't know.

TABLE 5: Are you familiar with Sodexo Marriott? (N=21)

RESPONSE	N	%
Yes	6	28.6
No	15	71.4
Total	21	100.0

IBID.

One hundred percent(21) of the African American State legislators responded to this question. Two categories were created for this question. An overwhelmingly majority of the legislators was not familiar with Sodexo Marriott while only half of them knew who this corporation was.

TABLE 6: Do you Oppose or Favor Privatization of Prisons? (N=20)

RESPONSE	N	%
Favor	0	0
Oppose	19	90.5
Not Applicable	1	4.8
Total	20	95.3

IBID.

About 95.3 percent(20) of the state legislators responded to this question. Three categories were created for this question. An overwhelmingly majority of the state legislators opposed prison privatization while one did not think the question applied to them.

TABLE 7: Does Your State use Interstate Private Prisons? (N=20)

RESPONSE	N	%
Yes	11	52.4
No	8	38.1
Don't Know	1	4.8
Total	20	95.3

IBID.

Ninety-five(20) percent of the state legislators responded to this question. Three categories were created for this question. A surprisingly majority of the state legislators indicated that their state import and export prisoners to other private prison facilities. About half of the state legislators indicated that their state did not export and import prisoners from one private facility to the next while one legislator did not know whether his state used interstate trafficking of prisoners.

TABLE 8: How Many Private Prisons are in your State?(N=18)

RESPONSE	N	%
One	1	4.8
Two	1	4.8
Five	2	9.5
Six	1	4.8
Seven	1	4.8
Eight	1	4.8
More than Eight(give specific number)	3	14.3
None	8	38.1
Total	18	89.9

IBID.

About 89.9 percent(18) of the state legislators responded to this last question. Eight categories were created for this particular question. About a third of the state

legislators indicated that eight or more private prisons are in their state. However, a majority of the state legislators indicated that their state had no private prison facilities or any under construction. Only 9.5 percent(2) of the state legislators indicated that their state had at least 5 private prison facilities. One legislator indicated that their state had at least seven private prison facilities housed in their region. There was also one legislator who indicated that their state had at least 6 private prison facilities housed in their region.

Findings

Based on these findings from the survey conducted on the attitude and opinion of African American state legislators regarding prison privatization reveal several factors. For example, a majority of the African American State legislators indicated that their state used the importation and exportation of prisoners to private facilities. These findings are consistent with earlier studies that pointed to numerous states who engaged in interstate commerce of transporting prisoners to fill private bed cells. Consequently, none of the 21 African American State legislators in the survey did not name their state which export-and-import prisoners to private facilities. Secondly, the findings also revealed that a majority of the African American State legislators were not familiar with Sodexo Marriott. These findings are problematic because it reflects a lack of awareness on the part of African American political leaders who can introduce important legislation that would put Sodexo out of business.

Thirdly, the findings revealed that a majority of African American State legislators who were surveyed admitted to having private prisons in their state. This response is not surprising considering that most states have up to 42 private facilities

either under construction or contracted out to that state. For instance, Texas leads the nation with 42 private prison facilities while California has 24. Florida comes in a distant third with 9 private prison facilities while Oklahoma with 8. Georgia and New Mexico have 7 each. Arizona, Colorado, Mississippi and Tennessee all have 6 each. Kentucky, Ohio, Puerto Rico have 4 each and North Carolina with 3 private prison facilities. Arkansas, Kansas, Louisiana, and Utah all with 2 each while the District of Columbia, Idaho, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and Washington all have 1 private prison facility.⁴⁷

Discussion/Conclusions

In sum, the growing movement of the prison industrial complex in America is one of a tragic reality. It is tragic because the thousands of prisoners' man, women, and children will continue to be used as slaves in an effort to maximize the profits of CCA, WCC, and other private prison corporations. Because the majority of prisoners are people of color housed in U.S. prisons and jails, few voices have cried out in their behalf. But such voices like AFSCME, NBCSL, Howard College students, have raised the consciousness of the public about the brutal treatment of prisoners under private prison custody. There are many more voices that need to be heard concerning the proliferation of private prison industry within and outside the US. The negative consequences from the continuation of building private prisons are manifold. Foremost, private prisons house and transport prisoners from one jurisdiction to another, which creates hardship for the families of those inmates. By exporting and importing prisoners across state lines without prison officials properly notifying the families violates the basic rights of that prisoner.

⁴⁷ <http://www.crim.ufl.edu/pcp/census/1999/chart3.html>

Untrained staff operates private prisons where the number of physical abuses has been documented. The videotaped abuses in private prison facilities in Ohio and Texas were just some of the legal and human rights violations committed against prisoners. Human lives have literally been lost inside these dirty walls of private prisons where often non-violent offenders are not segregated from the more violent offenders. To be sure, no prisoner deserve to be treated in a non-human fashion be it may a violent or non-violent offender.

The biggest myth about private prisons has been that they are cheaper to operate than government-run prisons. Studies have refuted this notion and found that private prisons are often poorly operated with untrained staff who ends up abusing prisoners because of a lack of professional training. The fact of the matter is that private prisons are profit-making facilities that care little or nothing about the well fare and well being of the prisoner. The biggest concern of the private prison industry is to fill private beds with human bodies, and in this light, the *valley* once again becomes overcrowded with *dry bones*.

Finally, four research hypotheses guided this research. Foremost, 38.1 percent(8) of the African American state legislators were knowledgeable about prison privatization. Secondly, about 38.1percent(8) of the African American state legislators had introduced some legislation in their state on private prisons. Thirdly, about 66.7 percent(14) of the African American State legislators were familiar with CCA. Lastly, 90.5 percent(19) opposed prison privatization. These findings have grave implications for future research on this topic. Future research should explore the question of whether or not the African American leadership benefits from private prisons build in their electoral districts? Also,

future research should attempt to obtain a larger sample population that would allow generalizations and inferences to be drawn.

References

- Blackman, Douglass. 2001. From alabama past, capitalism and racism in a cruel partnership. The Wall Street Journal. Monday, July 16.
- Davis, Angela. 2000. Prison slavery. Southern Changes Fall: 21-23.
- _____. 1998. Masked racism: reflections on the prison industrial complex. Colorlines Fall: 2.
- _____. 2000. Women in prison. Essence. September 7:216.
- Davis, Murphy. 2000. Private prisons. Southern Changes Fall :21.
- Felder, Cain H. 1995. Exodus 20:13 in *The Original African Heritage Study Bible, King James Version*. Nashville, Tennessee: The James C. Winston Publishers.
- Gilroy, Paul. 1982. Steppin Out of Babylon: Race, Class and Autonomy, in *The Empire Strikes Back and Racism in the 70's Britain*. London: Hutchinson.
- Howeverhovek, Sam. 1997. Video puts a harsh new spotlight on texas jails, New York Times. August 22. A1.
- Khan, Si. 2000. Cells for sale. Southern Changes, Fall :16-20.
- Marble, Manning. 2000. Facing the Demon head on: institutional racism and the prison industrial complex. Southern Changes, Fall: 4-7.
- Mattera, Philip, Khan, Mafruza et al.2001. *Jail Breaks: Economic Development Subsidies Given to Private Prisons*. Washington, DC: Institute On Taxation and Economic Policy.
- Napper, George. 2000. The care and free of the prison industrial system. Southern Changes Fall: 13-15.
- Ritea, Steve. 2000. Louisiana takes over youth jail in jena, The Times Picayune(New Orleans), April 6: A1.
- Smalley, Suzanne. 1999. A stir over private pens. National Journal, May 13: 1167-1169.

Spears, Ellen. 2000. Captive lives. Southern Changes Fall: 2-39.

Sullivan, John. 1995. Operator or immigration jails has a history of problems. New York Times June 20: A1.

_____. 1995. In corrections business. New York Times July 23:D1.

Thompson, Cheryl. 1999. Prison firm settles suit by d.c. inmates in ohio, Washington Post, March 2: B1.

Thongson, Joan. 1996. Laws lay behind booming private prison industry, Associated Press November 5.

Toran, Sarah. 2000. Criminalization of women. Southern Changes Fall:25.

Veshal, Chanel. 2000. Students fight against private prisons goes to the hill. The Hilltop. Tuesday April 3: A4.

2000. Drug convictions drive female prisoner population. Families Against Mandatory Minimums. Spring:1.

1999. U.S. Department of Justice Programs, Bureau of Justice Statistics.

<http://www.futurenet.org/sprisons/html>.

<http://www.westernprisonproject.org>

<http://www.nomoreprisons.org>

<http://www.crim.ufl.edu/pcp/census/1999/chart3.html>

